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

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:
Case Nos. 21489, 21490, 21491,
21393, 21394, 22871, 22872, 23174,
23088, 23089, 23090, 23091, 22813,
22814, 22083, 22084, 22114, 22115,
23031, 23032, 21481, 21683, 21685,
22103, 22104, 22496, 22497, 22498,
22499, 22501, 22502, 22503, 22504,
22584, 22912, 22913, 22914, 22915,
22916, 22917, 22989, 22990, 22991,
22992, 21361, 21362, 21363, 21364,
22274, 22275, 22276, 22277, 22423,
22424, 22425, 22426, 22429, 22430,
22431, 22432, 22433, 22434, 22600,
22601, 22602, 22603, 22641, 22642,
22643, 22644, 22879, 22880, 23175,
23176, 23177, 23178, 23179, 23180,
23181, 23182, 23183, 23184, 23185,

1 23186, 23187, 23188, 23189, 23190,
2 23191, 23192, 23193, 23194, 23195,
3 23196, 23197, 23198, 23203, 23204,
4 23206, 23207, 23209, 23210, 23211,
5 23212, 23213, 23214, 23215, 23216,
6 23217

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8 VIDEOCONFERENCE HEARING

9 DATE: Thursday, December 1, 2022
10 TIME: 9:15 a.m.
11 BEFORE: Hearing Officer Bill Brancard
12 LOCATION: Remote Proceeding
13 Santa Fe, NM 87501
14 REPORTED BY: Dana Fulton, Notary Public
15 JOB NO.: 5566886

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ALSO PRESENT:
Kristina Fairman, Owner in Item 79
Amber Delach, Landman in Item 83

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I N D E X

				PAGE
OPENING STATEMENT	By Mr. Rankin			137
WITNESSES:		DX	CX	RDX RCX
CHRISTINE SLIVA DEFRIEND				
	By Mr. Rankin	144		
ALEXANDRA FLEMING				
	By Mr. Rankin	168	190	
STEFAN LATTIMER				
	By Mr. Rankin	193		
IRVIN GUTIERREZ				
	By Mr. Rankin	216		
DR. YULA TANG				
	By Mr. Rankin	224		

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E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Items 66-69:		
Exhibits	Additional Exhibits (Exhibits retained by counsel.)	53/54
NO.	DESCRIPTION	ID/EVD
Item 70-71:		
Exhibits	Supplemental Exhibits (Exhibits retained by counsel.)	55/55
NO.	DESCRIPTION	ID/EVD
Item 72:		
Exhibit A	Landman's Self-Affirmed Statement	58/65
Exhibit A1	Landman's Resume	58/65
Exhibit A2	Application and Notice	58/65
Exhibit A3	Location Map	58/65
Exhibit A4	C-102s	58/65
Exhibit A5	Map of Proposed Spacing Unit	59/65
Exhibit A6	Plat	59/65
Exhibit A7	Proof of Notice	60/65
Exhibit A8	Proof of Publication	60/65
Exhibit A9	Sample Well Proposal Letter with AFE	60/65

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

NO.	DESCRIPTION	ID/EVD
Item 72 (cont'd):		
Exhibit A10	Chronology of Contacts	60/65
Exhibit B	Geologist's Self-Affirmed Statement	61/65
Exhibit B1	Geologist's Resume	61/65
Exhibit B2	Base Map	61/65
Exhibit B3	Structure Map	61/65
Exhibit B4	Structural Cross-Section	61/65
Exhibit B5	Gun Bale Diagram	61/65
Exhibit C	Notice Affidavit	61/65
Exhibit C1	Contacts, Green Cards, and Communication Efforts	61/65
Exhibit C2	Notice by Publication	61/65
	(Exhibits retained by counsel.)	

NO.	DESCRIPTION	ID/EVD
Items 75 and 75:		
Exhibits	Supplemental Exhibits	72/72
	(Exhibits retained by counsel.)	

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

NO.	DESCRIPTION	ID/EVD
Items 76 and 77:		
Exhibit A3	Plat of Tracts, Ownership Interest, and Uncommitted Interest to be Pooled	74/77
Exhibit A4	Well Proposal	75/77
Exhibit B	Notice Affidavit (Exhibits retained by counsel.)	75/77

NO.	DESCRIPTION	ID/EVD
Item 78:		
Exhibit A	Land Professionals' Testimony and Related Land Exhibits	78/81
Exhibit B	Location Map, Structure Map, Barrel Schematic, and Cross-Section of Interval of Interest	78/81
Exhibit C	Notice Testimony (Exhibits retained by counsel.)	79/81

E X H I B I T S (Cont'd)		
NO.	DESCRIPTION	ID/EVD
Item 79:		
Exhibit A	Land Professional's Testimony and Related Exhibits	85/87
Exhibit B	Geology Testimony	86/87
Exhibit C	Notice Testimony (Exhibits retained by counsel.)	86/87
NO.	DESCRIPTION	ID/EVD
Item 80:		
Exhibit A	Compulsory Pooling Checklist	92/96
Exhibit B	Application	92/96
Exhibit C	Land Negotiator's Affidavit	92/96
Exhibit C1	C-102	92/96
Exhibit C2	Land Plat and Ownership Interest	92/96
Exhibit C3	Well Proposal and AFE	92/96
Exhibit C4	Contact Information with Interest Owners	92/96
Exhibit D	Geology Affidavits and Exhibits	92/96
Exhibit E	Notices to Interest Holders	93/96
Exhibit F	Proof of Publication (Exhibits retained by counsel.)	93/96

1	NO.	DESCRIPTION	ID/EVD
2	Item 81:		
3	Exhibit C1	C-102	99/101
4	Exhibit C2	Land Tract Map and Ownership	
5		Schedule	99/101
6	Exhibit C3	Sample Well Proposal Letter	
7		And AFE	99/101
8	Exhibit C4	Chronology of Contacts	99/101
9	Exhibit D1	Locator and Structure Maps	99/101
10	Exhibit D2	Wolfcamp Cross-Section Map	99/101
11	Exhibit D3	Wolfcamp Cross-Section	99/101
12	Exhibit E	Self-Affirmed Statement of	
13		Notice with Sample Letters	99/101
14	Exhibit F	Notice of Publication	99/101
15		(Exhibits retained by counsel.)	

17	NO.	DESCRIPTION	ID/EVD
18	Item 82:		
19	Exhibit C1	Letter from Pecos Oil and	
20		Gas, LLC	102/106
21	Exhibit C2	C-102s	102/106
22	Exhibit C3	Land Tract Map and Ownership	
23		Schedule	102/106
24	Exhibit C4	Sample Well Proposal Letter	
25		and AFEs	102/106

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

NO.	DESCRIPTION	ID/EVD
Item 82 (Cont'd):		
Exhibit C5	Chronology of Contacts	102/106
Exhibit D1	Locator Map	102/106
Exhibit D2	Acreage Position Map	102/106
Exhibit D3	Project Area and Subsea Structure Map	102/106
Exhibit D4	Cross-Section Map and Stratigraphic Cross-Section	102/106
Exhibit E	Self-Affirmed Statement of Notice with Sample Letters	102/106
Exhibit F	Notice of Publication (Exhibits retained by counsel.)	103/106
NO.	DESCRIPTION	ID/EVD
Item 83:		
Exhibit C1	C-102s	108/111
Exhibit C2	Land Tract Map and Ownership Schedule	108/111
Exhibit C3	Sample Well Proposal Letter and AFEs	108/111
Exhibit C4	Chronology of Contacts	108/111
Exhibit D1	Locator Map	108/111

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

NO.	DESCRIPTION	ID/EVD
Item 83 (Cont'd):		
Exhibit D2	Subsea Structure Map	108/111
Exhibit D3	Structural Cross-Section Map	108/111
Exhibit D4	Stratigraphic Cross-Section	108/111
Exhibit E	Self-Affirmed Statement of Notice with Sample Letters	109/111
Exhibit F	Notice of Publication	109/111
(Exhibits retained by counsel.)		

NO.	DESCRIPTION	ID/EVD
Item 84:		
Exhibit A	Extension Applications	113/115
Exhibit B	Original Orders	113/115
Exhibit C	Landman's Affidavit	113/115
Exhibit D	Original Notice List for Previous Cases	114/115
Exhibit E	Self-Affirmed Statement of Notice with Sample Letters	114/115
Exhibit F	Notice of Publication	114/115
(Exhibits retained by counsel.)		

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

NO.	DESCRIPTION	ID/EVD
Items 85 and 86:		
Exhibit A	Land Plat	117/126
Exhibit B	C-102s	117/126
Exhibit 3	Lee Lindman's Verified Statement with Structure Maps, Isopach Maps, Target Zones Cross-Section	118/126
Exhibit 4	Affidavit of Notice	118/126
Exhibit 5	Pooling Checklist (Exhibits retained by counsel.)	119/126

NO.	DESCRIPTION	ID/EVD
Item 73:		
Exhibit A1	Landman's Resume	128/137
Exhibit A2	Application and Notice	129/137
Exhibit A3	Location Map	129/137
Exhibit A4	C-102s	129/137
Exhibit A5	Plat	129/137
Exhibit A5B	Ownership Information	129/137
Exhibit A5C	Contact Information	130/137
Exhibit A6	Proof of Notice	130/137
Exhibit A7	Publication Proof of Notice	130/137
Exhibit A8	Sample Well Proposal Letter	130/137

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Item 73 (Cont'd):		
4	Exhibit A9	Chronology of Contacts	131/137
5	Exhibit B1	Geologist's Resume	131/137
6	Exhibit B2	Base Map	131/137
7	Exhibit B3	Structure Map	132/137
8	Exhibit B4	Stratigraphic Cross-Section	132/137
9	Exhibit B5	Well Diagram	132/137
10	Exhibit C	Self-Affirmed Statement of	
11		Notice	132/137
12	Exhibit C1	Table of Contacts and	
13		Mailing Receipts	132/137
14	Exhibit C2	Notice by Publication	133/166
15			
16	NO.	DESCRIPTION	ID/EVD
17	Item 87:		
18	Exhibit 1	Application	146/166
19	Exhibit 2	Production Plot	150/166
20	Exhibit 3	Project Area Map	154/166
21	Exhibit 4	C-102s	156/166
22	Exhibit 5	List of Source Gas Wells	159/166
23	Exhibit 6	Allocation Proposal	161/166
24	Exhibit 7	Regional Location Map	189/180
25	Exhibit 8	Target Injection Interval	171/180

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

NO.	DESCRIPTION	ID/EVD
Item 87 (Cont'd):		
Exhibit 9	Project Area Cross-Section	173/180
Exhibit 10	Structure Map	174/180
Exhibit 11	Isochore Map of Avalon	
	Thickness	175/180
Exhibit 12	Affirmative Statements	179/180
Exhibit 13	Stefan Lattimer's Resume	194/214
Exhibit 14	Operations Overview	195/214
Exhibit 15	Well Diagrams	199/214
Exhibit 16	Pressure Charts	201/214
Exhibit 17	Operational Parameters Chart	203/214
Exhibit 18	Injection Operations Plan	205/214
Exhibit 19	Gas Source and Composition	
	Analysis and Lab Results	208/214
Exhibit 20	Project Area Maps	210/214
Exhibit 21	Slide Presentation	225/253
Exhibit 22	Project Area Map	217/221
Exhibit 23	List of Affected Parties	218/221
Exhibit 24	Notice Affidavit	219/221
Exhibit 25	Notice of Publication	220/221

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P R O C E E D I N G S

THE HEARING OFFICER: Good morning. It is December 1, 2022. These are the hearings of the New Mexico Oil Conservation Division. I am Bill Brancard, hearing examiner for today. With me as technical examiner is Mr. John Garcia. And we will have some special guest technical examiners later on in the program today.

As always, the worksheet for listing the order of the cases for today is on our website. And the final worksheet, December 1. There are, I believe, 87 cases. But don't despair. Most of them are status conferences. So we will move through those at the beginning of the hearing.

So announcements for today. You all should have received a email from us indicating what a new checklist. This is to deal with the fact that people have been adding onto compulsory cooling cases other matters for action, such as approval of a nonstandard spacing unit. So we just added one or two lines to deal with the issue.

You'll notice we also dropped a line just to make it more shorter, too. Also, there is an announcement about what I've been speaking about for several weeks now, which is that we want all required

1 corrections, additional information to be submitted
2 within two weeks of the hearing date.

3 If you did not receive this
4 announcement, it is on the OCD hearings' webpage.

5 Mr. Garcia, any other announcements?

6 MR. GARCIA: I don't have any other
7 announcements.

8 THE HEARING OFFICER: Thank you. With
9 that, I believe we are ready to start today's
10 proceedings. We will start with the first nine cases
11 on the checklist, status conference Case 21361, 21362,
12 21363, 21364, 21393, 21394, 21489, 21490, 21491.
13 Mewbourne Oil Company to lead us off.

14 MS. HARDY: Good morning, Mr. Examiner.
15 Dana Hardy with Hinkle Shanor on behalf of Mewbourne
16 Oil Company.

17 THE HEARING OFFICER: Thank you.
18 Ascent Energy.

19 MR. SAVAGE: Good morning, Mr. Hearing
20 Examiner, Mr. Technical Examiner. Darin Savage with
21 the Santa Fe Office of Abadie and Schill on behalf of
22 Matador Production Company, successor to Ascent
23 Energy.

24 THE HEARING OFFICER: Apache
25 Corporation.

1 MS. BENNETT: Good morning. Deana
2 Bennett from Modrall Sperling on behalf of Apache
3 Corporation.

4 THE HEARING OFFICER: We have a few
5 other entries in appearance. I don't know if I'll
6 catch everyone. EOG Resources?

7 MR. PADILLA: Mr. Examiner, Ernest L.
8 Padilla for EOG Resources. We're just monitoring this
9 case.

10 THE HEARING OFFICER: Okay. I have an
11 entry from Colgate Operating.

12 MS. SHAHEEN: Good morning, everyone.
13 Sharon Shaheen, Montgomery and Andrews on behalf of
14 Colgate. Like Mr. Padilla, we are just monitoring
15 this case.

16 THE HEARING OFFICER: For a few cases,
17 I believe we have the Jalapeno Corporation.

18 MR. BECK: Good morning, Mr. Examiner.
19 Matt Beck on behalf of Jalapeno Corporation.

20 THE HEARING OFFICER: And then, I think
21 that's all that I have listed. Are there any other
22 entries of appearance here today for these cases
23 21361, 362, 363, 364, 393, 394, 489, 490, 491. So
24 hearing none, I'll start off with Mewbourne Oil
25 Company. And where are we in our continuing saga of

1 status conferences?

2 MS. HARDY: I think the saga is still
3 continuing, Mr. Examiner. The parties are still
4 negotiating and are working on an agreement. So
5 Mewbourne would propose to set these cases for another
6 status conference on the January 19th docket. And I
7 believe the other parties have indicated that they are
8 agreeable to that proposal.

9 THE HEARING OFFICER: Let's check
10 around. Matador?

11 MR. SAVAGE: That is correct. We are
12 agreeable to that, Mr. Examiner.

13 THE HEARING OFFICER: Okay. Apache
14 Corporation?

15 MS. BENNETT: That's correct. Also
16 agreeable to the status conference on 1/19.

17 THE HEARING OFFICER: Anyone else with
18 any opinions? Hearing none, cases 21361, 362, 363,
19 364, 393, 394, 489, 490, and 491 will be set for a
20 status conference on January 19th. I will issue a
21 scheduling order.

22 MS. HARDY: Thank you.

23 THE HEARING OFFICER: All right. We
24 are now on items 10 through 17. And this would be a
25 status conference with cases 21683, 21685, 22103,

1 22104, 22083, 22084, 22114, 22115. Let's start with
2 Matador Productions.

3 MR. FELDEWERT: Good morning, Mr.
4 Brancard and Mr. Garcia. Michael Feldewert with the
5 Santa Fe office of Holland and Hart on behalf of
6 Matador. We have also appeared, yeah, for these
7 matters for XTO Energy, Inc.

8 THE HEARING OFFICER: Thank you.
9 EGL Resources?

10 MR. PADILLA: Mr. Examiner, Ernest L.
11 Padilla for EGL Resources.

12 THE HEARING OFFICER: Thank you. So I
13 think we have an entry from EOG Resources.

14 MR. PARROT: Good morning. This is
15 James Parrot for EOG.

16 THE HEARING OFFICER: All right. What
17 else do we have here?

18 MR. SAVAGE: Mr. Examiner, Darin Savage
19 on behalf of Cimerax Energy Company and as for cases
20 22083 and 22084.

21 THE HEARING OFFICER: Cimerax. Okay.
22 Which cases are you in, Mr.?

23 MR. SAVAGE: Money Penny. That's 83
24 and 84.

25 THE HEARING OFFICER: Okay.

1 And is EGL now Earthstone, Mr. Padilla?
2 Is that --

3 MR. PADILLA: I'm not sure about that.
4 There's some of these cases that were still, I
5 believe, I know the Thunder Ball, maybe even the Penny
6 Penny or the Money Penny.

7 THE HEARING OFFICER: Because we have
8 an entry from Earthstone, also, so I was just curious.

9 MR. PADILLA: No, then, if I made an
10 entry of appearance, then obviously Earthstone has
11 taken over these cases.

12 THE HEARING OFFICER: All right.

13 MR. PADILLA: My sheet does not say
14 that for some reason.

15 THE HEARING OFFICER: Well, I just look
16 at the pieces of paper in our file. I can't really
17 figure out what's happening behind the scenes. So
18 anyway, let's start with Mr. Feldewert. Where are we?

19 MR. FELDEWERT: Well, my understanding
20 is that the parties have been involved in trade
21 discussions that are progressing since the last status
22 conference. So I've been instructed to request
23 another status conference either in January or
24 February.

25 THE HEARING OFFICER: Thank you.

1 Mr. Padilla, any thoughts?

2 MR. PADILLA: I concur, Mr. Examiner.

3 THE HEARING OFFICER: All right. Okay.

4 Any of the other parties with a

5 position? Mr. Savage?

6 MR. SAVAGE: We're just monitoring to
7 preserve rights.

8 THE HEARING OFFICER: Mr. Parrot?

9 MR. PARROT: No position. Thank you,
10 Mr. Examiner.

11 THE HEARING OFFICER: Thank you. All
12 right.

13 So let's set it then for February 2,
14 status conference. And I will issue a scheduling
15 order.

16 MR. FELDEWERT: Thank you, sir.

17 THE HEARING OFFICER: Thank you.

18 MR. PADILLA: Thank you.

19 THE HEARING OFFICER: All right.

20 Parties need to help me here because I think we're
21 about to enter a long list of Mewbourne Matador cases,
22 and I don't know how many of these are combined. But
23 let's start with the first group that I have, cases 18
24 through 29.

25 These are the cases 22274, 22275,

1 22276, 22277, 22600, 22601, 22602, 22603, 22501,
2 22502, 22503, 22504.

3 Let's start with Mewbourne Oil Company.

4 MR. BRUCE: Mr. Examiner, Jim Bruce on
5 behalf of Mewbourne.

6 THE HEARING OFFICER: Matador?

7 MR. FELDEWERT: Mr. Examiner, Michael
8 Feldewert in the Santa Fe office of Holland and Hart.

9 THE HEARING OFFICER: All right.

10 Then, we have an entry of appearance of
11 Jalapeno Corporation.

12 MR. BECK: Mr. Hearing Examiner, Matt
13 Beck on behalf of Jalapeno Corporation.

14 THE HEARING OFFICER: Thank you.

15 I have an entry for some cases from EOG
16 Resources.

17 MR. PARROT: Good morning. James
18 Parrot with Beatty and Wozniak for EOG.

19 THE HEARING OFFICER: Any other entries
20 of appearances here for these cases?

21 Hearing none, Mr. Bruce, are these
22 connected with the other cases that follow, or are
23 these an isolated group?

24 MR. BRUCE: Mr. Examiner, it'd probably
25 Mr. Feldewert's preference to do this first group,

1 although the same principles apply to the following
2 ones.

3 And just late yesterday, I heard from
4 my clients -- and I know Mr. Feldewert has been out of
5 his office for a few days -- that Mewbourne and
6 Matador have reached the terms of a deal under which
7 the Pretty Bird and Belle Meade cases would continue
8 unopposed.

9 And just so I don't have to repeat it
10 again, same thing with the following Iron Island cases
11 would go unopposed.

12 And then, with respect to the Matador's
13 Simon Camamile and Mewbourne's Mimosa Ridge cases,
14 Mewbourne would dismiss its cases, and Matador could
15 move forward with its Simon Camamile cases unopposed.

16 So with respect to this first batch, I
17 was requested by my client to set up the Pretty Bird
18 and Belle Meade cases for an uncontested hearing
19 somewhere down the road.

20 THE HEARING OFFICER: Mr. Feldewert,
21 new to you?

22 MR. FELDEWERT: No. Not at all. I
23 think it makes sense, Mr. Examiner, as you have done,
24 to keep them grouped as is starting with this set of
25 cases. But I have likewise been informed that the

1 parties are close to an agreement. And the only thing
2 I'm not sure about because I had been asked to seek
3 another status conference.

4 But it sounds like Mr. Bruce got some
5 information yesterday. So I would suggest that we set
6 these matters, this current group of cases, for a
7 hearing, then, instead of another status conference.
8 And if things change, I'll let you know. Does that
9 work?

10 THE HEARING OFFICER: Well, if Mr.
11 Bruce's scenario holds, then I think it would be
12 better to set these for a hearing, which you can just
13 come back in and say, "Not contested." And we'll have
14 the hearing.

15 MR. FELDEWERT: I totally agree. Yes.

16 THE HEARING OFFICER: And a status
17 conference and then trying to set up a hearing.

18 MR. FELDEWERT: Right. I -- that's --
19 I agree. So I think let's go ahead and set these. I
20 would set both this set of cases for a hearing at this
21 point. And if we end up dismissing our cases or if
22 things change, as you point out, we can address it at
23 that point. I do agree with Mr. Bruce. Most likely,
24 it's going to be an uncontested hearing.

25 THE HEARING OFFICER: All right. Then,

1 here's what I suggest, that we set these for a hearing
2 on February 16th.

3 MR. BRUCE: That would be fine with me,
4 Mr. Examiner.

5 THE HEARING OFFICER: Mr. Feldewert?

6 MR. FELDEWERT: That makes sense. Yes.

7 THE HEARING OFFICER: All right. Other
8 parties? Any comments, suggestions? Hearing none,
9 the cases 2274, 75, 76, 77, 22600, 01, 02, 03, 22501,
10 02, 03, 04 will be set for a hearing on February 16th.
11 I will issue an amended pre-hearing order. With that,
12 we are on item number 30.

13 This is 30 through 37. These are cases
14 22423, 22424, 22425, 22426, 22496, 22497, 22498, and
15 22499. Entry for Mewbourne Oil Company?

16 MR. BRUCE: Mr. Examiner, Jim Bruce at
17 Mewbourne.

18 THE HEARING OFFICER: Thank you.

19 Matador Production?

20 MR. FELDEWERT: Mr. Examiner, Michael
21 Feldewert from Santa Fe office of Holland and Hart.

22 THE HEARING OFFICER: And for this, we
23 have Colgate Operating.

24 MS. BENNETT: Good morning, everyone.
25 Deana Bennett on behalf of Colgate Operating.

1 THE HEARING OFFICER: Thank you.

2 Jalapeno Corporation?

3 MR. BECK: Matt Beck on behalf of
4 Jalapeno Corporation.

5 THE HEARING OFFICER: Thank you. Are
6 there any other entries of appearance?

7 Hearing none, Mr. Bruce, should we do
8 the same thing as we just did?

9 MR. BRUCE: Same principles, yep.

10 THE HEARING OFFICER: Mr. Feldewert,
11 any objections?

12 MR. FELDEWERT: Nope. I agree.

13 THE HEARING OFFICER: Unless there are
14 any other objections from other parties, I will set
15 this for a hearing on February 16th. Thank you.
16 Let's move on then to items 38 through 53. These are
17 cases 22429, 22430, 22431, 22432, 22433, 22434, 22912,
18 22913, 22914, 22915, 22916, 22917, 22989, 22990,
19 22991, 22992.

20 So here we star with again with
21 Mewbourne Oil Company.

22 MR. BRUCE: Mr. Examiner, Jim Bruce for
23 Mewbourne.

24 THE HEARING OFFICER: Thank you.
25 Matador Production?

1 MR. FELDEWERT: Mr. Examiner, Michael
2 Feldewert with Santa Fe office of Holland and Hart.

3 THE HEARING OFFICER: Okay. We also
4 have an entry from COG Operating.

5 MS. RYAN: Good morning, Mr. Examiner.
6 Beth Ryan on behalf of COG Operating.

7 THE HEARING OFFICER: Do I have an EOG
8 Resources. That might be you, Mr. Feldewert.

9 MR. FELDEWERT: I'm looking at my sheet
10 now. Yes. We've appeared in those Mimosa Ridge cases
11 for EOG Resources.

12 THE HEARING OFFICER: Okay. Any other
13 entries of appearance then for the cases?

14 Hearing none, Mr. Bruce, are okay with
15 the same process?

16 MR. BRUCE: Yes. And these are the
17 cases that at this point Mewbourne's Mimosa Ridge
18 cases would be dismissed. That's Mewbourne's intent
19 at this time.

20 THE HEARING OFFICER: Mewbourne will go
21 -- I'm sorry. Matador will go ahead with the Simon
22 Camamile.

23 MR. FELDEWERT: Yes, sir.

24 THE HEARING OFFICER: I just had to say
25 that.

1 MR. BRUCE: We're making it too easy on
2 you this morning.

3 THE HEARING OFFICER: I know.

4 Are there any other concerns or
5 objections for setting a hearing on February 16th?
6 Hearing none, we will move onto the next set of cases.
7 We are now on items 54 through 59. These are cases
8 22879, 22880, 223176, 22 -- sorry, 23176, 23177,
9 23178, 23179. Let's start with Pride Energy Company.

10 MS. SHAHEEN: Good morning, everyone.
11 Sharon Shaheen, Montgomery and Andrews, on behalf of
12 Pride Energy.

13 THE HEARING OFFICER: Mewbourne Oil
14 Company?

15 MS. HARDY: Good morning. Dana Hardy
16 with the Santa Fe office of Hinkle Shanor on behalf of
17 Mewbourne Oil Company and also on behalf of Earthstone
18 Operating.

19 THE HEARING OFFICER: Okay. We have
20 drawn a crowd here. Marathon Oil Permian and et
21 cetera?

22 MS. BENNETT: Good morning, everyone.
23 This is Deana Bennett from Modrall Sperling on behalf
24 of Marathon Oil Permian, LLC.

25 THE HEARING OFFICER: MRC Explorers?

1 MRC Delaware?

2 MR. FELDEWERT: Mr. Examiner, Michael
3 Feldewert with Santa Fe office of Holland and Hart
4 appearing on behalf of the MRC entities.

5 THE HEARING OFFICER: Thank you.
6 Yates Energy Corp. and Jalapeno
7 Corporation?

8 MR. BECK: Matt Beck on behalf of Yates
9 Energy Corp. and Jalapeno Corporation.

10 THE HEARING OFFICER: Okay. Anyone
11 else appearing in these cases, 22879, 880, 23176, 177,
12 178, 179?

13 MR. FELDEWERT: Mr. Examiner, Michael
14 Feldewert with the Santa Fe office of Holland and
15 Hart. I'm going to enter an appearance for XTO
16 Energy, Inc. We will be filing the entry later today.

17 THE HEARING OFFICER: In all of these
18 cases?

19 MR. FELDEWERT: I'm sorry. In the
20 Mewbourne Bushwood cases. So 23176, 23177, 23178, and
21 23179.

22 THE HEARING OFFICER: Okay.

23 MS. BENNETT: And Mr. Examiner, this is
24 Deana Bennett on behalf of Marathon. I filed entries
25 of appearance in those cases last night. So Marathon

1 has entered its appearance in all of the cases that
2 we're talking about this morning.

3 THE HEARING OFFICER: Yes. I have you
4 listed for all of them. Thank you.

5 MS. BENNETT: Great. Thank you.

6 MS. RYAN: Mr. Examiner, Beth Ryan on
7 behalf of COG Operating. We've entered an appearance
8 in 22880.

9 THE HEARING OFFICER: Yes. Sorry. I
10 missed you. Thank you.

11 All right. We've drawn a crowd. And
12 we have not only a objection to a case going forward
13 by affidavit, we also have a motion to dismiss here.
14 So let's start with Pride Energy. How would you like
15 to proceed with all of this?

16 MS. SHAHEEN: Mr. Examiner, I would
17 suggest that we proceed by hearing the motion to
18 dismiss on the next available docket. I understand
19 that Ms. Hardy will be submitting responses. I don't
20 think it should take too long. And I don't think it
21 should take too much time to hear those motions to
22 dismiss.

23 And then, I would suggest we go ahead
24 and set a contested hearing date for all of the cases
25 that would remain at that point.

1 THE HEARING OFFICER: Thank you.

2 Ms. Hardy?

3 MS. HARDY: Mr. Examiner, I agree that
4 it would be appropriate to set an argument date on the
5 motion to dismiss. We do intend to respond. I would
6 ask that that be set on one of the January dockets. I
7 think I need at least -- I mean, I don't think I can
8 get the additional briefing done and the affidavits
9 that I need by December 15th.

10 So I would ask that we have an argument
11 on one of the January dockets. And then at that
12 point, it would be appropriate, I think, to set a
13 contested hearing date.

14 THE HEARING OFFICER: Okay. Well, I'm
15 glad you brought up affidavits because I'm wondering
16 how we could decide this motion to dismiss without
17 some sort of factual basis for it.

18 Ms. Shaheen, you didn't submit any
19 affidavits with your motion.

20 MS. SHAHEEN: That is true, Mr.
21 Examiner. I'm happy to have our witness appear, or we
22 could have -- Mewbourne has admitted the one fact that
23 governs the basis for the motion, and that is they
24 have no interest in the two spacing units that are
25 proposed in those two cases.

1 And that's 23176 and 23178. So there's
2 no disputed fact here. I'm happy, as I said, I can
3 submit an affidavit that says Mr. Pride has reviewed
4 title and that Mewbourne has no interest in those
5 spacing units and that he's conferred with Mewbourne
6 and they've agreed that they have no interest in those
7 spacing units.

8 So I don't really know that there's
9 much in the way of factual development that's
10 necessary here.

11 MS. HARDY: And Mr. Examiner, may I
12 respond?

13 THE HEARING OFFICER: Sure. I guess I
14 would just respond to Ms. Shaheen first by saying you
15 say that Pride has admitted -- I'm a little slow here.
16 Admitted where?

17 MS. SHAHEEN: I'm sorry. Mewbourne has
18 admitted --

19 THE HEARING OFFICER: Mewbourne has
20 admitted. Thank you.

21 MS. SHAHEEN: Mewbourne has admitted to
22 Pride. And they've been conferring here for some time
23 now. And Mewbourne has confirmed with Pride that it
24 has no interest in those two spacing units.

25 THE HEARING OFFICER: Okay. And that's

1 not really in the record. But thank you.

2 Ms. Hardy?

3 MS. HARDY: I disagree. I think that
4 there is a disagreement on the facts and what
5 constitutes an interest in the spacing unit. So
6 that's what we would be submitting in our response.
7 So I think there are absolutely disputed facts.

8 And I think there are also disputes
9 over the law because it is more nuanced than I think
10 is represented in Pride's motions. So I do think the
11 factual development is necessary. And that's what we
12 would plan to do in our response.

13 MS. SHAHEEN: If I may, Mr. Examiner, I
14 propose that I submit an amended motion to dismiss
15 with an affidavit that states what's already been
16 stated in the current motion in light of the fact that
17 it looks like this won't be heard until first part of
18 January.

19 I think we have plenty of time to get
20 that submitted.

21 THE HEARING OFFICER: Okay. How long,
22 Ms. Shaheen, would it take you to submit an amended
23 motion?

24 MS. SHAHEEN: One week at the most.

25 THE HEARING OFFICER: All right. So

1 amended motion by December 8th.

2 And response, what will we do? Two
3 weeks from then, is that all right?

4 MS. HARDY: I think that two weeks
5 would be sufficient, Mr. Examiner.

6 THE HEARING OFFICER: Getting closer to
7 the holidays. And then, a hearing on January 5th? Is
8 that going to work for the parties?

9 MS. SHAHEEN: That will work for Pride,
10 Mr. Examiner.

11 MS. HARDY: That will also work for
12 Mewbourne.

13 THE HEARING OFFICER: And do we want to
14 try to set a date for a contested hearing right now or
15 wait 'til the motion hearing?

16 MS. SHAHEEN: Excuse me. Pride would
17 prefer to go ahead and set a contested hearing date
18 now so that we're not out in the far future.

19 THE HEARING OFFICER: Ms. Hardy?

20 MS. HARDY: I think that Mewbourne
21 would prefer to wait until we have a decision on the
22 motion to dismiss, so we know what we're setting.

23 THE HEARING OFFICER: All right.
24 Because two of your cases could disappear.

25 MS. HARDY: Correct. Although,

1 Mewbourne does contest -- we will contest Pride's
2 applications regardless because if they strand
3 acreage, so we have issues with them.

4 THE HEARING OFFICER: Well, you know,
5 why don't we just set a date way out in the future
6 here because you know how terrible I am at issuing
7 orders on motions. So let's just set March 16th for a
8 contested hearing date. I will put all of the cases
9 in that date, and then if some of them get dismissed,
10 well, they get dismissed.

11 Are there any other concerns,
12 objections, clever comments from the other parties?
13 Hearing none --

14 MS. BENNETT: Mr. Examiner -- oh, Deana
15 Bennett on behalf of Marathon --

16 THE HEARING OFFICER: Yes.

17 MS. BENNETT: -- real quick. I just
18 want to let the division know that there is a chance
19 that Marathon would participate in the contested
20 hearing. That will depend upon I suppose the outcome
21 of the January 5th hearing.

22 And so I will be checking with Marathon
23 to make sure that the March 16th date works for them,
24 as well, because there is a chance that they will be
25 participating in the contested hearing.

1 THE HEARING OFFICER: Thank you. By
2 participating, does that include the possibility of
3 submitting your own applications?

4 MS. BENNETT: No. Not necessarily.
5 But Marathon does have acreage and interest in the
6 north half of Section 21, which is not being proposed
7 to be developed by Pride. And so Marathon may have
8 some concerns or does have some concerns about the
9 acreage being stranded.

10 And so depending upon how things shake
11 out between now and then, Marathon does not want to
12 see its acreage get stranded.

13 THE HEARING OFFICER: Thank you for
14 letting us know. All right.

15 With that, we are going to set the
16 following schedule on the motion to dismiss filed by
17 Pride Energy. Pride will have 'til December 8th to
18 file an amended motion with affidavits. Mewbourne has
19 'til December 22nd to respond to that. We will have a
20 hearing on the motion January 5th.

21 We will then issue a pre-hearing order
22 for a contested hearing on all six cases for March
23 16th.

24 MS. SHAHEEN: Thank you, Mr. Examiner.

25 MS. HARDY: Thank you.

1 THE HEARING OFFICER: Thank you. And I
2 look forward to reading about the nuances of the Oil
3 and Gas Act.

4 MS. HARDY: We'll look forward to
5 writing about them.

6 THE HEARING OFFICER: Thank you.
7 With that, we are down to Item 60. And
8 this is 60, 61, 62, cases 22584, 22813, 22814.
9 Matador Production?

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

13 THE HEARING OFFICER: Earthstone
14 Operating?

15 MS. HARDY: Mr. Examiner, Dana Hardy
16 with Hinkle Shanor on behalf of Earthstone Operating.

17 THE HEARING OFFICER: All right. I've
18 got a few entries of appearance. I don't know who's
19 who anymore.

20 Chisolm Energy? They still on the
21 line? Or not --

22 Conoco --

23 MS. HARDY: I believe --

24 THE HEARING OFFICER: Yeah. Ms. Hardy?

25 MS. HARDY: I was going to say that I

1 believe I had entered an appearance for Chisholm, but
2 Earthstone has acquired that interest.

3 THE HEARING OFFICER: Okay. Thank you.
4 That's what my records show, that your firm existed as
5 the counsel.

6 Conoco Phillips?

7 MS. RYAN: Yes, sir. Beth Ryan on
8 behalf of Conoco Phillips.

9 THE HEARING OFFICER: Thank you.
10 Avant Operating?

11 MS. BENNETT: Good morning, everyone,
12 again. Deana Bennett, Modrall Sperling on behalf of
13 Avant Operating. And I want to say that I have
14 withdrawn our appearance in this case. So Avant is no
15 longer a party in this case.

16 THE HEARING OFFICER: Okay. Thank you.

17 MS. BENNETT: Thank you.

18 THE HEARING OFFICER: And then, Fasken
19 Oil and Ranch?

20 MS. SHAHEEN: Sharon Shaheen,
21 Montgomery and Andrews on behalf of Fasken.

22 THE HEARING OFFICER: Thank you.

23 Any other interested persons, then, for
24 cases 22584, 813, 814?

25 Hearing none, we'll start with Matador

1 Production.

2 MR. FELDEWERT: Mr. Examiner, I have
3 been informed that since the last status conference,
4 there have been ongoing trade discussions. And so I
5 have been requested to seek another status conference
6 in these matters.

7 THE HEARING OFFICER: Thank you.

8 Earthstone?

9 MS. HARDY: I agree with Mr. Feldewert,
10 MR. Examiner. I know the parties are still engaged in
11 discussions.

12 THE HEARING OFFICER: All right. Why
13 don't we set this for February 2nd? How does that
14 sound?

15 MR. FELDEWERT: That makes sense to me,
16 Mr. Examiner.

17 MS. HARDY: That's fine, Mr. Examiner.

18 THE HEARING OFFICER: Are there any
19 comments from the other participants in these cases?

20 MS. SHAHEEN: Mr. Examiner, Fasken just
21 wants to reiterate it will be signing a day away for
22 whoever drills these wells and that it's currently
23 waiting to hear back from Earthstone about its
24 proposed changes to Earthstone's operating agreement.
25 And he hopes to see those soon.

1 THE HEARING OFFICER: Thank you.

2 All right. With that, cases 22584,
3 22813, 22814 will be set for a status conference on
4 February 2nd.

5 MS. HARDY: Thank you.

6 THE HEARING OFFICER: Okay. We have a
7 few newer cases with objections here.

8 Items 63, Case 23206, Mewbourne Oil
9 Company?

10 MR. BRUCE: Mr. Examiner, Jim Bruce on
11 behalf of Mewbourne.

12 THE HEARING OFFICER: Thank you.

13 And we have Conoco Phillips, COG
14 Operating?

15 MS. RYAN: Yes. Beth Ryan on behalf of
16 Conoco Phillips.

17 THE HEARING OFFICER: Thank you.

18 Any other persons here for Case 23206?

19 Ms. Ryan, I believe Conoco has objected
20 to this case going forward by affidavit?

21 MS. RYAN: Yes. We would like this
22 case continued.

23 THE HEARING OFFICER: Continued as in
24 continued or setting a hearing date for a contested
25 hearing?

1 MS. RYAN: Continued -- we're still
2 trying -- we're not committed to filing a contested
3 case at this time, but we would like more time to work
4 with Mewbourne.

5 THE HEARING OFFICER: Mr. Bruce,
6 thoughts?

7 MR. BRUCE: I would just like to set a
8 hearing date. I think if -- I don't even know what
9 Conoco Phillips and EOG's positions are in the case,
10 and I'm sure by the time -- whatever date it's set for
11 will be somewhere down the road. And they would be
12 able to determine by then whether or not they want to
13 file a counterapplication.

14 MS. RYAN: We agree. That's fine. We
15 can set a hearing date.

16 THE HEARING OFFICER: Okay. So
17 February 16th for a hearing date. Any objections?

18 MR. BRUCE: Nope.

19 THE HEARING OFFICER: And I will issue
20 a pre-hearing order because we have an objection. So
21 it can always be turned into an uncontested hearing.
22 Thank you.

23 With that, we are on Items 64, Case
24 232213, Headington Royalty, Inc.

25 MS. SHAHEEN: Mr. Examiner, Sharon

1 Shaheen on behalf of Headington Royalty.

2 THE HEARING OFFICER: And I believe we
3 had an entry of appearance from the Oil Conservation
4 Division? Mr. Tremaine is here.

5 Ms. Shaheen, you asked for a status
6 conference. What's the status on this case?

7 MS. SHAHEEN: The status is the good
8 news -- good news, Northern Pacific has agreed to the
9 change of operator and will be signing the necessary
10 form. It has not occurred yet. I understand that
11 there was a death in the family of the lead person for
12 Northern Pacific.

13 What Headington proposes to do is to
14 set a date for a contested hearing just as a back-up
15 in case this agreement doesn't go through. But we
16 anticipate it will go through, and we will be in the
17 position to plug and abandon that well as we've been
18 asked by the state land office.

19 THE HEARING OFFICER: All right. So
20 how about February 2nd?

21 MS. SHAHEEN: I think that would be
22 fine for Headington. I'm assuming it would work for
23 Mr. Tremaine, but I haven't spoken with him about
24 that.

25 THE HEARING OFFICER: Well, I'm hoping

1 everything gets worked out.

2 MS. SHAHEEN: Same here.

3 THE HEARING OFFICER: All right. So
4 we'll set this for a hearing for February 2nd.

5 MS. SHAHEEN: Thank you, Mr. Examiner.

6 THE HEARING OFFICER: Thank you.

7 And finally, I believe the last status
8 conference of the day, Item 65, Case 23214, EGL
9 Resources.

10 MR. PADILLA: Mr. Examiner, Ernest L.
11 Padilla for EGL Resources.

12 THE HEARING OFFICER: Thank you.
13 Matador Production Company?

14 MR. FELDEWERT: Yes, Mr. Examiner.
15 Michael Feldewert with Santa Fe Office of Holland and
16 Hart.

17 THE HEARING OFFICER: And Matador is
18 objecting to this case going forward by affidavit?

19 MR. FELDEWERT: Yes. Matador's the
20 operator of two existing spacing units that involve
21 the acreage that EGL seeks approval.

22 THE HEARING OFFICER: Okay. So I
23 assume we're headed for a hearing here.

24 MR. FELDEWERT: It looks like it. Yes.

25 THE HEARING OFFICER: Mr. Padilla?

1 MR. PADILLA: Mr. Examiner, we filed an
2 exhibit for a hearing today. But I was informed by
3 Mr. Feldewert that they wanted a hearing. So
4 obviously, this is not going to be a hearing today.
5 And so a hearing has to be set.

6 THE HEARING OFFICER: Mr. Feldewert,
7 Mr. Padilla, sooner or later on the hearing?

8 Sounds like, Mr. Padilla, you're ready
9 to go.

10 MR. PADILLA: Yeah. We were -- we were
11 ready to go today. But Mr. Feldewert was out of town,
12 and we didn't communicate as soon what the status of
13 Matador's decision was. So he clarified that
14 yesterday. And so we'll duke it out at hearing sooner
15 than later.

16 THE HEARING OFFICER: Mr. Feldewert,
17 does your client have any preference on times for this
18 hearing?

19 MR. FELDEWERT: No. I think we have,
20 you know, we're going to need to present some
21 witnesses. And I've got to get my arms around this.
22 I'm trying to figure out what they're doing. So but
23 it is going to be a contested hearing.

24 THE HEARING OFFICER: All right. How
25 about February 16th?

1 MR. PADILLA: That's fine.

2 MR. FELDEWERT: We'll make that work.

3 THE HEARING OFFICER: Okay. Thank you.

4 Any other persons then for Case 23214?

5 Hearing none, it will be set for a contested hearing
6 on February 16th. I will issue appropriate order.

7 MR. PADILLA: Thank you.

8 THE HEARING OFFICER: Thank you. We
9 will start our hearings today with a few continued
10 cases starting with Items 66 through 69. These are
11 cases 22641, 22642, 22643, 22644, Mewbourne Oil
12 Company.

13 MR. BRUCE: Mr. Examiner, Jim Bruce for
14 Mewbourne.

15 THE HEARING OFFICER: Thank you. I
16 have an entry from COG Operating.

17 MS. RYAN: Yes. Beth Ryan on behalf of
18 COG Operating.

19 THE HEARING OFFICER: And I also have
20 an entry from Devon Energy Production Company.

21 MR. SAVAGE: Good morning. Darin
22 Savage with the Santa Fe Office of Abadie & Schill on
23 behalf of Devon Energy Production Company, LP.

24 THE HEARING OFFICER: All right. Are
25 there any other interested persons for cases 22641,

1 642, 643, 644?

2 Hearing none, I believe this was
3 continued in the last docket because the land
4 affidavit was missing.

5 MR. BRUCE: That's the chief reason,
6 yes, Mr. Examiner. I scratched my head about that,
7 and you know, I filed the exhibit packages so long
8 ago, I just couldn't remember what was in there. But
9 I didn't supplement each file with the landman's
10 affidavit. I also kind of updated the C-102s for the
11 wells.

12 And you had questions about who exactly
13 was being pooled, so I submitted some information
14 regarding which parties were in fact being pooled, so
15 it was more clear to the examiners. And then, I did
16 do a spreadsheet certified notice. And everyone who
17 was notified of the hearing and is now being pooled
18 did receive certified mail notice of the applications.

19 So I move the admission of the exhibits
20 2, 2-A, 2-B, and 7 and ask that these matters be taken
21 under advisement.

22 (Exhibits 2, 2-A, 2-B, and 7 were
23 marked for identification.)

24 THE HEARING OFFICER: Thank you.

25 Any questions, comments from COG?

1 MS. RYAN: No objection.

2 THE HEARING OFFICER: Thank you.

3 From Devon?

4 MR. SAVAGE: No questions at this time.

5 Thank you.

6 THE HEARING OFFICER: Okay.

7 Mr. Garcia, I'm sure you've poured over
8 these exhibits.

9 MR. GARCIA: No questions at the time.

10 THE HEARING OFFICER: Okay. Thank you.

11 All right. With that, we will accept
12 your additional exhibits into the record, and Cases
13 22641, 642, 643, and 644 will be taken under
14 advisement.

15 (Exhibits 2, 2-A, 2-B, and 7 were
16 received into evidence.)

17 MR. BRUCE: Thank you.

18 THE HEARING OFFICER: Thank you.

19 Now are items 70 and 71, Cases 23031,
20 23032, EOG Resources.

21 MR. PARROT: Good morning, Mr.
22 Examiner. This is James Parrot with Beatty and
23 Wozniak representing EOG.

24 THE HEARING OFFICER: Thank you.

25 Are there any other entries of

1 appearance for Cases 23031, 032?

2 Hearing none, Mr. Parrot, I believe
3 there was a problem with the notice paragraph not
4 having a legal description in it. And it looks like
5 from what was noticed for today's hearing that that
6 was corrected.

7 MR. PARROT: Yes, sir.

8 THE HEARING OFFICER: Are there any
9 other submittals for these cases?

10 MR. PARROT: In Case 23031, we
11 submitted a corrected or a supplemental affidavit,
12 landman's affidavit to correct the description of the
13 overwrapping spacing units. That's the only
14 submission and the only correction.

15 THE HEARING OFFICER: Thank you.
16 Mr. Garcia, any questions?

17 MR. GARCIA: No questions.

18 THE HEARING OFFICER: Thank you.

19 With that, the exhibits will be
20 admitted into the record, and Cases 23031 and 23032
21 will be taken under advisement.

22 (Cases 23031 and 23032 exhibits were
23 received into evidence.)

24 MR. PARROT: Thank you very much.

25 THE HEARING OFFICER: All right. We

1 are now on Item 72, I believe. Yes. Case number
2 23175, Silverback Operating.

3 MR. HOLLIDAY: All right. Well, thank
4 you, Mr. Examiner. In this case, Silverback Operating
5 II seeks to pool --

6 THE HEARING OFFICER: Mr. Holliday,
7 please first just introduce yourself, and then I'll
8 ask for other entries of appearances. I know you're
9 excited. Your first big case in front of the Oil
10 Conservation Division here in New Mexico. But --

11 MR. HOLLIDAY: Okay. Perfect. Well,
12 thank you for having me, guys. My name's Ben
13 Holliday. I'm with the San Antonio office of the
14 Holliday Energy Law Group. And I'm representing
15 Silverback Operating II in this matter. I believe
16 there are no other parties that have entered an
17 appearance in this case.

18 THE HEARING OFFICER: Let me just ask
19 around.

20 Are there any other entries of
21 appearance today for Case 23175?

22 Hearing none, Mr. Holliday, you may
23 proceed, and we will of course razz you in your first
24 appearance here.

25 MR. HOLLIDAY: Well, and duly earned,

1 I'm sure. So. Well, thank you, Mr. Examiner. In
2 this case, Silverback Operating II seeks to pool a
3 standard 320-acre horizontal well spacing unit in the
4 North Seven Rivers, Atoka, Glorieta, Yeso, or Mashon
5 [ph].

6 The proposed spacing unit is comprised
7 of the south half of Section 16, Township 19 South,
8 raised 25 east in Eddy County for the boydex [ph]
9 state com 101-H, 102-H, and 103-H wells.

10 Our exhibit package as you can see
11 provides the compulsory point checklist, the
12 application, along with our notice for the docket.
13 Now, before we make it to the exhibits, I'd like to
14 introduce our two proposed witnesses, our landman Mr.
15 Larry Kosho [ph], who I believe is on the call, and
16 our geologist, Mr. Nate Gilbertson.

17 So neither Mr. Kosho [ph] nor Mr.
18 Gilbertson have had the pleasure of being qualified as
19 experts for the division, so I've included copies of
20 their resumes in the exhibits. And if you'd like, I
21 can just run through a brief summary of their
22 qualifications.

23 THE HEARING OFFICER: That's not
24 necessary.

25 Are there any objections to these

1 witnesses being qualified as experts? Hearing none,
2 so qualified.

3 MR. HOLLIDAY: Perfect. Thank you.
4 Okay. So moving onto Exhibit A. Exhibit A is the
5 self-affirmed statement of Mr. Kosho [ph]. He's the
6 landman in this matter, as I mentioned. So he
7 provides a number of exhibits, Exhibits A1 through
8 A10.

9 So A1 is just a copy of Mr. Kosho's
10 [ph] resume. Exhibit A2 is a copy of the stamped
11 application and the notice provided in this matter.
12 Exhibit A3 is our location map just showing the
13 general location of the proposed boydex [ph] state com
14 spacing unit and relation to Eddy County.

15 (Exhibits A, A1, A2, and A3 were marked
16 for identification.)

17 A4 lists our C-102s for all three wells
18 at issue. Now, this proposed spacing unit is going to
19 overlap two existing deeper vertical spacing units as
20 we detailed in Mr. Kosho's [ph] affidavit. These two
21 spacing units, they're both 160s. One covers the
22 southwest corner. One covers the southeast corner.

23 (Exhibit A4 was marked for
24 identification.)

25 They're vertical spacing units that

1 cover by their terms from the surface to the base of
2 the canyon formation. And we've included in our
3 affidavit the order numbers defining those space
4 units. So we've included A5 as a map that depicts the
5 outline of our proposed spacing unit and where these
6 two 160s fit in relation to it.

7 (Exhibit A5 was marked for
8 identification.)

9 So as noted in Mr. Kosho's [ph]
10 affidavit, notice was provided to all affected parties
11 in the southeast corner. Those wells are operated by
12 Spur Energy. Silverback operates the wells in the
13 southwest corner. And we have received no objection
14 from the affected parties.

15 Exhibit A6 is a plat just of our
16 proposed spacing unit along with the track numbers.
17 I've broken this Exhibit A6 into three parts. So
18 Exhibit A6-B contains our ownership information, which
19 we have depicted on a tract basis, as well as a
20 unitized basis throughout the entire spacing unit.

21 (Exhibit A6 was marked for
22 identification.)

23 Then Exhibit A6-C contains our list of
24 the contact information for all the parties in the
25 case. A7, we list out our proof of notice to the

1 parties in this matter. A number of the parties in
2 this matter we deemed them to be unlocatable.

3 (Exhibit A7 was marked for
4 identification.)

5 And so in Exhibit A8 provides our
6 notice of proof by publication that we ran in the
7 Carlsbad August more than ten business days in advance
8 of this hearing in line with the New Mexico
9 administrative code.

10 (Exhibit A8 was marked for
11 identification.)

12 Exhibit A9, we've included a copy of
13 the sample well proposal letters that we sent to the
14 parties, along with a copy of the AFE for all wells in
15 questions.

16 (Exhibit A9 was marked for
17 identification.)

18 So finally for Mr. Kosho [ph], Exhibit
19 A10 is a chronology of contacts detailing the efforts
20 Silverback has made to contact the parties in this
21 matter.

22 (Exhibit A10 was marked for
23 identification.)

24 Moving onto Exhibit B. Exhibit B in
25 this matter is the self-affirmed statement of Mr. Nate

1 Gilbertson, our geologist. B1 is Mr. Gilbertson's
2 resume. As you can see, Exhibit B2, we've included
3 the base map for the boydex state com [ph] proposed
4 horizontal spacing unit.

5 (Exhibits B, B1, and B2 were marked for
6 identification.)

7 B3 is our structure map depicting the
8 structure of the North Seven Rivers to the
9 Glorieta-Yeso. Exhibit B4 is our structural
10 cross-section taking the A to A for these wells in
11 question. And Exhibit B5 included our gun bale
12 diagram for the proposed well.

13 (Exhibits B3, B4, and B5 were marked
14 for identification.)

15 So Exhibit C is my notice affidavit
16 that I've included along with the Exhibit C1 would be
17 our contacts, our green cards, and our efforts to
18 locate the parties in this matter. And for Exhibit
19 C2, I've reincluded a copy of the notice by
20 publication that we ran to provide notice to the
21 parties that we deemed unlocatable in this matter.

22 (Exhibits C, C1, and C2 were marked for
23 identification.)

24 So with that, Mr. Brancard, Mr. Garcia,
25 we ask that all the Exhibits A through C be admitted

1 into evidence and that this matter be taken under
2 advisement by the commission.

3 THE HEARING OFFICER: Thank you.

4 Mr. Garcia, your chance to welcome Mr.
5 Holliday.

6 MR. GARCIA: No questions. Just
7 clarify. Division will take it under advisement.

8 MR. HOLLIDAY: Yes. Thank you.

9 THE HEARING OFFICER: Okay. Well,
10 you're leaving it to me, Mr. Garcia, to ask the
11 questions.

12 So in your C-102s, Mr. Holliday -- I
13 can get to them here quickly -- the spacing unit is
14 320 acres. Correct?

15 MR. HOLLIDAY: Yes, sir.

16 THE HEARING OFFICER: But each of your
17 C-102s shows a 160-acre spacing unit. Different
18 160-acre spacing units, at that.

19 MR. HOLLIDAY: Yes. So let me look at
20 the dates on these C-102s and when they were filed.
21 Dated 7/22. I would have to check with Mr. Gilbertson
22 for clarification.

23 My understanding would be that once the
24 C-102s permits were filed, they decided to use the 102
25 -- let me make sure I'm making the right -- the 102-H

1 as the defining well and to pull in the north half,
2 south half as proximity tracks to form their 320-acre
3 proposed spacing unit.

4 THE HEARING OFFICER: Okay. So if you
5 could submit within the next two weeks revised C-102s
6 that show the 320-acre spacing unit where those red
7 lines are and the dedicated acres being 320.

8 MR. HOLLIDAY: Yes, sir.

9 THE HEARING OFFICER: That would clean
10 up the record.

11 MR. HOLLIDAY: We will do that.

12 THE HEARING OFFICER: Now, here's
13 something that we normally require in the notice
14 affidavit that you submit to us is a copy of the
15 letter that you sent for notice. You don't have to
16 give us all the letters. Just we assume they all say
17 the same thing.

18 MR. HOLLIDAY: Okay.

19 THE HEARING OFFICER: So just a copy of
20 one of the notice letters attached with the attached
21 to your notice affidavit and before the green cards,
22 et cetera.

23 MR. HOLLIDAY: Okay. Yes, sir. We will
24 submit that within two weeks.

25 THE HEARING OFFICER: Thank you.

1 Once again, any other interested
2 persons, parties in Case 23175?

3 MR. RANKIN: Good morning, Mr.
4 Examiner. Adam Rankin appearing on behalf of MRC
5 Delaware Resources, LLC. Apologize for my delay in
6 making my entry known. We did file an entry
7 appearance in advance of the hearing. MRC does not
8 oppose the case proceeding by affidavit and is
9 preserving its rights only by its entry.

10 THE HEARING OFFICER: All right, Mr.
11 Rankin.

12 MR. HOLLIDAY: I believe that one, Mr.
13 Examiner and Mr. Rankin, I believe that's for the
14 Netherland --

15 THE HEARING OFFICER: I think you might
16 be correct. We did get a late-filed entry of
17 appearance for the second case.

18 MR. RANKIN: Correct.

19 THE HEARING OFFICER: All right. Get
20 some coffee, Mr. Rankin.

21 MR. HOLLIDAY: Glad to see I'm not the
22 only one getting razzed on this.

23 THE HEARING OFFICER: Thank you.

24 So with that, the exhibits will be
25 admitted into the record for Case 23175. And we will

1 take it under advisement, but we will leave the record
2 open for two weeks for the submittal of revised C-102s
3 and for the submittal of the notice letter that went
4 out for this hearing.

5 (Exhibits A, B, and C were received
6 into evidence.)

7 MR. HOLLIDAY: Perfect.

8 THE HEARING OFFICER: Thank you.

9 With that, we are on Item 73, Case
10 23194, Silverback Operating II, LLC.

11 MR. HOLLIDAY: Yes. So in this matter,
12 Mr. Examiner, we've had some notices of appearances.
13 In particular, I'll let Mr. Beck speak for himself,
14 obviously, but --

15 THE HEARING OFFICER: Just introduce
16 yourself, Mr. Holliday, and then we'll move forward.

17 MR. HOLLIDAY: I'm earning my stripes
18 here. Ben Holliday for Silverback II Operating.

19 THE HEARING OFFICER: Thank you.

20 So we have an entry of appearance from
21 MRC Delaware.

22 MR. RANKIN: Good morning, Mr.
23 Examiner. Now I'm on time. Adam Rankin with Santa Fe
24 office of Holland and Hart appearing on behalf of MRC
25 Delaware Resources in this case --

1 THE HEARING OFFICER: Well, better to
2 be too early than --

3 MR. RANKIN: -- proceedings.

4 THE HEARING OFFICER: -- too late,
5 Counsel.

6 MR. RANKIN: That's right.

7 THE HEARING OFFICER: Jalapeno
8 Corporation?

9 MR. BECK: Good morning, Mr. Examiner.
10 Matt Beck. And I'm appearing on behalf of Jalapeno
11 Corporation and Yates Energy Corporation.

12 THE HEARING OFFICER: Thank you. Does
13 Jalapeno/Yates have any objection to this case going
14 forward by affidavit?

15 MR. BECK: Yes, Your Honor. Yes, Mr.
16 Examiner. I'm sorry we didn't file that. I got this
17 notice late last night, and I was in a deposition all
18 day. We do object to the case going forward by
19 affidavit today. I think that the parties are working
20 together, but there's been some miscommunication.

21 And so at this point, we're objecting
22 to going forward by affidavit, and I'd ask that we
23 continue the hearing. It sounds like the parties are
24 close, and it may be able to proceed at the next
25 available docket.

1 THE HEARING OFFICER: Okay.

2 Are there any other interested persons
3 for Case 23194? Hearing none, since we have an
4 objection that to this case going forward by
5 affidavit, we need to set a date for a hearing. And
6 on this, I'd suggest January 19th.

7 Taking a risk here because we've got a
8 bunch of other contested cases already set for that
9 date. But as happens, cases get continued.

10 MR. HOLLIDAY: Right. Mr. Examiner,
11 would it be possible for us to confer maybe for an
12 hour and a half and come back today? I think we're a
13 lot closer maybe even than we realize on this matter.

14 THE HEARING OFFICER: Well, that's
15 fine. But we'll be done pretty quickly here soon. So
16 why don't I set this for January 5th? That would be
17 the closest I could do.

18 MR. HOLLIDAY: Okay. Would it be --
19 okay. Yes, sir.

20 THE HEARING OFFICER: And so Mr.
21 Holliday, it would be set for a contested hearing. It
22 would be pre-hearing procedures for a contested
23 hearing. If the parties come to agreement, you notify
24 us, and then we drop those procedures. And you just
25 do a standard affidavit hearing.

1 MR. HOLLIDAY: Okay. I believe if we
2 could even maybe slot in behind Case number 85 or 87
3 or whatever that last case is today, we could probably
4 get this in if I can just have a quick call with Mr.
5 Beck.

6 THE HEARING OFFICER: Okay.

7 MR. HOLLIDAY: If that's possible.

8 THE HEARING OFFICER: That is possible.
9 But yes. After Case 86, we can check in.

10 MR. HOLLIDAY: Perfect. Thank you.

11 THE HEARING OFFICER: Thank you.

12 MR. BECK: That's fine. Thank you.

13 THE HEARING OFFICER: With that, we
14 will tentatively set Case 23194 for a hearing on
15 January 5th pending further discussions today.

16 MR. HOLLIDAY: Great. Thank you, Mr.
17 Examiner.

18 THE HEARING OFFICER: Okay. With that,
19 we are Items 74 and 75, cases 23184, 23185. Advance
20 Energy Partners.

21 MS. HARDY: Mr. Examiner, Dana Hardy
22 with Hinkle Shanor on behalf of Advance Energy
23 Partners.

24 THE HEARING OFFICER: Are there any
25 other interested persons for Cases 23184, 23185?

1 Hearing none, Advance Energy may
2 proceed.

3 MS. HARDY: Thank you. In Case number
4 23184, Advance seeks an order amending Order number
5 R21949 to extend the deadline to complete drilling
6 operations until May 19, 2024.

7 Order number R21949 approved a 720-acre
8 standard horizontal spacing unit in the Bone Spring
9 underlying the south half of the northeast quarter and
10 the southeast quarter of Section 13, the east half of
11 Section 24, and the northeast quarter of Section 24,
12 Township 21 South Range 32 East in Lee County.

13 The order designated Advance as the
14 operator and pooled uncommitted interest in the unit.

15 The order dedicated the unit to the
16 Margarita Federal Com 5H, 6H, 7H, 8H, 11H, 12H, 15H,
17 16H, 19H, and 20H wells. And Advance asks the
18 Division to extend the deadline to complete the wells
19 until May 19th of 2024.

20 In Case number 23185, Advance seeks an
21 order amending Order number R21852 to extend the
22 deadline to complete drilling operations until June
23 19, 2024.

24 That order approved a 360-acre standard
25 horizontal spacing unit in the Wolfcamp underlying the

1 southeast quarter of the northeast quarter and the
2 east half southeast quarter of Section 13, the east
3 half of Section 24, and the east half of the northeast
4 quarter of Section 25, Township 21 South Range 32
5 East.

6 And that order dedicated the unit to
7 the Margarita Federal Com 20H and 24H wells.

8 In both cases, we provided the
9 affidavit of landman Lizzy Loffer [ph] in support of
10 the applications. Ms. Loffer discusses the reasons
11 for the extension. She provides as attachments to her
12 statements the application of proposed notice of
13 hearing and the order that we are seeking to extend.

14 And as the reason for the extension,
15 Ms. Loffer [ph] explains that the wells were timely
16 spudded under the orders but that additional time was
17 required to complete the wells because this project
18 involves 21 wells and that extending the completion
19 deadline will be most efficient and promote optimal
20 development.

21 We've also provided in both cases my
22 statement on notice. And we did notify the interested
23 parties that we returned receipts from both of them.
24 so I think there was one party in Case 23184 and there
25 were two parties in Case 23185.

1 don't know if our 15-month --

2 MR. GARCIA: I would have to check with
3 the bonds and compliance --

4 THE HEARING OFFICER: -- non-production
5 applies to a drilled but not completed well.

6 MR. GARCIA: Yeah. I'd have to check
7 with the bonds and compliance team.

8 THE HEARING OFFICER: Thank you.

9 I have no further questions, so with
10 that, are there any other interested persons for Cases
11 23184, 23185? Hearing none, the exhibits will be
12 admitted into the record, and cases 23184 and 23185
13 will be taken under advisement.

14 (Cases 23184 and 23185 exhibit were
15 received into evidence.)

16 MS. HARDY: Thank you.

17 THE HEARING OFFICER: With that, we are
18 on Items 76 and 77, Cases 23215, 23216, Spur Energy
19 Partners.

20 MS. HARDY: Mr. Examiner, Dana Hardy
21 with Hinkle Shanor on behalf of Spur Energy Partners.

22 THE HEARING OFFICER: Thank you.

23 MRC Delaware Resources?

24 MS. VANCE: Good morning, Mr. Hearing
25 Examiner and Mr. Garcia. Paula Vance with the Santa

1 Fe office of Holland and Hart on behalf of Matador.

2 THE HEARING OFFICER: Thank you. Does
3 Matador have any objections to these cases going
4 forward by affidavit?

5 MS. VANCE: No.

6 THE HEARING OFFICER: Thank you.

7 Are there any other interested persons
8 for Cases 23215, 23216?

9 Hearing none, Spur may proceed.

10 MS. HARDY: Thank you. In Case number
11 23215, Spur seeks an order pooling additional
12 uncommitted interest under the terms of Order number
13 R22273.

14 That order pooled uncommitted interest
15 from the top of the Yeso to a depth of approximately
16 4,100 feet, underlying a 320-acre overlapping spacing
17 unit comprised of the north half of Section 32,
18 Township 17 South, Range 28 East in Eddy County. The
19 order dedicated the unit to the Blalock 32 State Com,
20 1H, 10H, and 11H wells.

21 In Case number 23216, Spur seeks an
22 order pooling uncommitted interest under the terms of
23 Order number R22274, which pooled uncommitted interest
24 from a depth of approximately 4,130 feet to the base
25 of the Yeso underlying a 320-acre overlapping spacing

1 unit comprised of the north half of Section 32,
2 Township 17 South, Range 28 East.

3 That order dedicated the unit to the
4 Blalock State Com 50H, 70H, and 90H wells. In both
5 cases we have provided with our exhibit packets the
6 self-affirmed statement of landman Rett Dalton.

7 Mr. Dalton provides the application of
8 proposed notice, well, the prior orders that we are
9 seeking to pool interest under. Exhibit A3 to his
10 affidavit is the plat of tracts, ownership interest,
11 and the uncommitted interest to be pooled.

12 (Exhibit A3 was marked for
13 identification.)

14 He provides the well proposal letter
15 and AFEs and the chronology of contact. And in both
16 cases, the only additional party we are seeking to
17 pool is Matador.

18 Exhibit B is my notice affidavit, which
19 includes the notice letter, the certified mail and
20 return receipts. And we know that Matador received
21 notice because they are here. So with that unless
22 there are questions, I would ask that the exhibits be
23 admitted and that these cases be taken under
24 advisement. Thank you.

25 //

1 (Exhibit B was marked for
2 identification.)

3 THE HEARING OFFICER: Thank you.
4 Well, first, Ms. Vance, any questions
5 or concerns?

6 MS. VANCE: No. Thank you, Mr. Hearing
7 Examiner.

8 THE HEARING OFFICER: Mr. Garcia, any
9 questions?

10 MR. GARCIA: No questions, but I do
11 appreciate the multicolor pool list on your exhibits.

12 MS. HARDY: Thank you. I'm glad it's
13 helpful.

14 THE HEARING OFFICER: Thank you. So
15 did you send well proposals out to the new parties?

16 MS. HARDY: Yes. Matador did receive a
17 well proposal, as well. That's provided, I think, as
18 Exhibit A4.

19 (Exhibit A4 was marked for
20 identification.)

21 THE HEARING OFFICER: It's, like, dated
22 May or something.

23 MS. HARDY: Of 2022. Correct.

24 THE HEARING OFFICER: Okay. Which was
25 sort of after before we issued the hearing, the order.

1 Is that right?

2 MS. HARDY: In the original cases?

3 THE HEARING OFFICER: Yeah.

4 MS. HARDY: That could be. I know the
5 reason that Matador's being added is that there was
6 confusion over the title. So --

7 THE HEARING OFFICER: Okay.

8 MS. HARDY: Yeah. So I believe that
9 that's correct.

10 THE HEARING OFFICER: Yeah. It just --

11 MS. HARDY: Yeah.

12 THE HEARING OFFICER: It's no serious
13 problem there, but it just caught my attention, the
14 dates. And also, as I mentioned, I think it's in your
15 letter, notice letter. Please get our correct email
16 addresses on there. I think the e-permitting address
17 you gave, I clicked on it, and it actually goes to the
18 new address.

19 So it sort of works, but there's a new
20 address.

21 MS. HARDY: Okay. Thank you. I
22 thought we had those --

23 THE HEARING OFFICER: If you click on
24 it, you'll see on the top what the new address is.

25 MS. HARDY: Okay. We will make sure

1 we've got that correct. Thank you.

2 THE HEARING OFFICER: With that, any
3 other questions or comments on Cases 23215, 23216?
4 Hearing none, the exhibits will be admitted into the
5 record and Cases 23215 and 23216 will be taken under
6 advisement.

7 (Case 23215 and 23216 exhibits were
8 received into evidence.)

9 MS. HARDY: Thank you.

10 THE HEARING OFFICER: With that, we'll
11 go on Items 78, Case 23207, Steward Energy 2, LLC.

12 MS. MCLEAN: Good morning. Jackie
13 McLean with Hinkle Shanor on behalf of Steward Energy.

14 THE HEARING OFFICER: Are there any
15 other persons interested in Case 23207?

16 Hearing none, Steward may proceed.

17 MS. MCLEAN: Thank you. In Case number
18 23207, Steward seeks to pool all uncommitted interest
19 in the Bronco San Andreas South Pool within the San
20 Andreas formation underlying a 276.17-acre standard
21 horizontal spacing unit comprised of the west half
22 southeast quarter, southwest quarter northeast
23 quarters in Lots 1, 2, 5, 6, and 7, which is the east
24 half equivalent of irregular Section 2.

25 Sorry, I'm just muting myself. And I'm

1 having a screen issue. Hold on one second. Okay.

2 So it's Irregular Section 2, Township
3 13 South, Range 38 East, in Lee County, New Mexico.
4 And the spacing unit will be dedicated to the Gilligan
5 E 2H well, which will be horizontally drilled from a
6 surface hole location in Lot 4 of Irregular Section
7 35, Township 12, South Range 38 East to a bottom hole
8 location in Lot 7 of Irregular Section 2 at Township
9 13 South, Range 38 East.

10 And this is a proximity tract well.
11 And the exhibit packet submitted to the division
12 contained Exhibit A, the land professionals' testimony
13 and related land exhibits, which include the plat of
14 tracts, ownership interests, pooled parties, a well
15 proposal letter, and a summary of communication.

16 (Exhibit A was marked for
17 identification.)

18 Exhibit B, geology testimony which
19 includes the location map, structure map, and barrel
20 schematic and a cross-section of the interval of
21 interest.

22 (Exhibit B was marked for
23 identification.)

24 And Exhibit C, notice testimony, which
25 sets out when the notice letter of this hearing and

1 application were sent to the parties to be pooled.
2 And we also published notice of this hearing, which is
3 Exhibit C4.

4 (Exhibit C was marked for
5 identification.)

6 And with that, I ask that Exhibits A,
7 B, and C be admitted into the record in Case number
8 23207 and that it be taken under advisement.

9 THE HEARING OFFICER: Thank you.

10 Mr. Garcia, questions?

11 MR. GARCIA: I do have a question. On
12 your compulsory pooling checklist, you have
13 supervision rates, but it looks like you're only
14 pooling mineral interest owners. Are they subject to
15 those rates?

16 MS. MCLEAN: Let me see. Let me go to
17 that.

18 MR. GARCIA: Because my memory is
19 mineral interest owners aren't subject to supervision
20 rates.

21 MS. MCLEAN: I believe we are -- let's
22 see. I'm having problems with my PDF here. Let me
23 open this back up. I don't know what's going on with
24 my screen this morning. One minute. Sorry about
25 this.

1 MR. GARCIA: No problem.

2 MS. MCLEAN: Okay. I've got my
3 exhibits back up. Okay. So your question was that we
4 have supervision rates. And we're only pooling
5 mineral interest owners. I do believe it's on Page 16
6 in the PDF that it shows who we're pooling.

7 But I do believe that mineral interest
8 owners are subject to supervision rates, like a
9 working interest owner would be. But I --

10 MR. GARCIA: Okay. My memory -- yeah.
11 My memory is they are not. So Mr. Brancard can
12 correct me. But if not, can we have a landman submit
13 an extra affidavit discussing that they are?

14 Or Mr. Brancard, am I on the right path
15 here?

16 THE HEARING OFFICER: Well, you're
17 talking about an unleased mineral interest. Correct?

18 MR. GARCIA: I --

19 THE HEARING OFFICER: Are we talking
20 about here, Ms. McLean?

21 MS. MCLEAN: I believe so.

22 THE HEARING OFFICER: So with an
23 unleased mineral interest, they get a one-eighth
24 royalty, but seven eighths of their interest is
25 considered a working interest. So it would apply to

1 the seven eighths of their interest.

2 MR. GARCIA: Okay. That was all my
3 questions. And if Mr. Brancard thinks we're okay,
4 then I trust him.

5 MS. MCLEAN: I trust him, too.

6 THE HEARING OFFICER: Silly.

7 Okay. Are there any other interested
8 persons, then, for Case 23207?

9 Hearing none, the exhibits in Case
10 23207 will be admitted into the record, and the case
11 will be taken under advisement.

12 (Exhibits A, B, and C were received
13 into evidence.)

14 MS. MCLEAN: Thank you.

15 THE HEARING OFFICER: With that, we're
16 on Items 79, Case 23209, Steward Energy.

17 MS. MCLEAN: Jackie McClean for Steward
18 Energy.

19 THE HEARING OFFICER: Are there any
20 other interested persons for Case 23209?

21 MS. FAIRMAN: Kristina Fairman, Jessica
22 Brown's daughter and heir.

23 THE HEARING OFFICER: Okay. I believe
24 that I heard it. Your voice is a little soft, so I
25 think I heard --

1 MS. FAIRMAN: Sorry.

2 THE HEARING OFFICER: -- Kristina
3 Fairman.

4 MS. FAIRMAN: Yes. Yes, sir.

5 THE HEARING OFFICER: And you're here
6 on behalf of --

7 MS. FAIRMAN: My mother who's deceased.
8 And I am the executor as well as the only heir to her,
9 to this mineral rights.

10 THE HEARING OFFICER: Thank you. Do
11 you have any objections to this case going forward?

12 MS. FAIRMAN: Well, I don't really
13 understand a lot of that. I mean, I'm a registered
14 nurse. So I mean, we haven't really -- I've not been
15 offered anything as far as leasing it or anything from
16 these particular people. So I guess I need someone to
17 try to explain this to me.

18 And with my son-in-law and my son so we
19 understand more what's going on. So.

20 THE HEARING OFFICER: Okay.

21 Ms. McLean, do you understand whose
22 interest is being discussed here?

23 MS. MCLEAN: I -- did she say --
24 Did you say Jessica Brown?

25 MS. FAIRMAN: Yes. Jessica Brink

1 Brown.

2 MS. MCLEAN: Thank you. And we don't
3 have an entry of appearance from anyone in this case.

4 THE HEARING OFFICER: Well, they have
5 entered an appearance right now by appearing. You can
6 do that.

7 And Ms. Fairman, did you receive notice
8 of this hearing?

9 MS. FAIRMAN: Yes. However, they're
10 still sending this in my mother's name, which was
11 probably my error. I need to change that into my
12 name. The will is probated, but people seem to know
13 how to contact me now in regard to that. But I think
14 it came in her name and not mine. But it came to my
15 house, where she used to live.

16 THE HEARING OFFICER: Okay. Here's
17 what we're going to do.

18 Ms. McLean, I will allow you to proceed
19 with presenting the evidence today. Okay? But we
20 will continue this case for a month to allow, you
21 know, any further discussions necessary with Ms.
22 Fairman on behalf of the state.

23 And hopefully you can clarify. And you
24 can use the chat function to clarify what your address
25 is, et cetera, to Ms. McLean right now.

1 MS. FAIRMAN: Yes.

2 THE HEARING OFFICER: And they can get
3 in contact with you.

4 But with that, Ms. McLean --

5 MS. FAIRMAN: -- spoken to the landman
6 that works with this particular lawyer's group, so
7 knows about me. I don't know why he hasn't told them.
8 But.

9 THE HEARING OFFICER: Okay. No.
10 That's good. That's good. That's good. So they can
11 work with their landman to get you the information.

12 MS. FAIRMAN: Okay. Thank you.

13 THE HEARING OFFICER: Thank you.

14 Ms. McLean, if you want to proceed with
15 the case today?

16 MS. MCLEAN: Yes. Thank you, Mr.
17 Brancard.

18 In Case number 23209, Steward seeks to
19 pool all uncommitted interest in the Bronco San
20 Andreas South Pool within the San Andreas formation
21 underlying a 480-acre more or less standard horizontal
22 spacing unit comprised of the southeast quarter of
23 Section 3 and the east half of Section 10, Township 13
24 South, Range 38 East in Lee County, New Mexico.

25 And the spacing unit will be dedicated

1 to the Wexler Fee 2H well, which will be horizontally
2 drilled from a surface hole location in the southeast
3 quarter, northeast quarter Unit H of Section 3,
4 Township 13 South, Range 38 East to a bottom hole
5 location in a southeast quarter, southeast quarter
6 Unit P of Section 10, Township 13 South, Range 38
7 East.

8 And this is a proximity tract well,
9 which will allow for the formation of the 480-acre
10 standard horizontal spacing unit. And the exhibit
11 package submitted to the division -- can you hear me?

12 THE HEARING OFFICER: -- maybe you can
13 mute yourself if you can. We're getting some
14 feedback. Thank you.

15 MS. MCLEAN: Can you hear me?

16 THE HEARING OFFICER: Yes.

17 MC. MCLEAN: Okay. Perfect. Okay.

18 The exhibit packet submitted to the division for Case
19 number 22 -- or sorry, 23209 contained Exhibit A, the
20 land professional's testimony and related exhibits,
21 which include the plat of trust, ownership interest,
22 pooled parties, a well proposal letter, and a summary
23 of communications.

24 (Exhibit A was marked for
25 identification.)

1 Exhibit B, geology testimony, which
2 includes the location map, structure map, and barrel
3 schematic, and a cross-section of the interest.

4 (Exhibit B was marked for
5 identification.)

6 And then Exhibit C, notice testimony,
7 which sets out when the notice letter of this hearing
8 and application were sent to the parties. And we also
9 published notice, which is shown in Exhibit C-4.

10 (Exhibit C was marked for
11 identification.)

12 And we -- I believe that we could also
13 provide, if you would like, the actual letter that was
14 sent for Ms. Brown's interest if that would be
15 helpful. And if possible, we would prefer if we could
16 just continue this to the December 15th docket. I
17 think that should give us plenty of time to work out
18 this issue.

19 THE HEARING OFFICER: Thank you.

20 Mr. Garcia, any questions?

21 MR. GARCIA: No technical questions.

22 THE HEARING OFFICER: Thank you.

23 Ms. Fairman, did you have any questions
24 at this point?

25 MS. FAIRMAN: -- December 15th is going

1 to be enough time. I want this really explained
2 thoroughly to me and the options.

3 THE HEARING OFFICER: Okay. I think
4 that's fair.

5 So with that, we will accept the
6 exhibits into the record.

7 (Exhibits A, B, and C were received
8 into evidence.)

9 This case will be continued to December
10 15th for the discussions between the applicant and Ms.
11 Fairman. And it would be helpful then if prior to the
12 date of 12/15 that the applicant could update us about
13 those discussions.

14 UNIDENTIFIED SPEAKER: I mean, this is
15 her son. We just said the December 15th is not going
16 to be enough time. We'd prefer to have it out because
17 we have no idea what they're intending to do or what
18 is even being attempted here at all. So I think
19 December 15th is too soon --

20 THE HEARING OFFICER: Okay. Thank you.
21 I --

22 UNIDENTIFIED SPEAKER: -- I mean, we --

23 THE HEARING OFFICER: I misheard. I
24 thought Ms. Fairman said December 15th was fine.

25 MS. FAIRMAN: Sorry. No. I would ask

1 for it to be extended. That's too soon, I feel like.

2 THE HEARING OFFICER: Okay. Well,
3 then, the next date is January 5th.

4 UNIDENTIFIED SPEAKER: That's fine.
5 But who is --

6 MS. FAIRMAN: Okay.

7 UNIDENTIFIED SPEAKER: -- who is to be
8 getting in contact with us to describe exactly what's
9 going on and then what exactly they're trying to do?
10 I mean, we just -- we're getting this information that
11 she could be responsible for 200 percent of the cost
12 if there's nothing found? I mean, it's all this
13 verbiage we have no idea what the hell is going on.

14 So we would like to know what is going
15 on before -- well beforehand.

16 THE HEARING OFFICER: Yes. You know,
17 obviously, I expect the applicant to provide us with
18 information about how they have contacted this party.
19 And it's up to them how they want to do it, directly
20 or through their landman, et cetera. But they need to
21 explain their options --

22 UNIDENTIFIED SPEAKER: She's received
23 letters just basically saying that they want to drill
24 on the land. That's all that we've received, which
25 leaves us nothing. And it's basically saying if she

1 doesn't respond, they're going to go ahead and try to
2 drill anyway. And so I mean, that's the only
3 communication that we've received.

4 THE HEARING OFFICER: Well, hopefully
5 they will provide you with better details about the
6 options.

7 UNIDENTIFIED SPEAKER: Hopefully so.

8 THE HEARING OFFICER: Thank you.

9 With that, this case will be continued
10 then to January 5th.

11 MS. MCLEAN: Thank you, Mr. Brancard.

12 THE HEARING OFFICER: Thank you. We
13 are now on Item 80. This is Case 23187, Oxy USA, Inc.

14 MR. MOELLENBERG: Good morning, Mr.
15 Examiner. Dalva Moellenberg from Gallagher and
16 Kennedy for Oxy USA, Inc.

17 THE HEARING OFFICER: Are there any
18 other interested persons for Case 23187?

19 Hearing none, Mr. Moellenberg, to
20 explain the situation here, there is a prior
21 application for the same spacing unit. You want to
22 add a new well, but we haven't issued an order yet.
23 So you filed a new application. Am I on the right
24 page here?

25 MR. MOELLENBERG: Mr. Examiner, pretty

1 close. There is a prior case regarding the same
2 spacing unit. That's Case 22928. Last week, an order
3 was issued in that case. It's R22399. And again,
4 this covers the same spacing unit. If you like, I
5 could go over the details of that.

6 So with that order having been issued
7 between the time the application in Case 23187 was
8 filed and now, I think the appropriate way to proceed
9 here would be to amend the Order 22399 to add the
10 additional Well 21H that is addressed in Case 23187.
11 So with that, that's my way of introduction.

12 And I guess I'd suggest we go ahead and
13 put on the information and evidence in 23187 and then
14 perhaps consolidate it with Case 22928 such that the
15 existing order can now be amended to add the
16 additional well.

17 THE HEARING OFFICER: Thank you. Why
18 don't you proceed with your case, and then we'll
19 discuss?

20 MR. MOELLENBERG: Thank you, Mr.
21 Examiner.

22 In Case 23187, Oxy seeks to pool the
23 uncommitted mineral interest in 480-acre spacing unit
24 in the Bone Springs formation underlying the west half
25 of the west half of Sections 1 and 12 of Township 22

1 South, Range 32 East and the west half of the west
2 half of Section 36, Township 21 South, Range 32 East
3 in Lee County.

4 As indicated a bit ago, Order R22399
5 already establishes same spacing unit as is proposed
6 in Case 23187. So in the prior case 22928 and in the
7 order that I referenced, this spacing unit was
8 dedicated to the Paswap [ph] 1236 Fed Com Number 11H
9 well.

10 And in the application in Case 23187,
11 Oxy has asked that the spacing unit be dedicated also
12 to the 21H well. These are in the red tank Bone
13 Spring pool code 51683. For the 21H well, both the
14 surface and bottom hole locations are similar to those
15 for the 11H well.

16 The surface location is Unit C, the
17 northeast quarter of the northwest quarter of Section
18 13, Township 22 South, Range 32 East, with an intended
19 bottom hole location in Unit D of the northwest
20 quarter of the -- I'm sorry, the northwest quarter of
21 the west quarter of Section 36, Township 21, Range 32
22 East.

23 One thing to note in the application in
24 Case 23187, the proposed well depth is 95, 110 feet.
25 That is about the same depth as was proposed for the

1 11H well. Oxy is proposing to move the depth of the
2 11H well deeper to avoid any collision with the 21H
3 well.

4 We've submitted the hearing packet,
5 which consists of Exhibit A, the compulsory pooling
6 checklist, Exhibit B, the application, Exhibit C, the
7 affidavit of Amber Delach, the land negotiator, which
8 includes Exhibits C1, the C-102, C2, the land plat and
9 ownership interest, C3, the well proposal and AFE, and
10 C4, the information on contact with the interest
11 owners.

12 (Exhibits A, B, and C were marked for
13 identification.)

14 And I would note that the only
15 uncommitted interest that Oxy is seeking to pool at
16 this time are those of Chevron Midcontinent LP and
17 Highland Texas Energy Company.

18 Oxy Exhibit D is the affidavit of
19 Daniel Burnett, the geologist, which includes Exhibits
20 D1 through D4, the geology exhibits, which essentially
21 are the same as those in the prior case.

22 (Exhibit D was marked for
23 identification.)

24 Oxy Exhibit E covers the notices to the
25 interest holders and then Exhibit F is the proof of

1 publication of this hearing.

2 (Exhibits E and F were marked for
3 identification.)

4 And we would ask that the affidavits
5 and exhibits be admitted and this case be taken under
6 advisement for appropriate action as we've discussed
7 previously.

8 THE HEARING OFFICER: Thank you.

9 Mr. Garcia?

10 MR. GARCIA: No questions in regards to
11 this case but maybe some comments on procedural
12 matters after you weigh in.

13 THE HEARING OFFICER: Okay.

14 My only concern, Mr. Moellenberg, and I
15 think I've figured it out, is on Page 18 of your
16 exhibits -- at least it's listed on our end is Page
17 18. It's your interests chart.

18 MR. MOELLENBERG: Okay. I'm with you.

19 THE HEARING OFFICER: As you said,
20 you're only pooling Chevron and Highland.

21 But if you look at the math on the far
22 right column that talks about committed and
23 uncommitted interest, you have a much higher
24 percentage of uncommitted interests there sort of as
25 if -- and I think it's COG, Altar, Strategic are still

1 listed as uncommitted.

2 But they're now committed. Correct?

3 MR. MOELLENBERG: Correct. I see what
4 you mean, and I think we just didn't get that updated
5 from the prior exhibits. So you're correct. For
6 Tract 1, the uncommitted interest should be those of
7 Highland, which is .175 percent rather than the 5
8 percent listed in the totals.

9 And in Tract 2, the uncommitted
10 interest should be 15.35 percent rather than the 35
11 percent. And if you like, we can submit a correction
12 of that.

13 THE HEARING OFFICER: Yeah. I think
14 that would help just to clear up any confusion as
15 we're looking at this.

16 MR. MOELLENBERG: Okay.

17 THE HEARING OFFICER: Thank you for
18 clarifying who is actually being pooled. That's
19 what's important.

20 All right. With that, Mr. Garcia, I
21 guess, I think we've dealt with this once before where
22 an application sort of turns into an amendment because
23 we've issued an order in the meanwhile.

24 MR. GARCIA: Correct.

25 THE HEARING OFFICER: So that would be,

1 I guess, my thought, is to just transform this
2 application into an amendment to the existing order.

3 MR. GARCIA: Yeah. I agree. The
4 comments I was reserving were I think I would need a
5 new compulsory pooling checklist which reflected both
6 wells in it because this one only seems to have the
7 new well. And then, on the 102, have the rest of the
8 header filled in such as pool name, pool code, et
9 cetera.

10 Those are the comments I was saving.
11 But I agree with your method.

12 THE HEARING OFFICER: All right.

13 So did you get all that, Mr.

14 Moellenberg? So we want to --

15 MR. MOELLENBERG: Yes. Thank you, Mr.
16 Examiner. I believe that I have that. So we will
17 submit a new checklist. We will take a look at the C-
18 102 and also provide a revised exhibit C2 reflecting
19 the proper percentages of the committed and
20 uncommitted interests.

21 THE HEARING OFFICER: Okay. I think
22 that's what we asked for. Checklist, C-102, and
23 interests.

24 Are there any other interested persons
25 or comments then on Case 23187?

1 Hearing none, the exhibits will be
2 admitted into the record. Case will be taken under
3 advisement and will be treated as an amendment to an
4 existing order and the record will be left open for
5 the submittal of revised checklist C-102 and interest
6 owner list.

7 (Exhibits A through F were received
8 into evidence.)

9 MR. MOELLENBERG: Thank you very much.

10 THE HEARING OFFICER: Thank you.

11 With that, we are on Item 81, Case
12 23183, WPX Energy Permian.

13 MS. VANCE: Good morning, Mr. Hearing
14 Examiner and Mr. Garcia. Paula Vance with the Santa
15 Fe office of Holland and Hart on behalf of WPX.

16 THE HEARING OFFICER: Thank you. Ms.
17 Vance, your voice is a little quiet, soft. Maybe you
18 want to get a little closer to your speaker.

19 MS. VANCE: Can you hear me now?

20 THE HEARING OFFICER: That's a little
21 better. Yes. Thank you. Okay.

22 MS. VANCE: I'm not sure what's going
23 on.

24 THE HEARING OFFICER: Are there any
25 other interested persons for Case 23183?

1 Hearing none, WPX may proceed.

2 MS. VANCE: Thank you, Mr. Hearing
3 Examiner. In Case 23183, WPX seeks an order pooling
4 all uncommitted interest in the Wolfcamp formation.
5 That's the Purple Sage Wolfcamp pool code 98220.

6 And that's underlying a 431.99-acre
7 more or less standard horizontal well spacing unit
8 comprised of the west half of Section 26 in Lots 7
9 through 10 of Irregular Section 35, which is
10 equivalent to the northwest quarter. And that's in
11 Township 26 South, Range 29 East, Eddy County, New
12 Mexico.

13 And WPX seeks to pool and initially
14 dedicate this Wolfcamp spacing unit to the proposed
15 Steel Guitar 35-25 Fed Com number 451H well. In this
16 case, we have provided the compulsory pooling
17 checklist, as well as the self-affirmed statement of
18 landman Ryan Cloer and geologist Keegan Depriest, both
19 of whom have previously testified before the division.

20 And their credentials have been
21 accepted as a matter of record. Mr. Cloer's
22 self-affirmed statement is Exhibit C, which includes
23 sub-exhibits C1, C-102, C2, a land tract map and
24 ownership schedule, C3, a sample well proposal letter
25 and AFE, and C4, chronology of contacts.

1 (Exhibits C1, C2, C3, and C4 were
2 marked for identification.)

3 This is followed by Mr. Depriest's
4 self-affirmed statement, which is Exhibit D and
5 includes sub-exhibits D1, a locator map and structure
6 map, D2, a Wolfcamp cross-section map, and D3, a
7 Wolfcamp cross-section. In this case, Mr. Depriest
8 did not observe any faulting, pinch-outs, or other
9 geological impediments to the horizontal drill of this
10 well.

11 (Exhibits D1, D2, and D3 was marked for
12 identification.)

13 And then lastly is Exhibit E, a
14 self-affirmed statement of notice with sample letters
15 that were timely mailed on November 11, 2022, and in
16 Exhibit F is the affidavit of notice of publication,
17 which was timely published on November 15, 2022.

18 (Exhibits E and F were marked for
19 identification.)

20 And unless there are any questions, I
21 would ask that all exhibits and sub-exhibits be
22 admitted into the record and that Case 23183 be taken
23 under advisement by the division at this time.

24 THE HEARING OFFICER: Thank you.

25 Mr. Garcia, questions?

1 MR. GARCIA: No questions.

2 THE HEARING OFFICER: So you're in the
3 Purple Sage Wolfcamp?

4 MS. VANCE: That's correct.

5 THE HEARING OFFICER: So and the tract
6 size then is a 320?

7 MS. VANCE: Correct.

8 THE HEARING OFFICER: So you're
9 combining a 320 half section within an irregular
10 tract?

11 MS. VANCE: That's correct, Mr. Hearing
12 Examiner.

13 THE HEARING OFFICER: On the assumption
14 that the Wolfcamp spacing, Purple Sage spacing would
15 cover that irregular tract?

16 MS. VANCE: That's correct. And to
17 note on that irregular tract, I don't think I
18 mentioned it when I was speaking. But that irregular
19 tract butts up against the New Mexico/Texas border.

20 THE HEARING OFFICER: Well, you're not
21 the only one today. We had another case on the
22 eastern border of the state earlier with irregular
23 tracts against Texas. So glad we're using up a lot of
24 the state.

25 MS. VANCE: Wasted resources.

1 THE HEARING OFFICER: Are there any
2 other persons, then, for Case 23183?

3 Hearing none, the exhibits will be
4 admitted into the record, and Case 23183 will be taken
5 under advisement.

6 (Exhibits C through E were received
7 into evidence.)

8 MS. VANCE: Thank you, Mr. Hearing
9 Examiner.

10 THE HEARING OFFICER: All right. We're
11 on Case 82, 23186, Redwood Operating, LLC.

12 MS. VANCE: Good morning again, Mr.
13 Hearing Examiner and Mr. Garcia. Paula Vance with the
14 Santa Fe Office of Holland and Hart on behalf of the
15 applicant Redwood Operating LLC.

16 THE HEARING OFFICER: Thank you.

17 Are there any other interested persons
18 for Case 23186?

19 Hearing none, Redwood, which I believe
20 is acting on behalf of another interest owner, may
21 proceed.

22 MS. VANCE: That's correct, Mr. Hearing
23 Examiner. Thank you. So in Case 23186, Redwood seeks
24 orders for an order pooling all uncommitted interest
25 in the Yeso formation, and the pool is the Red Lake

1 Glorieta Yeso. And the pool code is 51120.

2 And this is underlying a standard
3 160-acre more or less horizontal spacing unit
4 comprised of the north half north half of Section 17,
5 Township 18 South, Range 27 East, Eddy County, New
6 Mexico.

7 And Redwood seeks to pool and initially
8 dedicate this Yeso spacing unit to the proposed
9 sparkplug 17 Federal Com number 1H well, number 2H
10 well, and number 3H well.

11 In this case, we have provided the
12 compulsory pooling checklist, as well as the
13 self-affirmed statement of landman Derek Smith and
14 geologist Carl Sadler, both of whom have previously
15 testified before the division. And their credentials
16 have been accepted as a matter of record.

17 Mr. Smith's self-affirmed statement is
18 Exhibit C, which includes sub-exhibit C1. And that's
19 a -- hello? Sorry. Sounded like there was some
20 feedback coming in.

21 THE HEARING OFFICER: There was. But
22 it's been dealt with. Thank you.

23 MS. VANCE: So C1 is a letter from
24 Pecos Oil and Gas, LLC. It's a self-affirmed
25 statement from I believe it is one of their corporate

1 members describing the nature and affirming the
2 relationship between Pecos and Redwood that you
3 mentioned earlier, Mr. Brancard.

4 Then C2 is the C-102s. C3 is the land
5 tract map and ownership schedule. And C4 is a sample
6 well proposal letter and AFEs. And lastly C5 is a
7 chronology of contacts.

8 (Exhibits C1, C2, C3, and C4 were
9 marked for identification.)

10 This is followed by Mr. Sadler's
11 self-affirmed statement, which is Exhibit D and
12 includes sub-exhibits D1, a locator map, D2, an
13 acreage position map, and D3, a project area and
14 subsea structure map and D4, a cross-section map and
15 stratigraphic cross-section.

16 (Exhibits D1, D2, D3, and D4 were
17 marked for identification.)

18 In this case, Mr. Sadler did not
19 observe any faulting, pinch-outs, or other geological
20 impediments to the horizontal drilling of these wells.
21 Lastly is Exhibit E, a self-affirmed statement of
22 notice with sample letters that were timely mailed on
23 November 11, 2022.

24 (Exhibit E was marked for
25 identification.)

1 you referenced exhibits?

2 MS. VANCE: Yes. I think that I
3 pointed to --

4 MR. GARCIA: I think that the exhibit's
5 fine, but we prefer to have the numerical value in
6 there since it's called out in the paragraph. I think
7 it's, like, Paragraph 26 references it.

8 MS. VANCE: Yes. I can do that. I
9 apologize. That should have been in there.

10 MR. GARCIA: I believe that's all the
11 questions I had.

12 THE HEARING OFFICER: Thank you.

13 And thank you, Ms. Vance, for
14 clarifying that XTO has actually heard of this
15 hearing. Is that correct?

16 MS. VANCE: That is correct. That's my
17 understanding. And Mr. Smith did forward me the email
18 to XTO, his contact, which I believe was listed on
19 Exhibit C5. Mr. William Davis, they had email
20 communication. And Mr. Davis was made aware of the
21 hearing today.

22 THE HEARING OFFICER: Thank you.
23 That's pretty important because as I read the
24 documents, it looks like XTO owns over 81 percent of
25 the interest in this spacing unit.

1 MS. VANCE: That's correct. I also had
2 additional communication with Mr. Smith regarding
3 this. And it's my understanding that once an order
4 for compulsory pooling is issued by the division, then
5 that should prompt an assignment from XTO to Pecos.

6 But it's their understanding -- or my
7 understanding that there is going to be an assignment
8 made to Redwood or Pecos in this case on the interest.

9 THE HEARING OFFICER: Okay. Thanks.
10 That's good to know because my math shows that Pecos
11 owns less than 5 percent of the interest in this
12 spacing point at this point.

13 MS. VANCE: That's correct. And if
14 it's also helpful, I did also get communication from
15 Mr. Smith regarding CPZ on Apache. Similarly, CPZ or
16 Apache and Redwood, they have a letter agreement in
17 place that was dated that they just got signed on
18 November 29th.

19 And they've agreed to the operations
20 under a compulsory pooling order in addition to the
21 provisions that they agreed to in the letter
22 agreement.

23 THE HEARING OFFICER: Thank you.
24 That's helpful. It's obviously nothing -- there's no
25 impediment about what the nature of the interest has

1 to be in New Mexico. We're not like Colorado where
2 they have a threshold percentage for interest you have
3 to have before filing for compulsory pooling. Not
4 that we haven't thought about that.

5 So with that, are there any other
6 questions or concerns for Case 23186?

7 Hearing none, the exhibits will be
8 admitted into the record. Case 23186 will be taken
9 under advisement.

10 (Exhibits C through F were received
11 into evidence.)

12 And I think you wanted a revised
13 checklist. Is that correct, Mr. Garcia?

14 MR. GARCIA: Correct.

15 MS. VANCE: Easy enough. And I
16 apologize. That should have been in there.

17 THE HEARING OFFICER: Is there anything
18 else we need, Mr. Garcia?

19 MR. GARCIA: I don't believe so.

20 THE HEARING OFFICER: Okay. Thank you.
21 With that, the case is taken under advisement, and we
22 can move on.

23 We are now on Item 83 on our worksheet
24 today. This is Case 23204, Oxy USA, Inc.

25 MS. VANCE: Good morning, Mr. Hearing

1 Examiner and Mr. Garcia. Paula Vance with the Santa
2 Fe office of Holland and Hart on behalf of the
3 applicant Oxy.

4 THE HEARING OFFICER: Thank you.

5 Are there any other interested persons
6 for Case 23204?

7 Hearing none, Oxy may proceed.

8 MS. VANCE: Thank you, Mr. Hearing
9 Examiner. In Case 23204, Oxy seeks a pooling order
10 pooling all uncommitted interests in the Wolfcamp oil.
11 The pool is WC-025G-08S223227D. And that's the upper
12 Wolfcamp. The pool code is 98286.

13 And that's underlying a standard 640-
14 acre more or less horizontal spacing unit comprised of
15 the west half of sections 25 and 36, Township 22
16 South, Range 32 East, Lee County, New Mexico. And Oxy
17 seeks to pool and initially dedicate this Wolfcamp oil
18 spacing unit to the proposed stacked caps 25, 36, Fed
19 Com 31H well, 32H well, 33H well, and the 311H well.

20 And I would note that the number 33H
21 well is at a nonstandard location that's indicated in
22 the compulsory pooling checklist. Oxy will vie for an
23 administrative approval on that. And also the well
24 number 311H is the defining well. And it's using
25 proximity tracts creating the larger spacing unit.

1 In this case, we have provided the
2 compulsory pooling checklist, as well as a
3 self-affirmed statement of land negotiator by Amber
4 Delach and geologist Daniel Burnett, both of whom have
5 previously testified before the division, and their
6 credentials have been accepted as a matter of record.

7 Ms. Delach's self-affirmed statement is
8 Exhibit C, which includes sub-exhibits C1, C-102s, C2,
9 a land tract map and ownership schedule, C3, a sample
10 well proposal letter and AFEs, and C4, a chronology of
11 contacts.

12 (Exhibits C1, C2, C3, and C4 was marked
13 for identification.)

14 This is followed by Mr. Burnett's
15 self-affirmed statement, which is Exhibit D and
16 includes sub-exhibits D1, a locator map, D2, a subsea
17 structure map, D3, a structural cross-section map, and
18 D4, a stratigraphic cross-section.

19 (Exhibits D1, D2, D3, and D4 were
20 marked for identification.)

21 In this case, Mr. Burnett did not
22 observe any faulting, pinch-outs, or other geologic
23 impediments to the horizontal drilling of these wells.
24 Lastly is Exhibit E, a self-affirmed statement of
25 notice with sample letters that were timely mailed on

1 November 11, 2022, and Exhibit F, and affidavit of
2 notice of publication, which was timely published on
3 November 13, 2022.

4 (Exhibits E and F were marked for
5 identification.)

6 And unless there are any questions, I
7 would ask that all exhibits and sub-exhibits be
8 admitted into the record and that Case 23204 be taken
9 under advisement at this time.

10 THE HEARING OFFICER: Thank you.

11 Mr. Garcia?

12 MR. GARCIA: A few things. Same
13 comments with the checklist. They're missing the
14 number value for the supervision costs and the risk
15 charge. If we could get one of those. All of the
16 102s are missing the pool information. The bigger
17 question I guess I have is PDF page 17, Exhibit C2.

18 This schematic shows all the wells in
19 the west half west half, where your C-102s show them
20 in the west half west half, east half of the west
21 half. The locations seem to be different.

22 MS. VANCE: I see what you're saying,
23 and I apologize that I did not catch that. And that's
24 a easy fix to just move those so that they match up
25 with the C-102s. And I believe that I can check to

1 see regarding the C-102s. Those were filed on October
2 18, 2022.

3 And I can see about having the pool
4 name and code added on there and add some revised
5 exhibits into the record if that would be helpful.

6 MR. GARCIA: Yeah. So is Exhibit C2 an
7 error, then?

8 MS. VANCE: I'm not sure I would call
9 it an error, but I can certainly have that added, and
10 we can refile that if it would be helpful.

11 MR. GARCIA: Yeah. I guess I'm just
12 making sure that the 102s are correct, and these wells
13 are throughout the entire 640 acres. They're not all
14 in the west southwest half.

15 MS. VANCE: Yes. Yeah. I will reach
16 out to Oxy -- yes?

17 MS. DELACH: Sorry. This is Amber
18 Delach. I can confirm that the spacing is the west
19 half.

20 MR. GARCIA: A few things. Mr.
21 Brancard might have to swear you in. But I agree it's
22 the west half. The well placement on one of the
23 diagrams is just all wells are in the west half of the
24 west half.

25 THE HEARING OFFICER: The question is,

1 what's correct, the C-102 locations or that Page 17,
2 Exhibit C2, which shows all the wells in the west half
3 of the west half of the section?

4 MR. GARCIA: Correct.

5 MS. VANCE: Right. And I don't want to
6 -- I'm not sure if Ms. Delach has the exhibits open.
7 I have them open, and I can see that. The C-102s
8 should be correct. And I think that all this requires
9 is updating the C2 land tract map to make sure that it
10 reflects exactly what's in the C-102s on --

11 THE HEARING OFFICER: If you can get
12 changes made, that would be terrific.

13 MR. GARCIA: And I believe that's all
14 my questions.

15 THE HEARING OFFICER: Thank you.

16 So with that, we will admit the
17 exhibits into the record. And this case will be taken
18 under advisement. The record will be left open for a
19 revised checklist for the charges percentages, revised
20 C-102s.

21 (Exhibits C through F were received
22 into evidence.)

23 Mr. Garcia, is that correct?

24 MR. GARCIA: If they have the full
25 information, yes.

1 THE HEARING OFFICER: Okay. And then
2 but more importantly revised Exhibit C2 to comply with
3 -- conform with, sorry, the C-102s and the correct
4 locations of the wells.

5 MR. GARCIA: Correct.

6 THE HEARING OFFICER: Is that okay, Ms.
7 Vance? Did you get all that?

8 MS. VANCE: I did.

9 THE HEARING OFFICER: And as always,
10 two-week deadline on these changes. Thank you. With
11 that, Case 23204 is taken under advisement.

12 MS. VANCE: Thank you, Mr. Hearing
13 Examiner.

14 Thank you, Mr. Garcia.

15 THE HEARING OFFICER: We are now on
16 Item 84, Case 23217, Matador Production Company.

17 MS. VANCE: Good morning, Mr. Hearing
18 Examiner and Mr. Garcia. Paula Vance with the Santa
19 Fe office of Holland and Hart on behalf of Matador.

20 THE HEARING OFFICER: Thank you. Are
21 there any other interested persons for Case 23217?

22 Hearing none, Matador may proceed.

23 MS. VANCE: Thank you, Mr. Hearing
24 Examiner. In Case number 23217, Matador seeks to
25 amend the division orders for Silver Fed wells, and

1 that's the number 501H, number 502H, and the number
2 601H and is respectfully requesting an extension of
3 time to commence drilling the initial wells under
4 orders for those wells that I just gave.

5 So in this exhibit packet, we have
6 provided the extension applications, which is Exhibit
7 A, a copy of the original orders, which is Exhibit B.
8 That's followed by Exhibit C, which is an affidavit
9 from the landman Mr. Isaac Evans in which he attests
10 why there is good cause to extend these orders.

11 (Exhibits A, B, and C were marked for
12 identification.)

13 And just to give a brief synopsis, the
14 reasoning is there's lesser prairie chicken
15 restrictions in place and do not end until June 15,
16 2023, in this area. And also Matador is currently
17 developing the adjacent acreage, which has caused some
18 surface spacing limitations and restricted the ability
19 to simultaneously develop these lands.

20 This is followed by Exhibit D, which is
21 the original notice list for the previous cases and
22 associated with the current case. I provided that
23 because last time, I think there was some questions
24 about who was noticed previously in contrast with who
25 was being noticed in the current case.

1 (Exhibit D was marked for
2 identification.)

3 And also just to note in Paragraph 8 of
4 Exhibit C, the landman Mr. Evans provides some
5 information about why certain parties were not
6 provided notice in this case.

7 And then lastly is Exhibit E, a
8 self-affirmed statement of notice with sample letters
9 that were timely mailed on November 11, 2022, and a
10 affidavit of notice and publication, which is Exhibit
11 F and was timely published on November 13, 2022.

12 (Exhibits E and F were marked for
13 identification.)

14 And I don't know if I stated that the
15 letters were timely mailed on November 11, 2022. And
16 unless there are any questions, I would ask that the
17 exhibits be admitted into the record and that Case
18 number 23217 be taken under advisement by the division
19 at this time.

20 THE HEARING OFFICER: Thank you.

21 Mr. Garcia, any questions?

22 MR. GARCIA: I have no questions.

23 THE HEARING OFFICER: Thank you.

24 I don't believe I have questions
25 either. But this is your second amendment. Right?

1 MS. VANCE: That's correct. But just
2 to note, these wells initially were pooled under
3 Ascent. And then it wasn't until the first request
4 for extension that Matador took over on these wells.
5 So this is -- yeah.

6 THE HEARING OFFICER: Thank you. You
7 provided us an explanation, and we hope you don't come
8 back again for another extension.

9 MS. VANCE: I hope not either.

10 THE HEARING OFFICER: With that, are
11 there any other interested persons that in Case 23217?

12 Hearing none, the exhibits will be
13 admitted into the record, and Case 23217 will be taken
14 under advisement.

15 (Exhibits A through F were received
16 into evidence.)

17 MS. VANCE: Thank you, Mr. Hearing
18 Examiner.

19 Thank you, Mr. Garcia.

20 THE HEARING OFFICER: All right. Let's
21 try two more cases before we take a break. So Items
22 85 and 86, they would be Cases 23211, 23212, Kaiser-
23 Francis Oil Company.

24 MR. BRUCE: Mr. Examiner, Jim Bruce for
25 Kaiser-Francis.

1 THE HEARING OFFICER: Thank you.

2 And I believe we have an entry of
3 appearance from MRC Permian.

4 MR. RANKIN: Good morning, Mr.
5 Examiner. Adam Rankin appearing on behalf of the
6 company MRC Permian with the Santa Fe office of
7 Holland and Hart. We do not oppose these cases
8 proceeding by affidavit.

9 THE HEARING OFFICER: Thank you.

10 Are there any other entries of
11 appearance for Cases 23211, 23212?

12 Hearing none, Mr. Bruce and
13 Kaiser-Francis may proceed.

14 MR. BRUCE: Mr. Examiner, in these
15 cases, both of these cases, Kaiser-Francis seeks to
16 pool the southeast quarter of Section 5 and the east
17 half of Section 8 in 24 South, 34 East. In Case 211,
18 pool the Bone Spring formation. And in Case 212, to
19 pool the Wolfcamp location.

20 I would point out that these are not
21 proximity tract units. The wells are in the South
22 Bell Lake Unit, and there are special pool rules in
23 both the Bone Spring and the Wolfcamp, which fix 480
24 acres as the standard well unit.

25 The exhibit packages contain, of

1 course, the applications and proposed notice,
2 affidavit of landman Brendan Kushner [ph], and that
3 contains the usual attachments. Attachment A is a
4 land plat showing the tracts involved.

5 (Exhibit A was marked for
6 identification.)

7 MRC Permian owns a 6.25 percent working
8 interest in the southeast quarter southeast quarter of
9 Section 8, which is Tract 7 on this plat. And
10 Attachment B are the C-102s. And for once, I hope
11 they're complete. The information on the interest
12 ownership, MRC is the entity being pooled.

13 (Exhibit B was marked for
14 identification.)

15 There's a summary of communications
16 that show that Kaiser-Francis and MRC have been in
17 contact for over a year and a half at this point. And
18 MRC Permian would like to enter into a -- I mean,
19 Kaiser-Francis would like to enter into a JOA with MRC
20 Permian, but that has not occurred as of yet.

21 All of the other working interest
22 owners of which Kaiser-Francis is a substantial
23 majority owner are subject to the JOA for the South
24 Bell Lake unit. Exhibit 3 is the verified statement
25 of Lee Lindman showing in each case a structure map,

1 isopach maps, and a cross-section showing the target
2 zones.

3 (Exhibit 3 was marked for
4 identification.)

5 And the affidavits contain the usual
6 information. And then, there are drilling
7 standardized horizontal well plans attached. The
8 applicant does request if MRC is pooled a 200 percent
9 risk charge. And they are also asking for \$8,000 a
10 month for drilling well and \$800 a month for a
11 producing well.

12 Exhibit 4 is my affidavit of notice. I
13 did not do a pooling spreadsheet because as I said,
14 there's only one entity being pooled. Did get the
15 green card back, and also of course MRC Permian has
16 entered an appearance in this matter.

17 (Exhibit 4 was marked for
18 identification.)

19 And trying to figure out what the
20 examiners might ask me, I would -- the one thing that
21 was glaring to me is that the green card that I did
22 receive in the mail a few days ago is not signed, nor
23 the date of delivery shown. And I tried to dig up
24 info on the USPS website. And there was none to be
25 found.

1 So that had been returned to me through
2 the mail. And because of MRC Permian's entry of
3 appearance, I'm pretty sure they did receive notice.
4 And then, Exhibit 5 is a pooling checklist.

5 (Exhibit 5 was marked for
6 identification.)

7 And with that, I think the exhibit
8 package is complete. I would move the admission of
9 Exhibits 1 through 5 and ask that the matters be taken
10 under advisement.

11 THE HEARING OFFICER: Thank you.

12 Mr. Rankin, MRC, any questions,
13 concerns, any clarification on the notice?

14 MR. RANKIN: No, Mr. Examiner. Thank
15 you.

16 THE HEARING OFFICER: Are you aware
17 whether MRC did actually receive the notice of this
18 hearing?

19 MR. RANKIN: I believe they did, Mr.
20 Examiner, because they reached out to us to request
21 our entry of appearance.

22 THE HEARING OFFICER: Thank you.

23 Mr. Garcia, questions?

24 MR. GARCIA: I have a question.

25 And Mr. Brancard, I might have a

1 question to you, too.

2 Mr. Bruce, one thing that I guess stood
3 out to me on these two cases were these wells are
4 drilled, which is fine. I guess the part that stood
5 out to me is they appear to be producing also, which I
6 believe might present an issue.

7 Mr. Brancard, are we allowed to produce
8 before a compulsory pooling order is issued?

9 THE HEARING OFFICER: I don't believe
10 so.

11 MR. GARCIA: Which interestingly, we do
12 not have production reports for these wells producing,
13 but we do have multiple flaring and venting reports
14 with reasons, corrective actions stating we will
15 curtail production or shut-in the well, which leads me
16 to believe these wells are producing.

17 MR. BRUCE: And Mr. Garcia, I can
18 verify that for you. I do not have that information.

19 MR. GARCIA: It seems pretty material.

20 MR. BRUCE: But since the C-102s
21 reflect that -- well, the wells do have API numbers.
22 And so that would probably be an indication.

23 MR. GARCIA: Correct. Because that's
24 the --

25 MR. BRUCE: I will ask my client what

1 is going on, and I will email both of the examiners.

2 MR. GARCIA: Yeah. Well, I will defer
3 to Mr. Brancard on how we want to proceed. But I will
4 note I'm staring at the Bell Lake 218H flaring report,
5 which flared back in February 2022 with comments of,
6 "We will curtail production and shut-in the well as
7 our ongoing efforts with downstream providers to
8 increase reliability of takeaway."

9 MR. BRUCE: Thank you, Mr. Garcia.

10 MR. GARCIA: Mr. Brancard, I will pass
11 to you. That was the only that stood out to me in
12 these cases.

13 THE HEARING OFFICER: Well, that's
14 interesting. Well, maybe they're just, you know, not
15 producing anything. They're just flaring.

16 MR. GARCIA: Yeah. We have the
17 production reports that I see.

18 THE HEARING OFFICER: All right. Yes.
19 Well, the thing that stuck out for me was the 480-acre
20 unit size here. I thought this --

21 MR. BRUCE: Yeah. Mr. --

22 THE HEARING OFFICER: -- was a typo,
23 Mr. Bruce, but you explained that it's not.

24 MR. BRUCE: For once, I was correct.
25 Yeah. But I can't remember exactly when, but several

1 years ago, Kaiser-Francis came in and got special pool
2 rules for both the South Bell Lake unit and the North
3 Bell Lake unit. It's actually called the Bell Lake
4 North Block and Bell Lake South Block.

5 Because their development plan is the
6 east -- the north block and the east block each
7 consist of nine sections of land formed in a square.
8 And so their development plan was to drill all mile
9 and a half laterals right across the middle of each,
10 the north unit and the south unit, minimize surface
11 disturbance and concentrate facilities, et cetera.

12 So they came in, and the OCD did grant
13 the orders. There's two orders on the north unit and
14 two orders on the south unit fixing 480-acre spacing,
15 well spacing. And they are drilling multiple wells
16 per spacing unit. And some of them are what would
17 normally be considered proximity tract wells. But
18 that's not necessary to ask for here.

19 THE HEARING OFFICER: Correct. So this
20 sound like this was sort of pre-horizontal well
21 revision, that unit, this creation of this pool? I'm
22 guessing because --

23 MR. BRUCE: I --

24 THE HEARING OFFICER: -- I mean, you
25 know, otherwise, you can create a standard horizontal

1 spacing unit with 480 acres after the horizontal well
2 rule was passed. But before, you would have had to
3 come in and ask for a non-standard unit.

4 MR. BRUCE: You're testing my memory
5 banks here.

6 THE HEARING OFFICER: Yeah. I'm just
7 sort of hypothesizing, you know, why Kaiser-Francis
8 would have asked for it, and why we would have agreed
9 to it. But I think, you know, because otherwise
10 everything would have been nonstandard back a few
11 years ago for the development --

12 MR. BRUCE: Yeah.

13 THE HEARING OFFICER: -- of horizontal
14 well rules.

15 MR. BRUCE: Well, there was a couple of
16 factors. Because the land is unitized, there are a
17 few uncommitted tracts, such as MRC Permian's
18 interest. But overall, the interest ownership in most
19 of these well tracts is quite uniform. It was just
20 really the ease of operations was the main thing.

21 And because they have drilled, they do
22 drill more than two wells oftentimes in a Bone Spring
23 or a Wolfcamp well unit, which would make it a
24 proximity tract well. It was easier to do it this way
25 with their drilling plan because they didn't always

1 necessarily wouldn't be drilling the proximity tracts
2 well first.

3 And we actually -- this was when Mr.
4 Capmak [ph] heard these cases, and he originally set
5 -- the normal plan is to drill three wells in each
6 tract in each formation. And he originally required
7 in his order that the two standard location wells be
8 drilled first and then, the proximity well be drilled
9 last.

10 Or it might have been vice versa. But
11 their development plan was such as to line up, get all
12 their surface locations ready. And they basically had
13 a couple of rigs out there just constantly moving
14 across the well units and drilling.

15 And it was cheaper that they could
16 drill the two -- what they have been doing is say,
17 drilling a well, looking at the C-102, they would
18 drill a standard location well in the west half
19 portion. Then, move the drilling rig over slightly,
20 drill a proximity tract well.

21 And then drill the well at a standard
22 location in the eastern portion of the well unit. And
23 that was their development plan. And they've stuck
24 with that for the most part. They've drilled -- I
25 don't know. They've drilled thousands if not, well,

1 more than 100 wells out here on these drilling lands
2 in both units.

3 THE HEARING OFFICER: Thank you for
4 that information. That's helpful. Give some clarity
5 to this.

6 Mr. Garcia, I would propose that we
7 continue this case to the next docket just to get some
8 clarification on the status of the wells. Would that
9 be workable for you?

10 MR. GARCIA: Yeah. That works for me.
11 I'm just unsure of the whole production before
12 compulsory pooling order. That's why I deferred to
13 you because I believe you may have more experience in
14 that than I do.

15 THE HEARING OFFICER: Well, we're kind
16 of reaching into other people's areas here within our
17 staff, so we may not need to reach out to the folks to
18 find out what's going on.

19 And that will give you, Mr. Bruce, some
20 time to contact your client. And if they need to file
21 some reports late or correct things with the division,
22 that would be helpful.

23 MR. BRUCE: Understood, Mr. Examiner.

24 THE HEARING OFFICER: So with that, in
25 Cases 23211, the exhibits will be admitted into the

1 record. This case will be continued to December 15th
2 for clarification on the status of the wells.

3 (Exhibits 1 through 5 were received
4 into evidence.)

5 MR. BRUCE: Thank you, Mr. Examiner.

6 THE HEARING OFFICER: Thank you.

7 All right. We are about to hit sort of
8 a little more complicated case here, so we will want
9 to take a break. But first, I will check back with if
10 there's anybody here on Case 23194, Silverback
11 Operating?

12 Mr. Holliday?

13 MR. HOLLIDAY: Yes. Good morning. Ben
14 Holliday for Silverback Operating II. I've conferred
15 with Mr. Beck, and I believe we've removed the
16 objections and will be able to proceed by affidavit in
17 this matter.

18 THE HEARING OFFICER: Thank you.

19 Mr. Beck, you're the one who can remove
20 the objection.

21 MR. BECK: Yeah. I think that's right,
22 Mr. Hearing Examiner. Mr. Holliday and I have
23 conferred, and I think our clients reached an
24 agreement that will allow us to withdraw the objection
25 to proceed by affidavit today.

1 THE HEARING OFFICER: All right.

2 Let me just check with the court
3 reporter. How are you doing?

4 THE REPORTER: Still here.

5 THE HEARING OFFICER: You're doing
6 fine, Dana?

7 THE REPORTER: Yes.

8 THE HEARING OFFICER: Okay. Well,
9 then, let's just quickly do this case, and then we'll
10 take a break before we hear Item number 87. Thank
11 you.

12 Mr. Holliday, you may proceed on behalf
13 of Silverback.

14 MR. HOLLIDAY: Perfect. Thank you.
15 Good morning, Mr. Hearing Examiner, Mr. Technical
16 Advisor.

17 My name's Ben Holliday. I'm with the
18 San Antonio office of the Holliday Energy Law Group,
19 and I'm appearing in this matter on behalf of
20 Silverback Operating II.

21 So in this case, Silverback seeks to
22 pool all uncommitted interests within a standard 320-
23 acre standard horizontal spacing unit in the Atoka
24 Glorieta Yeso formation, which is pool code number
25 3250.

1 The proposed spacing unit is comprised
2 of the south half of Section 16, Township 18, South
3 Range 26 East in Eddy County. And this is for the
4 Netherland State Com 102H and 103H wells. So our
5 package includes the compulsory pooling checklist,
6 along with our application and the notice for the
7 docket.

8 Silverback's witnesses in this matter
9 are landman Larry Kosho [ph] and geologist Nate
10 Gilbertson, both of whom were qualified as experts by
11 the division earlier this morning.

12 So if we go to Exhibit A. So Exhibit A
13 is the self-affirmed statement of Mr. Kosho [ph], the
14 landman in this matter. He provides a number of
15 exhibits, being Exhibit A1 through A9. So Exhibit A1
16 is Mr. Kosho's [ph] resume. We weren't sure which of
17 these were going to get called first so went ahead and
18 put the resumes in.

19 (Exhibit A1 was marked for
20 identification.)

21 Exhibit A2 is a copy of the stamped
22 application and notice that was provided in this
23 matter to correspond with Mr. Kosho's [ph] affidavit,
24 so you guys didn't have to flip back to our earlier
25 tabs.

1 (Exhibit A2 was marked for
2 identification.)

3 Exhibit A3 is a general location map
4 depicting the location of the proposed Netherland
5 State Com spacing unit.

6 (Exhibit A3 was marked for
7 identification.)

8 Exhibit A4 contains the C-102s for the
9 two wells at issue. And I believe these unlike the
10 Boydex [ph] Com depict the proper 320.

11 (Exhibit A4 was marked for
12 identification.)

13 So our Exhibit 5A or Mr. Kosho's [ph]
14 Exhibit 5A is a plat of the proposed spacing unit,
15 along with our tract numbers.

16 (Exhibit A5 was marked for
17 identification.)

18 So Exhibit 5B contains ownership
19 information for each of these tracts both on a tract
20 basis as well as on a consolidated unit basis. One
21 thing we are going to need to supplement within the
22 two weeks on our proposed list of parties to be pooled
23 that includes Jalapeno.

24 (Exhibit A5B was marked for
25 identification.)

1 We're going to drop them, and I will
2 update the exhibits when we wrap up today. So Exhibit
3 A5C is a list of our contact information for the
4 parties in this case.

5 (Exhibit A5C was marked for
6 identification.)

7 And Exhibit A6 is our proof of notice
8 to the parties in this matter. There were no
9 unlocatable parties in this matter.

10 (Exhibit A6 was marked for
11 identification.)

12 But out of an abundance of caution, we
13 caused a notice by publication to be ran in the
14 Carlsbad Argus more than ten business days before this
15 hearing. And Exhibit A7 includes that proof of notice
16 by publication.

17 (Exhibit A7 was marked for
18 identification.)

19 Exhibit A8 is a copy of a sample well
20 proposal letter that was sent to the parties in this
21 matter. This includes a copy of our AFE that was
22 attached to each of these proposal letters.

23 (Exhibit A8 was marked for
24 identification.)

25 And finally for Mr. Kosho [ph], Exhibit

1 A9 is a chronology of contacts that detail
2 Silverback's efforts to communicate with the parties
3 in this matter.

4 (Exhibit A9 was marked for
5 identification.)

6 Moving to Exhibit B, this is the
7 self-affirmed statement of the geologist Mr.
8 Gilbertson who provides Exhibits B1 through B5. As
9 detailed in Mr. Gilbertson's statements, he did not
10 observe any faulting, pinch-outs, or other geologic
11 impediments to horizontal development in the proposed
12 spacing unit.

13 So again, B1 is Mr. Gilbertson's
14 resume. Exhibit B2 is Mr. Gilbertson's base map
15 identifying the Netherland State Com or proposed
16 Netherland State Com horizontal spacing unit. And it
17 depicts the trajectory of the two proposed wells at
18 this time.

19 (Exhibits B1 and B2 were marked for
20 identification.)

21 Exhibit B3 is a structure map depicting
22 the targeted Yeso formation. Exhibit B4 is a
23 stratigraphic cross-section that corresponds with the
24 A to A prime that you can see from the prior exhibit.
25 On that exhibit, Mr. Gilbertson provides that the

1 general location of the Yeso interval again that we
2 were targeting with these wells.

3 (Exhibits B3 and B4 were marked for
4 identification.)

5 So Exhibit B5 is a gun bale diagram of
6 the proposed wells and again depicts the location of
7 the proposed wells within the targeted formation.

8 (Exhibit B5 was marked for
9 identification.)

10 Finally, Exhibit C is my self-affirmed
11 statement of notice providing that notice was timely
12 provided to the parties in this matter. Exhibit C1,
13 you can see that I put a table of the contacts and our
14 mailing receipts.

15 (Exhibits C and C1 were marked for
16 identification.)

17 Like our Boydex [ph] Com conversation
18 earlier, I recognize all the need to supplement this
19 notice to provide a sample notice letter that was sent
20 with the parties, and I'll do that within the next
21 couple weeks. Probably do that today.

22 Again, there were no unlocatable
23 parties in this matter, but out of an abundance of
24 caution, I caused notice by publication to be run in
25 the Carlsbad Argus. That notice by publication was

1 run more than ten days in advance of this hearing, and
2 that's reflected in Exhibit C2.

3 (Exhibit C2 was marked for
4 identification.)

5 So with all that, Mr. Brancard, Mr.
6 Garcia, we ask that these exhibits be admitted into
7 evidence and that the division take this matter under
8 advisement.

9 THE HEARING OFFICER: Thank you.

10 Okay. So are there any questions from
11 other parties to this matter, Case 23194?

12 MR. RANKIN: No questions on behalf of
13 MRC.

14 THE HEARING OFFICER: Thank you.

15 MR. BECK: No questions from Jalapeno
16 or Yates.

17 THE HEARING OFFICER: Thank you.

18 Let's go to Mr. Garcia.

19 MR. GARCIA: I have no questions.

20 THE HEARING OFFICER: Well. Okay.

21 That leaves it up to me then. So Mr. Garcia, you can
22 help me with this.

23 In the checklist, there is a reference
24 to a depth severance, but I don't believe there is a
25 depth severance. Is that correct, Mr. Holliday?

1 MR. HOLLIDAY: I am not aware of a
2 depth severance, certainly not within the targeted
3 formation. That may have been what that was
4 attempting to reflect, was that there --

5 THE HEARING OFFICER: It's literally to
6 a formation?

7 MR. HOLLIDAY: Yes. And so I can
8 certainly provide an updated checklist along with my
9 notice letter. But I'm not aware of any depth
10 severances, certainly not within the targeted
11 formation.

12 THE HEARING OFFICER: Okay. Okay. So
13 if you could revise the checklist just to say no.

14 MR. HOLLIDAY: Okay.

15 THE HEARING OFFICER: And then just you
16 know, I'm slow at these things. And I look at these
17 lists of interested parties. And I think I understand
18 what you're doing here. Don't worry. This happens a
19 lot in these cases. In your Exhibit A5 lists working
20 interest owners. And then, you have a chart.

21 And you have parties highlighted in
22 yellow. I'm guessing that's your uncommitted interest
23 owners?

24 MR. HOLLIDAY: Yes. Mr. Kosho's [ph]
25 affidavit states that the uncommitted parties in

1 highlighted yellow.

2 THE HEARING OFFICER: Okay.

3 MR. HOLLIDAY: Going on a go forward
4 basis, I will reiterate that on this particular
5 exhibit.

6 THE HEARING OFFICER: Don't worry.
7 People do this all the time. And the last page of
8 that exhibit, it says compulsory pooling respondent
9 list.

10 MR. HOLLIDAY: Yes. I believe that is
11 Exhibit what we called A5C, which is the names and
12 contact addresses for the parties to be pooled in this
13 matter. Well, all interested owners with the
14 uncommitted parties highlighted in yellow.

15 THE HEARING OFFICER: I should check my
16 book of oil and gas acronyms, but what's LHO?

17 MR. HOLLIDAY: I don't know what LHO
18 is, but these parties depicted here are all working
19 interest owners.

20 THE HEARING OFFICER: Okay. Yeah.
21 Which is verified in the prior part. And again,
22 what's in yellow is the uncommitted owners. Correct?

23 MR. HOLLIDAY: Yes.

24 THE HEARING OFFICER: Okay.

25 MR. HOLLIDAY: Of whom, yeah, Jalapeno

1 will be removed.

2 THE HEARING OFFICER: Okay. All right.
3 Mr. Holliday, Mr. Beck, do you want that clarified in
4 the record that Jalapeno is being removed?

5 MR. HOLLIDAY: Yes. I would like to
6 clarify on the record just to go on record and state
7 that we do not seek to pool Jalapeno Corporation in
8 this matter.

9 THE HEARING OFFICER: I guess what I'm
10 asking is, do you want to submit revised exhibits
11 that --

12 MR. HOLLIDAY: Oh. Yes.

13 THE HEARING OFFICER: Get rid of the
14 highlighted --

15 MR. HOLLIDAY: Yes. Yes. We will.

16 THE HEARING OFFICER: Okay. All right.
17 So then, what we're looking at, then, are just to be
18 clear, what is to be clarified, a revised checklist
19 limiting the depth severance, a revised list of
20 interest owners eliminating Jalapeno as an uncommitted
21 interest owner.

22 And then, a copy of an example of the
23 notice letter to go along with your affidavit there.

24 MR. HOLLIDAY: Yes, sir.

25 THE HEARING OFFICER: And just to be

1 clear, what we try to do with parties in these
2 proceedings, Mr. Holliday, when they submit into our
3 case file revised exhibits is some sort of cover
4 letter or document from you explaining what you're
5 submitting.

6 MR. HOLLIDAY: Yes, sir.

7 THE HEARING OFFICER: Because
8 otherwise, people just sort of throw exhibits into our
9 case file, and we end up scratching our head wondering
10 what it is.

11 MR. HOLLIDAY: Got you. Understood.
12 Yes, sir.

13 THE HEARING OFFICER: All right.

14 With that, any other questions or
15 concerns on Case 23194?

16 Hearing none, all the exhibits will be
17 admitted into the record. The case will be taken
18 under advisement. The record left open for two weeks
19 to provide the information that has been requested.
20 Thank you.

21 (Exhibits A through C were received
22 into evidence.)

23 MR. HOLLIDAY: Yep. Thank you.

24 THE HEARING OFFICER: With that, we're
25 at the entertainment portion of our hearing today,

1 Case number 87, 23174. And I believe, why don't we
2 take about a ten-minute break and then get this going.
3 I guess that would be about 11:05.

4 And Mr. Rankin, is that you appearing
5 on behalf of Chevron?

6 MR. RANKIN: Yes, Mr. Examiner. And
7 we'll be ready in ten minutes.

8 THE HEARING OFFICER: Thank you.
9 11:05. Thank you.

10 (Off the record.)

11 THE HEARING OFFICER: So with that, I
12 will call item number 87 on today's worksheet. This
13 is Case 23174, Chevron USA Inc.

14 MR. RANKIN: Good morning, Mr.
15 Examiner, may it please the division, Adam Rankin
16 appearing on behalf of the applicant in this case,
17 Chevron USA Inc. And we have five witnesses today
18 that will be presenting, provide testimony.

19 And if it please the division, I'd like
20 to make just a short introductory remarks before the
21 witnesses are sworn in and we can proceed.

22 THE HEARING OFFICER: Well, maybe.

23 Okay. So with us today, our technical
24 examiner Mr. Garcia, who was here earlier today. We
25 have Mr. Dean McClure, Mr. Dylan Rose-Coss joining us.

1 Are there any other interested person
2 or parties for Case 23174?

3 Hearing none, Mr. Rankin, you may
4 proceed on behalf of Chevron.

5 MR. RANKIN: Thank you, Mr. Examiner.
6 In this case, Chevron seeks a order authorizing it to
7 expand and make permanent a closed loop gas capture
8 injection project within the Avalon Shale within the
9 Bone Spring formation. The project was previously
10 approved as a pilot project under Case 21020 and Order
11 R2136, which I'll refer to as the pilot project.

12 The project was conducted during a
13 seven-day injection period back in May 2021. Chevron
14 then repaired a summary report that was presented to
15 the division in October of 2021. Having evaluated the
16 pilot project and the injections, Chevron is now
17 requesting that the division expand that project to
18 make it nearly a two-section project area.

19 And that would include a total of 13
20 wells for potential injection. And in order to
21 perform temporary injection and intermittent injection
22 periodically during times of midstream upsets or gas
23 gathering shut-ins.

24 Mr. Examiner and visiting examiners,
25 the temporary injection of produced gas is an

1 important and prominent aspect of the commission's
2 strategy to reduce waste and limit venting and flaring
3 natural gas.

4 Reinjection accrues gas as a strategy
5 that is expressly incorporated in several places
6 within the commission's new venting and flaring rule
7 as a method that should be available to operators to
8 reduce waste and to avoid venting and flaring,
9 especially during upsets when midstream pipelines and
10 gas gathering systems are down.

11 To date, I believe three different
12 operators have been approved by the division to
13 operate limited projects. Those projects are in
14 various stages of completion. Chevron's pilot project
15 now has been completed successfully over seven days.
16 And the report has been submitted to the division.

17 Based on those results, Chevron is now
18 asking the division to authorize the company to scale
19 its project up to a slightly larger size and to
20 include 13 wells within the nearly two-section area
21 that I just referenced.

22 One thing I want to note before we
23 proceed is that in the application Chevron did
24 identify full two sections the Section 18 and 19
25 within the identified township. In fact, they intend

1 to exclude the east half east half of Section 18,
2 which would carve out some fee acreage, leaving the
3 project area entirely on federal acreage.

4 So I made that point in the preliminary
5 statement, and it should be understood that Chevron is
6 excluding that east half east half of Section 18 from
7 the project area.

8 So as far as we're aware, Chevron is
9 breaking new ground here. They'll be the first
10 operator seeking permanent authority to temporarily or
11 intermittently inject gas during upsets. I believe
12 it's an important thing for the division to consider
13 and approve in light of the commission's goals of
14 reducing waste and reducing venting and flaring.

15 So we believe the evidence today
16 supports approval as the application has been
17 proposed. And doing so will provide Chevron and other
18 companies a significant important pathway to achieve
19 the commission's gas capture requirements under the
20 venting and flaring rules and to avoid waste going
21 forward.

22 With that, Mr. Examiner, I would ask
23 that the application at the close of the case be
24 approved. And we have five witnesses to present today
25 and are ready to be sworn in.

1 THE HEARING OFFICER: Thank you. Just
2 as a preliminary matter in looking at your
3 application, Mr. Rankin, you're asking for permanent
4 injection authority. And I think earlier you
5 mentioned 13 wells. Which class utilized C wells
6 would these be permitted under?

7 MR. RANKIN: Mr. Examiner, this is I
8 guess -- my understanding is that because these are
9 not disposal that it would not fit within Class 2, the
10 Class 2 definition of a UIC authority. And so the
11 authority that the division has to approve these types
12 of projects is actually outside of the UIC
13 designation.

14 And so it would fall within the oil and
15 gas acts solely as I understand for the division to
16 manage disposition and handling of produced gas and to
17 avoid waste.

18 THE HEARING OFFICER: Well, the problem
19 is that under the federal Safe Drinking Water Act
20 regulations it says that injection cannot be
21 authorized except by permit under federal Safe
22 Drinking Water Act regulations.

23 So I think that's something for Chevron
24 to ponder and certainly something for our agency to
25 ponder here as to what really our authority is under

1 what type of wells these would be. It's not that I
2 don't think there is authority. I'm just trying to
3 find which box we should be placing this in.

4 So I have alerted, you know, our
5 technical staff to this issue. And so I'm alerting
6 you to this issue. You know, it doesn't seem to quite
7 fit within a Class 2 scenario. The state obviously is
8 authorized to issue other classes of UIC wells
9 including a Class 5, which is kind of a catch-all.

10 But we would then be operating under
11 the water quality act. So just to make that clear
12 that we need at some point to clarify this issue as to
13 what explicitly the authority of the division is to do
14 that. So anyway, with that good news, we may have all
15 your witnesses identify themselves and get sworn in
16 here.

17 MR. RANKIN: Thank you, Mr. Examiner.
18 Appearing on behalf of Chevron today, we have five
19 witnesses. We have Ms. Christine DeFriend, who was
20 the petroleum engineer. We have Ms. Alexandra
21 Fleming, who is a petroleum geologist. We have a Mr.
22 Stefan Lattimer, who's a production engineer.

23 We have Dr. Yula Tang, who is a expert
24 witness in reservoir and petroleum engineering. And
25 finally and last but not least, we have Mr. Irvin

1 Gutierrez, who is a petroleum landman.

2 THE HEARING OFFICER: All right.

3 Does our court reporter want to swear
4 them in, or I can swear them in?

5 All right. Everybody, raise your right
6 hands.

7 All right. I heard words from all five
8 witnesses.

9 So now, Mr. Rankin, please proceed with
10 your case.

11 WHEREUPON,

12 CHRISTINE SLIVA DEFRIEND

13 called as a witness, and having been first duly sworn
14 to tell the truth, the whole truth, and nothing but
15 the truth, was examined and testified as follows:

16 MR. RANKIN: Thank you very much. I
17 guess at this point, I can ask all the other witnesses
18 to find a comfortable seat. And we'll proceed with
19 out first witness. I call Ms. Christine DeFriend to
20 be the first witness for Chevron.

21 DIRECT EXAMINATION

22 BY MR. RANKIN:

23 Q Ms. DeFriend, will you please state your
24 full name and spell it for the benefit of the court
25 reporter?

1 A Yes. Christine -- excuse me. Christine
2 Sliva DeFriend, C-H-R-I-S-T-I-N-E. Middle name Sliva,
3 S-L-I-V-A. Last name DeFriend, D-E-F-R-I-E-N-D.

4 Q And by whom are you employed and in what
5 capacity?

6 A I'm employed by Chevron as a petroleum
7 engineer currently as a reservoir management advisor
8 for one of our operations teams.

9 Q Have you previously testified before the
10 division?

11 A I have, in September of 2018.

12 Q And have your credentials as an expert
13 witness in petroleum engineering been accepted and
14 made a matter of record before the division?

15 A Yes.

16 Q And you're familiar with the application
17 that was filed in this case?

18 A I am.

19 MR. RANKIN: At this time, we ask that
20 the division retender Ms. DeFriend as an expert
21 witness in petroleum engineering.

22 THE HEARING OFFICER: Hearing no
23 objections, so accepted.

24 BY MR. RANKIN:

25 Q Ms. DeFriend, on Tuesday, Chevron filed a

1 set of exhibits for this case in support of its
2 application. And Exhibit 1 is marked as -- sorry, the
3 application that was filed was marked as Exhibit 1.
4 Is that correct?

5 (Exhibit 1 was marked for
6 identification.)

7 A Yes.

8 Q Will you explain at a high level what it is
9 that Chevron is seeking to do under this application?

10 A The division authorized Chevron to conduct a
11 closed loop gas injection pilot project, meaning
12 intermittent short-term injection of produced gas
13 during midstream upset events. So having completed
14 the pilot, we submitted our summary report on it.

15 We are now seeking to expand that injection
16 project to include additional wells in a larger area
17 and also to make the project permanent for periodic
18 intermittent injection.

19 Q And is the order that the division issued
20 approving the pilot project, is that attached as
21 Hearing Exhibit 1?

22 A Yes. That is Order number R21336.

23 Q Oh. Sorry. I misstated that. I guess I
24 meant to say it's attached to the application as
25 Exhibit 1 to the application. Is that correct?

1 A Yes.

2 Q And what did that pilot project order do?
3 What did it authorize Chevron to do?

4 A The pilot authorized Chevron to conduct the
5 gas capture injection pilot involving temporary
6 intermittent injection of produced gas into the Avalon
7 Shale interval within the Bone Spring formation in two
8 wells. And those are listed in there. But I have the
9 API numbers 3002542662 and the second well,
10 3002542797.

11 Q And what was the project area that was
12 approved under that order?

13 A The project area was about 320 acres, more
14 or less, within just the west half west half and west
15 half east half of Section 19, Township 26 South, Range
16 33 East, Lee County, New Mexico.

17 Q And was there a time limit imposed on the
18 duration of the order for Chevron?

19 A Yes. There was one year time limit. But
20 because of the pandemic, Chevron requested a one-year
21 extension. So the pilot project timeline ended up
22 being two years.

23 Q And then, Chevron did complete and conduct
24 that pilot project within the last year. Is that
25 correct?

1 A Correct.

2 Q And tell us what was the issue or the
3 problem that the pilot project was trying to figure
4 out a way to resolve or to address?

5 A Sure. Occasionally, there are midstream
6 upsets or interruptions that we can't anticipate. And
7 they temporarily shut down gas takeaway from our
8 wells. Sometimes we can anticipate them. But this
9 problem is really for the ones that we can't
10 anticipate.

11 So during these upset events, we have, like
12 I just said, we have no advance notice. So we can't
13 plan for how we're going to deal with this. And that
14 results in us either having to shut-in wells because
15 there's no takeaway capacity or flare. Both options
16 result in the potential for waste. And flaring
17 results in both waste and emissions.

18 So the pilot project was looking at whether
19 this potential solution, intermittent short-term
20 injection of produced gas for hours to days, is a
21 viable way to reduce the influence of this third-party
22 -- these third-party interruptions and the resulting
23 downtime while allowing wells to continue to produce.

24 Q And at the completion of this pilot project,
25 that problem has not resolved itself. Correct? That

1 problem remains in place today?

2 A Correct. Midstream upsets are still a
3 problem, which is why we're wanting to expand the
4 pilot and make it permanent into a larger area, so we
5 have a long-term solution to these upsets.

6 Q Going back to the pilot project, tell us
7 what were the goals or what was Chevron hoping to
8 demonstrate by conducting this pilot project?

9 A We wanted to be able to see or determine
10 whether intermittent short-term injection of produced
11 gas is a viable method to determine what is the
12 injection capacity for each project well, what is the
13 achievable injection rate for each project well, what
14 the recovery period is for that reinjected gas.

15 And we also wanted to see whether closes gas
16 injections can effectively reduce the frequency of
17 well shutdowns and associated lost production due to
18 these third-party takeaway upsets.

19 Q Are there additional benefits that the
20 company may realize or the industry may realize by
21 being permitted to periodically, intermittently inject
22 this gas during these temporary upset conditions?

23 A Yes. It can improve Chevron's gas capture
24 rate to reduce greenhouse gas emissions due to
25 flaring. It can maximize our economic development and

1 minimize waste of natural resources. And it helps us
2 avoid shutting in wells during these third-party
3 outages.

4 Q Ms. DeFriend, I'm going to share on my
5 screen what's marked as Chevron Hearing Exhibit number
6 2. If you would let me know when you're able to see
7 my screen. Can you see that on your screen there?

8 (Exhibit 2 was marked for
9 identification.)

10 A Yes.

11 Q Will you explain for the examiners what this
12 Exhibit 2 reflects and how it relates to the benefits
13 you just described?

14 A Yes. I'll make it larger. All right.
15 Exhibit 2 is showing you effectively the size of the
16 prize -- sorry. You don't have to make yours larger.
17 I made it larger on my end. Sorry about that.

18 Q It's going really slowly now that I did
19 that.

20 A Oh, no problem. I'll wait a moment until it
21 comes back up.

22 Q It seems to have frozen. Oh. There it
23 goes. Okay. Sorry. Here it is.

24 A So this exhibit is showing effectively the
25 size of the prize, what we're targeting with this

1 potential solution. You see a plot showing production
2 from this are from Salado Draw in the dark gray bar --
3 bars is representing the volume.

4 And then the orange bars is that offset lost
5 production opportunity, which is what LPO stands for,
6 due to these third-party takeaway upsets. So this gas
7 reinjection eliminates the third party LPO or lost
8 production opportunity by allowing other wells to
9 continue to produce, meaning we don't have to shut
10 them in.

11 They can continue producing. We can
12 reinject their produced gas into these produced
13 temporary reinjectors and continue selling oil from
14 these other producers.

15 Q Great. Now, the division's order on the
16 pilot project, did it require Chevron to submit a
17 summary report?

18 A Yes. Chevron submitted a project summary in
19 October of 2021.

20 Q And when was the pilot project actually
21 conducted? When did Chevron run the pilot project
22 testing the injection period?

23 A The pilot project started with one of the
24 Salado draw wells API 3002542662 on May 14, 2021, for
25 a period of seven days ending May 21, 2021.

1 Q Just so the division understands, that pilot
2 project was a planned event. It was not due to a
3 midstream upset or a gathering shut-in. It was simply
4 Chevron planning to do this and coordinating to inject
5 the gas into that well. Is that right?

6 A Correct.

7 Q And you chose seven days. But the model
8 that it was based on actually was evaluated a period
9 of 14 days. Is that right?

10 A That's correct. But most upsets on the plat
11 I just showed, if -- if you actually look at the
12 duration, they're a few hours to a few days. We very
13 rarely see upsets lasting even seven to 14 days.

14 Q And the maximum upset that Chevron has
15 experienced in the Permian Basin in this area is 14
16 days. Is that right?

17 A In this area of the Permian Basin, yes.

18 Q And that's why 14 days was used to model the
19 pilot project?

20 A Correct.

21 Q Okay. Now, all the details on the results
22 were in that report that was prepared and submitted to
23 the division. Is that right?

24 A Yes.

25 Q And you also will have a reservoir engineer

1 available today who will be presenting testimony and
2 evidence on the results of that pilot project?

3 A Yes. Dr. Yula Tang.

4 Q Okay. And Chevron met with the division to
5 go over that report?

6 A Yes. We shared the pilot data and our
7 analysis virtually in November of 2021, also letting
8 the division know at that time that we would continue
9 evaluating and be pursuing an expansion, which is what
10 we're here today for.

11 Q Okay. Did Chevron conduct a similar pilot
12 project in Texas?

13 A Yes. We did. We conducted two 24-hour
14 duration pilots -- again, not part of an upset but a
15 designed pilot -- in two wells in Culberson County in
16 May and June of 2022 to similar results as the Salado
17 pilot.

18 Q And so based on the pilot projects you ran
19 in Texas and then the one here in New Mexico, Chevron
20 is of the opinion that this is a viable project to
21 pursue on a permanent basis?

22 A Correct. Intermittent, short-term injection
23 of produced gas is viable. Yes.

24 Q Okay. And that's why you're here today, to
25 make it permanent. Will you explain, you know,

1 exactly what it is that you're seeking to do here?
2 How is proposing to scale up this project here in New
3 Mexico? Tell us what the proposed project area is
4 going to be, and give us just an overview.

5 A Sure. So instead of the pilot, about 320
6 acres in the west half west half and west half east
7 half of Section 19, we are seeking to create an
8 1120-acre project area comprising the west half and
9 west half east half of Section 18 and all of Section
10 19 within Township 26 South, Range 33 East.

11 So we are wanting to make the authorization
12 to conduct intermittent, short-term injection within
13 the project area permanent.

14 Q Great. I'm going to share my screen again.
15 And let me know when you're able to see it. I have to
16 hit share. There we go.

17 A Yes. I can see it.

18 Q Great. Is this an exhibit that depicts the
19 project area?

20 (Exhibit 3 was marked for
21 identification.)

22 A Yes.

23 Q Will you review for the examiners exactly
24 what this exhibit shows and what constitutes the
25 project area here?

1 A Yes. So you'll see outlined in black with
2 the well names on top of the well stick the proposed
3 13 temporary gas reinjectors. You'll also see the
4 color coding defining where the different BLM leases
5 are and the five private leases in the light aqua. We
6 have this in the east half east half of Section 18.

7 And that is why we've excluded it from our
8 candidate wells so that all of our proposed candidates
9 are on federal leases only. And those are in the
10 darker blue, the tan, the pink, and the maroon-colored
11 boxes. And we have the BLM lease names in the key in
12 the upper right.

13 Q So while the application did identify both
14 full sections as the private area, Chevron is
15 excluding that east half east half of Section 18,
16 permanent proposed project area. Correct?

17 A Correct.

18 Q And you have a production engineer who will
19 discuss the facilities in more detail at a later time.
20 Right?

21 A Correct.

22 Q Okay. Great. Thank you. Now, so instead
23 of having two wells in the project area, you're
24 looking to have 13 wells available for injection.
25 Correct?

1 A Yes. We're asking for a total of 13 to be
2 included in the expanded project.

3 Q And Exhibit 4, does that contain a copy of
4 all the C-102s for each of the 13 wells that Chevron
5 proposes to be included within the project area and
6 used for temporary injection?

7 (Exhibit 4 was marked for
8 identification.)

9 A Yes.

10 Q And is the same target formation, the same
11 interval here, the Avalon Shale same as for the pilot
12 project?

13 A Yes. It's the Avalon Shale within the Bone
14 Spring formation. And I have the Bone Spring pool
15 code 97955.

16 Q And approximately what depths will injection
17 be occurring within these 13 wells?

18 A The actual depth of the horizontal wells
19 will vary, but the range is between about ninety
20 ninety, 9,090 feet, to 9258, all within the Avalon
21 Shale interval of the Bone Spring formation.

22 Q Now, since Chevron initially present its
23 application in support of the pilot project and since
24 the division approved under that order Chevron's
25 authority to conduct the pilot project, has the

1 division issued a new set of guidelines for so-called
2 closed loop gas capture injection pilot projects? Is
3 that your understanding?

4 A Yes. We are aware the division has issued a
5 new set of guidelines for submitting pilot project
6 applications.

7 Q Okay. But here, Chevron, you're not asking
8 for a pilot project. You've already conducted that.
9 You're asking now for that pilot project to be made
10 permanent. Right?

11 A Correct. We believe the data collected on
12 the pilot project justifies expanding this and making
13 short-term intermittent gas injection permanent.

14 Q But --

15 A But we also understand that the division may
16 want to see some of our information and analyses since
17 our project was reviewed and approved before these
18 guidelines were created.

19 Q All right. So you put together some of the
20 information that you put together for this hearing is
21 based on the guidelines that the division has set
22 forth for these types of pilot projects. Is that
23 right?

24 A Yes.

25 Q So for witnesses today, you've got yourself.

1 You are a petroleum engineer. And you're also serving
2 as the project coordinator. Is that right?

3 A That's correct.

4 Q And then, you'll have a geologist who will
5 review the target formation and the geology?

6 A Yes.

7 Q And then --

8 A I also have -- do you want me to go through
9 the others?

10 Q Yeah.

11 A Okay. You already mentioned the geologist.
12 I also have a production engineer who will go over the
13 well construction information for the wells proposed
14 for reinjection. He'll also review the engineering
15 calculations, confirming the well materials can
16 sustain the maximum operating pressures for this
17 expanded project proposal.

18 And he will review the analysis of the wells
19 in the expanded AOR. I also have a reservoir -- a
20 senior reservoir engineer who will review the initial
21 models used to evaluate the reservoir capacity and
22 response to this pilot injection and review the
23 results of the pilot.

24 Q Great. And now, as part of your overview
25 here, let's talk real quickly about the source wells

1 that will be providing the produced gas that is
2 proposed to be injected into these wells. You'll be
3 talking about this at a high level, but we have a
4 production engineer.

5 He'll be able to discuss this in more
6 detail. Right?

7 A Yes.

8 Q Hearing Exhibit 5 -- I'm not going to show
9 it here -- but is that a copy of the list of wells
10 identified that will be producing the source gas for
11 injection in this project?

12 (Exhibit 5 was marked for
13 identification.)

14 A Yes. Excuse me. That's a list of all the
15 wells that could possibly provide gas for injection
16 during an upset event. Each of Chevron's proposed
17 reinjection wells are operated by Chevron. And
18 Chevron holds 100 percent of the working interest in
19 these wells.

20 Q Great. And it's the same source of gas.
21 These are for the same wells and the same source of
22 gas that was used and injected for the pilot project.
23 Correct?

24 A That's correct.

25 Q Okay. Now, so there's already been an

1 analysis as part of the pilot project to confirm that
2 the gas proposed for injection is compatible with the
3 formation gas that would be receiving the injection?

4 A That's correct. And we understand that
5 there is no compatibility issue. But my petroleum
6 engineering colleague and future witness Stefan
7 Lattimer can address that in more detail.

8 Q And just so we also understand going
9 forward, the gas that will be injected from the source
10 wells, it's already been metered, and royalty will
11 already have been paid on that gas before it's
12 injected. Is that correct?

13 A That's correct.

14 Q Okay. And having been metered, you know,
15 like I said, the royalty's already been paid for that
16 gas?

17 A That's right.

18 Q All right. Now, I want to talk a little bit
19 more about the ownership interest within the project
20 area. I'm going to pull back up Exhibit 3 because I
21 think it's a little bit easier to discuss with that
22 exhibit in front of us. Looking at Exhibit 3, will
23 you just review and explain to the examiners what the
24 ownership is within the proposed project area here?

25 A Yes. So looking at Hearing Exhibit 3, which

1 is the proposed project area map, you can see that
2 what we're proposing includes only federal leases. So
3 again, the east half east half of Section 18 is
4 purposefully excluded so the project only includes
5 federal leases.

6 Q And the gas, the source of gas that will be
7 injected is from a larger, broader area. What is the
8 mix or make up of the ownership of the gas that will
9 be injected?

10 A A mix of federal, fee, and state owners.

11 Q Okay. Now, does Chevron have a proposal
12 that it's going to present today on how it proposes to
13 allocate gas that's been injected and then
14 subsequently produced as between the injected gas and
15 the native formation gas following an upset event?

16 A Yes.

17 Q And is that marked as Exhibit 6?

18 (Exhibit 6 was marked for
19 identification.)

20 A Yes.

21 Q Will you review for the examiners how
22 Chevron proposes to allocate production following an
23 injection event?

24 A Sure. So starting at the top, the first
25 bullet, oil production accounting, the remains

1 unchanged and will be based -- and will be paid based
2 off well test rates. The wells that continue
3 producing will be making oil and will have well tests.
4 And those wells, that will be unchanged.

5 So the gas production for producers, again,
6 the accounting method remains unchanged. Royalty
7 owners will receive payment based on the produced gas
8 upstream of gas injection using normal production
9 allocation methods.

10 For these 13 proposed temporary gas
11 reinjectors, this temporary change again lapsing hours
12 to days, so it's not a long duration injection, they
13 are not classified as a sole injector because they
14 will return to production after this upset. So during
15 gas reinjection, they will have no production.

16 After gas reinjection, however, we're
17 keeping owners whole. We're not proposing to pay
18 double royalties. We will utilize mass balance to
19 track gas in and gas out. So once the total volume
20 gas injected or gas in is recovered, we will know
21 additional gas recovered is native reservoir gas
22 production and allocate as such.

23 Q And now, as for the basis for that approach,
24 you have your reservoir engineer will address the
25 basis for taking that first-in, first-out mass balance

1 approach?

2 A Yes. As you'll hear from our reservoir
3 engineer, Dr. Yula Tang, based on the results from our
4 pilot project and the analysis of that, we believe
5 that we will recover 100 percent of the gas with a
6 small margin of error within about five months after
7 resuming production after an injection event.

8 Q Okay. And now, because the native gas, the
9 formation gas within the pilot project is all 100
10 percent federal, has Chevron met with the BLM to
11 review and discuss this proposed allocation method?

12 A Yes. We met with the BLM on November 10th
13 of this year to review the pilot project and its
14 results and to go over Chevron's proposed project and
15 our proposed allocation method for allocating
16 production.

17 Q And did you get any feedback from the BLM
18 based on that meeting?

19 A Yes. Their initial reaction was positive.
20 Currently, their engineering group is reviewing the
21 pilot results again. And their reservoir management
22 group is looking at our proposal for any input. We
23 have not heard back from them to date with any
24 concerns or issues.

25 Q Okay. So in your opinion, then, Ms.

1 DeFriend, will granting Chevron's application, in your
2 opinion, be in the best interest of the prevention of
3 waste and protection of correlative rights, do you
4 think this allocation method will prevent waste and
5 also protect all the owners who have the rights?

6 A Yes. I do.

7 MR. RANKIN: Mr. Examiner, at this
8 time, I would move Chevron Exhibits 1 through 6 into
9 the record and as that they be accepted into the
10 record.

11 THE HEARING OFFICER: Thank you. I
12 don't know if I'm following your exhibits on what was
13 proposed. But.

14 MR. RANKIN: Mr. Examiner, one thing I
15 meant to mention at the outset as sort of a
16 housekeeping matter or proposal, given the nature of
17 this case there's some overlapping, I guess, sort of
18 expertise, we would propose if it's acceptable to the
19 division to present all of the witnesses at the end
20 for questioning so that there's an opportunity for
21 questions to be more fully addressed potentially by
22 each of the witnesses.

23 In other words, rather than -- and we
24 can do both. We could have, you know, questions be
25 addressed by each individual witness but then also

1 present them as a panel at the end if that's something
2 the division would like to do.

3 I think it would be probably helpful in
4 this case given the nature of the project and the
5 overlap of the issues between each of the witnesses.

6 THE HEARING OFFICER: I will defer to
7 the technical examiners as how you would like to
8 conduct questioning.

9 MR. MCCLURE: I was going to say, it
10 may be more convenient to do what Mr. Rankin suggests
11 because I don't know, you know, which witness to ask
12 what question to. So it may be easier to direct
13 questions, I guess.

14 MR. ROSE-COSS: You know, that approach
15 makes some sense to me, as well, Mr. Brancard. The
16 query I have is with the court reporter, and if that
17 provides any challenges to them. Or we'll just need
18 to be careful when we're speaking to state our name
19 each time or something to that effect.

20 MR. MCCLURE: That would be the con.
21 Yeah.

22 THE HEARING OFFICER: Well, yeah. I
23 mean, we can do it this way. That's normally an
24 accepted practice in rule-makings. We can do this in
25 an adjudication, too. I would say that the witnesses

1 just need to be clear who's speaking when to what. So
2 they need to identify themselves at least initially as
3 they're answering questions.

4 MR. RANKIN: And I'll just add that if
5 there's a specific question, a burning question that
6 an examiner may have that would be easy to dispense
7 with initially that you know that witness addressed, I
8 think it's also appropriate to just go ahead and get
9 that out of the way initially.

10 But I do think it might be conducive to
11 have a panel address examiners' questions at the end.

12 THE HEARING OFFICER: Okay. We can do
13 that. So you had Exhibits 1 through 6. Is that
14 correct?

15 MR. RANKIN: That's correct.

16 THE HEARING OFFICER: Are there any
17 objections?

18 Hearing none, they will be admitted.

19 (Exhibits 1 through 6 were received
20 into evidence.)

21 MR. RANKIN: Thank you. With that, Mr.
22 Examiner, unless the examiners have any specific
23 questions for Ms. DeFriend, I will ask that she be
24 made available with a panel at the conclusion of
25 presentation of our witnesses.

1 THE HEARING OFFICER: Any burning
2 questions from the technical examiners right now?

3 MR. MCCLURE: None here, Mr. Brancard.

4 THE HEARING OFFICER: Mr. Rose-Coss?

5 MR. ROSE-COSS: I have questions, but
6 nothing that can't be postponed until the panel
7 discussion.

8 THE HEARING OFFICER: Okay. Thank you.
9 All right.

10 Please proceed, Mr. Rankin.

11 MR. RANKIN: Thank you very much, Mr.
12 Examiner. I'd like to call our second witness in this
13 case, Mr. Stefan Lattimer.

14 MS. FLEMING: Yeah, and Stefan --

15 MR. RANKIN: Oh. I'm sorry --

16 MS. FLEMING: -- step down. Okay.

17 MR. RANKIN: I'm supposed to call Ms.
18 Alexandra Fleming. My apologies.

19 Ms. Fleming, are you there?

20 MS. FLEMING: I am here. Can you hear
21 me okay?

22 WHEREUPON,

23 ALEXANDRA FLEMING

24 called as a witness, and having been first duly sworn
25 to tell the truth, the whole truth, and nothing but

1 the truth, was examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MR. RANKIN:

4 Q Thank you. I had my witness list out of
5 order. I apologize. Ms. Fleming, will you please
6 state your full name and spell it for the benefit of
7 the court reporter?

8 A Yes. Alexandra Ellyn Pulespon Fleming,
9 spelled A-L-E-X-A-N-D-R-A, Ellyn, E-L-L-Y-N, Pulespon,
10 P-U-L-E-S-P-O-N, Fleming, F-L-E-M-I-N-G.

11 Q Great. And by whom are you employed and in
12 what capacity?

13 A I'm employed by Chevron. I'm a geologist.
14 And just stepping into a regulatory advisor role in
15 New Mexico.

16 Q Have you previously testified before the
17 division?

18 A Yes.

19 Q Have you had your credentials as an expert
20 witness in petroleum geology accepted and then made a
21 matter of record by the division?

22 A Yes.

23 Q And you're familiar with the application
24 that was filed in this case?

25 A Yes.

1 Q And have you and your colleagues at Chevron
2 conducted a geologic evaluation and study of the area
3 within the project proposed here?

4 A Yes.

5 MR. RANKIN: At this time, Mr.
6 Examiner, I would retender Ms. Fleming as an expert
7 witness in petroleum geology.

8 THE HEARING OFFICER: So accepted.
9 Thank you.

10 MR. RANKIN: Thank you.

11 BY MR. RANKIN:

12 Q Thank you. Ms. Fleming, just a reminder,
13 what's the target formation here for injection?

14 A The target formation for injection is what
15 we call the upper Avalon Shale.

16 Q And that's all within the Bone Spring
17 formation. Is that correct?

18 A Correct.

19 Q And is shale generally considered an ideal
20 spot or target for injection purposes?

21 A Not normally.

22 Q So why is it that the target here at Avalon
23 Shale is deemed to be an ideal target for this
24 particular type of injection?

25 A Yeah. Well, geologically speaking, the

1 Avalon Shale is a tight rock. It provides
2 containment, first off. And we're really not looking
3 for high porosity, high permeability, flow for this.

4 We are looking for a tight rock to keep that
5 gas really close to the wellbore so that we are using
6 that natural fracture network introduced during
7 completion so we can then reproduce gas in those wells
8 right away after the disruption.

9 Q Ms. Fleming, I'm going to share my screen.
10 Let me know when you can see it. And I'm going to --

11 A I can see it. Oh. Wait. It went away.
12 Okay. Now we're back. Yes. I can see it again.

13 Q I'm going to ask you, Ms. Fleming, just to
14 review this slide and if you would, I'll just scroll
15 through each slide here. But if you would just give
16 us an overview of the location of the proposed project
17 here. And then, just walk through the stratigraphy of
18 the geology in the area of the injection project.

19 A Yes. The regional location, the map on the
20 left side, is located in the Delaware Basin right on
21 the border between New Mexico and Texas in Chevron's
22 asset area called Salado Draw. And I put that star on
23 the proposed periodic interjection interval.

24 And Christine showed a much more zoomed-in
25 map of those Sections 18 and 19. And all the

1 wellbores are within those two sections. Also is the
2 location of the Salado Draw type well log, the 19H
3 pilot.

4 And on the righthand side of the slide,
5 that's the generalized stratigraphic section where you
6 can see the lithology from ground elevation going down
7 to the Wolfcamp. And you can see that there's a star
8 there. That's the upper Avalon within the Bone Spring
9 interval where we intend to have this periodic
10 injection.

11 Q Great. In this next map or rather this next
12 exhibit here marked as Exhibit 8, can you just give us
13 an overview of the specific geology within and around
14 the target injection interval?

15 (Exhibit 8 was marked for
16 identification.)

17 A Yeah. So first off, I'll start with
18 describing the type log. This is a zoom in of the
19 Brushy Canyon through the first Bone Spring interval
20 of the type wells 19H pilot wells. The -- the tracks
21 in the log are the gamma rays, which shows lithology.

22 Then, we have a depth track, our reductivity
23 track, and then over in the middle over there, we have
24 our interpreted lithology where can see calcite or
25 carbonate, quartz, and illite, and then over on the

1 last track, that RFIT and RFIE, our total porosity and
2 effective interpreted porosity for the intervals.

3 And going from the top to the space, what
4 you see is the Brushy Canyon, which is in the Delaware
5 Mountain group. Then, you have a Bone Spring lime,
6 the upper Avalon, which is the proposed storage zone.
7 And I'll talk about the lithology of that.

8 It's a unconventional siliceous mudstone
9 reservoir with some natural permeability in the
10 Nanodarcy range. And then, we have below that the
11 upper Avalon 2. And then going into the lower Avalon
12 and the first Bone Spring. I'll now note the Brushy
13 Canyon interval, that's a conventional fine grain
14 sandstone.

15 You can see it's really sandy over there on
16 the interpreted lithology side. Then, right below
17 that is the Bone Spring lime interval. That's a
18 confining layer, approximately 40 feet of tight
19 limestone, that separates the Brushy Canyon and the
20 upper Avalon.

21 And then below the upper Avalon is the upper
22 Avalon 2, which is about 300 feet of tight carbonate
23 interbedded with silico-rich mudstone.

24 Q So it's your opinion that the Bone Spring
25 lime and then the upper Avalon 2 surface confining

1 layers are barriers to upward and downward migration
2 of any injected fluids within that zone?

3 A Yes.

4 Q And so based on this geological review, it's
5 your opinion that the upper Avalon that's targeted to
6 serve as a suitable zone for temporary reinjection and
7 recovery of gas during midstream upsets?

8 A Yes.

9 Q And now, you've also prepared a
10 cross-section of the project area?

11 A Yes.

12 Q And is that marked as Exhibit 9?

13 (Exhibit 9 was marked for
14 identification.)

15 A Yes.

16 Q Will you review that and explain what this
17 exhibit, first page of this exhibit, and the next page
18 also shows?

19 A Yes. What you're seeing here is again our
20 Salado Draw acreage area from the horizontal wells in
21 the Avalon and some of the vertical wells that we used
22 for the structural maps that you see on the next
23 exhibit. And you see from A Prime to A, those are
24 three wells that's going to be in a cross-section.

25 Q And the cross-section is depicted here on

1 the next page of that exhibit?

2 A Yes.

3 Q What does that show?

4 A So now we're looking at the three wells.
5 You've got the 19H over near A Prime. Now we have the
6 Salado Draw SWD13. And our maelstrom SWD well over on
7 the lefthand side. And the key message here -- and
8 I'll zoom in. Same stratigraphy as you saw on the
9 type log.

10 You see the Bone Spring lime, the upper
11 Avalon layer, and then the AVU2, and the target
12 interval is really quite consistent in thickness, as
13 is the Bone Spring lime in the area and the underlying
14 confining layer of the upper Avalon 2.

15 Q In your opinion, Ms. Fleming, are these
16 three wells representative of the geology across the
17 project area?

18 A Yes.

19 Q Now, let's look at this next exhibit,
20 Exhibit 10. What does this Exhibit 10 show?

21 (Exhibit 10 was marked for
22 identification.)

23 A This is now a structure map on, an SSTVD of
24 the top of the Avalon. And the contour intervals are
25 100 feet. And in our project area where you can see

1 the well boards, the horizontal well boards in blue,
2 the structural -- it's about 5800 SSTVD. And it's
3 really a consistent structural dip going down to the
4 east.

5 Q Okay. I think I'm realizing I may have
6 incorrectly referred to the previous exhibit as a
7 structure map and I meant to say cross-section map.
8 So I apologize for that. But this is the structure
9 map.

10 Do you see any faulting or dips or
11 pinch-outs or anything that would impede the ability
12 of this project acreage to serve as a suitable area
13 for temporary injection of gas?

14 A Yeah. I do not see any major faulting. No
15 major dip changes or huge dips in this area, and no
16 pinch-outs. And I do think it would be a suitable
17 area to have this injection, temporary injection.

18 Q What's the next exhibit, Exhibit number 11?
19 What does it show?

20 (Exhibit 11 was marked for
21 identification.)

22 A This is now an isochore map of the Avalon
23 thickness. So this is the total Avalon going from top
24 of the Avalon through actually the Avalon 2. And you
25 can see it ranges from 350 feet thick, contour

1 intervals are 50 feet, up to 500 feet.

2 And really if we focus in on those sections
3 of interest in Section 18 and 19, it's about 500 feet
4 thick in this section of interest and very consistent.

5 Q Based on your study of this geology and your
6 analysis of it, have you formed an opinion about
7 whether the targeted Avalon shale is suitable for
8 temporary injection as Chevron is proposing?

9 A Yes.

10 Q And do you have an opinion about whether you
11 believe the targeted injection will contain the gas
12 that's being temporarily injected into that zone?

13 A Yes. I -- I do believe that it will be
14 contained within that injected area right about the
15 wellbore.

16 Q Can you give us a brief summary of your
17 conclusions?

18 A Yes. I -- I believe that this will be a
19 good -- a good interval to have these available not on
20 a permanent basis for injection but available during
21 the times of upsets for temporary injection to then
22 reproduce again.

23 Q Now, did Chevron previously also identify
24 when it presented the pilot project sources of
25 freshwater or groundwater within the stratigraphy that

1 you previously gave an overview for?

2 A Yes.

3 Q And has any of that information change based
4 on your review and analysis of the geology in the
5 area?

6 A No. It has not changed.

7 Q Can you just review -- if it's helpful, I
8 can go back to that lithology slide.

9 A Yeah. If we go back to the general
10 stratigraphy. Back in 2019 when the pilot was
11 proposed, the groundwater -- they very nicely did a
12 great summary of the groundwater sources in the area.
13 There is -- the freshwater is within the upper zone,
14 that Dockum group in the sandstone.

15 And there's one well within a two-mile
16 buffer of the project area. And the depths go to
17 about 120 feet of right below there, which would be
18 within the Dockum group. And the well depth is -- oh,
19 water depth is 120 feet. The well depth is 160 feet.
20 So that's well within that upper Dockum group.

21 Q Based on your view and confirmation of the
22 information that was presented previously to the
23 division, do you have an opinion about whether
24 underground sources of drinking water will be
25 protected if Chevron were authorized to conduct its

1 injection as proposed?

2 A Yeah. Given the nature that the groundwater
3 is so high up in the stratigraphy, we have over almost
4 8,000 feet of stratigraphy in between the ground water
5 and the proposed injection interval of the upper
6 Avalon.

7 And I'll just note on the stratigraphy, the
8 stratigraphic section of that almost 8,000 feet, we
9 have two fairly robust barriers of Salado formation
10 and the Castile, which are comprised of halite and
11 then hydrite, which is almost -- I think that's almost
12 3400 feet or even more than that of this halite and
13 then hydrite to be -- to form a barrier.

14 Q And did you also prepare an affirmative
15 statement confirming that you have undertaken a review
16 of the geologic data in the area and determined that
17 there's no apparent conduits that would allow for the
18 injected gas to reach or impact underground sources of
19 drinking water?

20 A Yes. We do not see any conduits or
21 connections to the underground water sources in that
22 upper zone going all the way down to the upper Avalon.

23 Q And is that affirmative statement marked as
24 Hearing Exhibit number 12?

25 //

1 (Exhibit 12 was marked for
2 identification.)

3 A Yes.

4 Q And in your opinion, Ms. Fleming, will
5 granting this application be in the interest of
6 prevention of waste and the protection of correlative
7 rights?

8 A Yes.

9 Q Do you believe that this project can be
10 operated safely without presenting a risk to human
11 health or the environment including sources of
12 drinking water?

13 A Yes.

14 Q Ms. Fleming, were Exhibits 7 through 12
15 either prepared by yourself or under your direction
16 and supervision, or do they constitute Chevron
17 business records?

18 A Yes.

19 MR. RANKIN: Mr. Examiner, at this time
20 I would move the admission of Chevron Exhibits 7
21 through 12 into the record.

22 THE HEARING OFFICER: Are there any
23 objections?

24 Hearing none, so admitted.

25 //

1 (Exhibits 7 through 12 were received
2 into evidence.)

3 MR. RANKIN: Again, Mr. Examiner, I
4 would pass Ms. Fleming for any questions that the
5 examiners may have but also offer her to be part of a
6 panel at the conclusion of our testimony.

7 THE HEARING OFFICER: Thank you.

8 Mr. McClure, any questions right now?

9 MR. MCCLURE: None here, Mr. Brancard.

10 THE HEARING OFFICER: Mr. Rose-Coss?

11 MR. ROSE-COSS: You know, Mr. Brancard,
12 Mr. Rankin, Ms. Fleming, I think I will ask some
13 questions at this time.

14 I feel like maybe the geology is
15 somewhat junked from the rest of the closed loop gas
16 capture project and might be separate from a broad
17 roundtable discussion so that the risk of running into
18 my own lunch -- I know Texas just got through their
19 lunch. I'm going to ask a few questions of Ms.
20 Fleming here.

21 So if you don't mind, so let me see if
22 I can get this question out the way I'd like. It
23 seems like -- and I appreciate your presentation, Ms.
24 Fleming. It is robust. And I guess we tend to agree
25 that the shale, not a typical injection reservoir.

1 But in this case, it works better for keeping the gas
2 close to the wellbore and recovering it.

3 And as a geologist, you probably also
4 understand. So I appreciate that in your strat column
5 you clarified that, you know, shale is a catch-all
6 term and not especially descriptive sometimes, so the
7 description as a siliceous mudstone is helpful. And
8 okay, so we've described the rocks. We've identified
9 them.

10 And then, kind of getting into some
11 interpretation there about how they were laid down,
12 the time that they were laid down. Somewhere is where
13 I'd like to go.

14 And my reason for going this direction,
15 we're talking about it's important in Class 2 -- I
16 always think of UIC work -- to ensure that there's a
17 good seal to the reservoir and the injecting will not
18 leave the proposed authorized injection interval. And
19 so the proposed cap rock for this project is the upper
20 Bone Spring line.

21 And so that creates a transition from
22 what is called the Avalon or the Bone Spring and then
23 the Brushy Canyon group. Correct? And so there's,
24 you know, we're siliceous, we're siliceous, we're
25 carbonate, we're carbon -- you know, going up the

1 stack here. Siliceous, siliceous, you know,
2 carbonate.

3 So it seems like we're getting more
4 siliceous as we go up the stack. But then, there's
5 this carbonate layer that is separating the two. Can
6 you tell me about that carbonate layer that acts as
7 the cap rock, how it was deposited, what was going on
8 in the basin for that cap rock to be deposited, and
9 then what happens as we go into the Brushy Canyon?

10 MS. FLEMING: Yeah. Dylan, you know, I
11 don't have -- I'd have to review the details of the
12 exact, you know, highstands, lowstands. But in
13 general, these -- all of these intervals going up in
14 the Bone Spring -- the Bone Spring lime and the Brushy
15 -- in the Brushy Canyon, it's this turbidite system
16 that has the interplay between sea level going up and
17 down.

18 And you're getting intermittent
19 sandstone coming into the basin from all around in the
20 basin. And then, you're getting this interplay with
21 carbonates. And that's really -- we see that over and
22 over again cyclically going up the hole stratigraphic
23 column.

24 And that's part of what we see in this
25 area, too, is just that cyclic nature of the sea level

1 rise and fall. But pretty much they're all deep water
2 -- deep water deposits to some more shallow water
3 deposits as the sea level is going up and down.

4 And in my interpretation, I -- I'd have
5 to look into more detail, quite frankly and recall
6 exactly what was happening in this. But that in my
7 interpretation is just part of those cycles. But I do
8 think the Bone Spring lime represents a longer period
9 cycle in some of the more shorter-term cycles that we
10 see in the -- in the lower sections in the Bone
11 Spring.

12 MR. ROSE-COSS: Okay. Well, and can
13 you tell me about this limestone? How thick is it?
14 How continuous is it?

15 MS. FLEMING: Yeah. So in this area,
16 it's 40 feet thick. It is a regional pick that we use
17 consistently across the basin to pick the top of the
18 Bone Spring going into the Delaware Mountain group.
19 It does vary in thickness when you go regionally to
20 this area.

21 In this area, it's 40 feet thick, and
22 it has been a barrier to flow. And I think -- yeah.
23 Keep -- if you'd like to talk more about it
24 geologically speaking --

25 MR. ROSE-COSS: Okay.

1 MS. FLEMING: -- it has been a barrier
2 to flow. In my opinion, I think it's more of what we
3 have done to the reservoir in the -- when we have
4 completed the wells.

5 MR. ROSE-COSS: Okay. So how close --

6 MS. FLEMING: -- fractures work.

7 MR. ROSE-COSS: -- is the -- okay. How
8 close is the injection interval to this cap rock?

9 MS. FLEMING: How close is the
10 injection interval to the -- well, the whole unit is
11 about 200 feet thick. And these wells are landed at
12 different depths within that -- within that interval.

13 MR. ROSE-COSS: Okay. So the
14 interval's 200 feet thick, and there in the middle or
15 up and down within the interval. And maybe this is
16 why the rattle table would help. How long vertically
17 and horizontally are some of the fractures extending
18 from the injection intervals?

19 MS. FLEMING: You know, I actually
20 think that this might be a really good question for
21 Stefan to answer in his -- in his work.

22 MR. ROSE-COSS: Okay. Because I
23 suppose one of the things -- I'm glad you said it's a
24 regional marker. But you know, so the question I have
25 in the pilot study, it was noted that Chevron thinks

1 it's having its upper Avalon interval flooded by
2 Brushy Canyon disposal wells.

3 And so my question is, well, how is
4 water getting in if we have such a big cap rock? And
5 is there a chance that gas can get out?

6 MS. FLEMING: Yeah. I think this is a
7 great question for Stefan and Yula to get into some
8 more of the details about that and also in the pilot
9 results.

10 MR. ROSE-COSS: Okay. Well, I
11 broadcast my question, then. You all can cogitate on
12 that. But so in your opinion, this limestone is going
13 to be continuous across the area?

14 MS. FLEMING: Yes.

15 MR. ROSE-COSS: But it does thin and
16 thicken. Does it go to zero in what you can see --

17 MS. FLEMING: Nothing --

18 MR. ROSE-CROSS: -- the cross-section
19 that --

20 MS. FLEMING: -- yeah. --

21 MR. ROSE-CROSS: -- I have shows that
22 the furthest to the right or east as far as it goes
23 seems to be thinner than it is in the west. And maybe
24 some variable lithology, as well?

25 MS. FLEMING: I have not seen this

1 marker go to zero. I haven't looked far, far, far,
2 you know, way out towards the central basin platform.
3 But in this area, I have not seen it go anywhere near
4 zero.

5 MR. ROSE-COSS: Okay. Other kind of
6 questions like that. And if it's fractured, it might
7 be induced fractures from "fracking?" I don't know if
8 the court reporter can put my air quotes in or not,
9 but they will now. Or were there natural fractures in
10 this?

11 MS. FLEMING: Yeah. I mean, I don't
12 think that there are natural fractures in this -- in
13 this barrier itself. I mean, the fluid -- we -- we
14 see hydrocarbon in the lower Avalon. It was a barrier
15 to flow at one time. And so I think that it's a great
16 question for Stefan and Yula to -- to look at to help
17 answer.

18 MR. ROSE-COSS: Sure. Okay. And are
19 you aware or not, you know, some of these details, is
20 the Avalon and the Brushy Canyon conformable, or are
21 they unconformable? Is there a time separation in a
22 very low deposition in here? I'm wondering if that
23 could have resulted in this continuous carbon?

24 MS. FLEMING: Yeah. That's a good
25 question. And again, I'd have to review some of the

1 more detailed work. It is a fairly sharp boundary
2 between two lithologies which would indicate that
3 there is some time in between the deposition of both
4 of them.

5 MR. ROSE-COSS: Sure. And are you
6 aware of any production in the Brushy Canyon in the
7 one-mile AOR?

8 MS. FLEMING: Yeah. That's a -- that's
9 another great question that I'd have to do some
10 research on. So maybe yeah. I haven't prepared for
11 that one in the details. I do know that there is --
12 as we said, that there is, if you look at the type
13 log, it's an adjacent oil and gas zone.

14 We recognize that. But there has been
15 some oil and gas in that zone.

16 MR. ROSE-COSS: Okay. Has Chevron -- I
17 suppose you might not have prepared or looked into any
18 of the Brushy Canyon injection wells in the area or
19 done an analysis on --

20 MS. FLEMING: No. Yeah --

21 MR. ROSE-COSS: -- the bottom might
22 have entered the interval?

23 MS. FLEMING: I have not prepared for
24 that. Yeah.

25 MR. ROSE-COSS: Sure. Okay. Where my

1 thoughts are going with that is, like, well, if the
2 Brushy Canyon is productive, the division have in the
3 past authorized injection into it. But also if there
4 is production in the Brushy Canyon, it was probably
5 sourced from the Bone Spring.

6 And so if Brushy Canyon water's getting
7 into the Avalon and/or Avalon oil's getting into the
8 Brushy Canyon, seems to suggest that this Bone Spring
9 lime is imperfect cap rock.

10 MS. FLEMING: Right.

11 MR. ROSE-COSS: Is that fair in your
12 opinion?

13 MS. FLEMING: I -- I -- I see your
14 question. I -- I really haven't prepared for that
15 one, so I'd have to do more detailed work for -- for
16 that question.

17 MR. ROSE-COSS: Okay. Well, you know,
18 I'll confer with the other technical examiners here
19 and discuss whether that's something I'll ask for in
20 terms of our review for the order or not. But those
21 are my geo questions for the moment. And I don't have
22 any more unless something comes up in the roundtable.

23 I appreciate that opportunity. And
24 thanks for talking with me.

25 THE HEARING OFFICER: Thank you.

1 I actually have a question, which is
2 based on that last exhibit that Mr. Rankin had up, the
3 regional local location map.

4 MR. RANKIN: I can pull that back up,
5 Mr. Examiner. I believe probably Exhibit 7. As far
6 as you all can see it.

7 (Exhibit 7 was marked for
8 identification.)

9 THE HEARING OFFICER: So --

10 MR. RANKIN: Sorry. Here it comes.

11 THE HEARING OFFICER: Ms. Fleming,
12 lower righthand corner of the map, why is there a blue
13 line around the Texas section?

14 MS. FLEMING: Yeah. That's a good
15 question. You know, that's a part of our asset of
16 Salado Draw. So when we put an outline around our
17 Chevron asset of Salado Draw, it includes that section
18 in there. That's -- that's why.

19 THE HEARING OFFICER: Okay. But are
20 those wells that are going to be sending gas to this
21 injection area?

22 MS. FLEMING: I will -- Stefan is the
23 best one to answer it. And when he comes in, he is
24 giving me the no.

25 THE HEARING OFFICER: Okay. Because it

1 doesn't show up in other pictures, that section.

2 MS. FLEMING: Right. Yeah. Maybe
3 Stefan can give you more granularity onto what's been
4 produced in that area and what's online and not.

5 THE HEARING OFFICER: Okay. Great.
6 Thanks.

7 Mr. Rankin?

8 MR. RANKIN: One moment. Thank you,
9 Mr. Examiner. I just have a couple questions, if I
10 may, as follow-up.

11 REDIRECT EXAMINATION

12 BY MR. RANKIN:

13 Q Ms. Fleming, Mr. Dylan Rose-Coss was asking
14 about whether there's been an analysis to determine
15 the potential source of water that appears to have
16 intruded into the proposed injection zone. Do you
17 recall him asking you that question?

18 A Yes.

19 Q And is it your understanding that Dr. Tang
20 and Mr. Lattimer actually have been conducting an
21 evaluation to determine the source of that water and
22 how to address it?

23 A Yes.

24 Q Okay. So when they come up and maybe at the
25 panel if there are specific questions about that, it's

Page 190

1 your understanding they would be able to address that
2 issue for the division examiners?

3 A Well, we'll see if it's what they're looking
4 for.

5 Q Okay. And then, on the production within
6 the Brushy -- now, I know you didn't look at this
7 specifically because I think it was previously
8 reviewed when the pilot project was proposed because
9 the area of review is essentially the same for the
10 pilot project.

11 But is that something that we could maybe
12 take a look at while you're on break and be prepared
13 to address in panel discussion whether or not there's
14 actually production within the area of review in the
15 Brushy Canyon?

16 A I'll -- I'll give it a shot and see what we
17 can prepare.

18 MR. RANKIN: Okay. Very good. I have
19 no further questions, Mr. Examiner.

20 THE HEARING OFFICER: Okay. Please
21 proceed with your next witness.

22 MR. RANKIN: Very good. And I guess
23 not that I'm opposing going forward, but I want to
24 make sure that everybody is in a position that they're
25 ready to proceed or if they want to take a break for

1 lunch since it's 12:15. Check with the court reporter
2 and the other examiners.

3 THE HEARING OFFICER: Well, I'll check
4 with the court reporter, but as my fellow OCD mates,
5 we have been invited to a sudden invitation all
6 employee meeting at 1:30, which I think most of us
7 know what that's all about.

8 And so we will need to take a break at
9 that point, too. So maybe if we proceed a little bit
10 further and then take a lunch break?

11 MR. RANKIN: I'm confident in my
12 stamina, so I think I can go forward. I think as long
13 as it's okay with everybody else, we can proceed with
14 our next witness.

15 THE HEARING OFFICER: I'll just check
16 with Mr. McClure and Mr. Rose-Coss if they're in
17 agreement.

18 MR. MCCLURE: Yeah. I was wondering
19 how you wanted to handle that meeting. Yeah. I'm
20 good. Whatever you want to do, Mr. Brancard.

21 MR. ROSE-COSS: Yeah. I hope y'all get
22 to continue to see me in front of my last election
23 here. But I'm okay.

24 THE HEARING OFFICER: Yeah. Yeah.
25 That's what the meeting's about.

1 MR. RANKIN: Thank you, Mr. Examiner.
2 With that, we'll proceed with our next witness. Our
3 next witness in this case will be Mr. Stefan Lattimer.
4 He's a production engineer.

5 WHEREUPON,

6 STEFAN LATTIMER
7 called as a witness, and having been first duly sworn
8 to tell the truth, the whole truth, and nothing but
9 the truth, was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. RANKIN:

12 Q Mr. Lattimer, good morning. Will you please
13 state your full name for the record and spell it for
14 the benefit of the court reporter?

15 A Yeah. Actually, I guess it's good afternoon
16 now. But Stefan Kristopher Lattimer, S-T-E-F-A-N,
17 K-R-I-S-T-O-P-H-E-R, L-A-T-T-I-M-E-R.

18 Q And Mr. Lattimer, by whom are you employed,
19 and what's your position?

20 A I'm employed by Chevron, and I'm the senior
21 production engineer for Delaware Basin, specifically
22 majority overseeing the Salado Draw asset.

23 Q Have you previously testified before the
24 division?

25 A I have not.

Page 193

1 Q Hearing Exhibit number 13, is that a copy of
2 your current resume reflecting your educational and
3 work experience?

4 (Exhibit 13 was marked for
5 identification.)

6 A Yes. It is.

7 Q Will you just briefly summarize at a very
8 high level your education and work experience as a
9 production engineer?

10 A Yeah. So I graduated from the University of
11 Texas at Austin in petroleum engineering back in 2007.
12 And since then, I've been working full-time for
13 Chevron. I've had a number of assignments ranging
14 from reservoir or reservoir simulation to completion
15 simulation and production engineering.

16 The majority of my career has been in
17 production engineering focused a lot with
18 international assets and now shale and now shale and
19 tight for a number of years.

20 Q And are you familiar with the application
21 that was filed in this case?

22 A Yes. I am.

23 Q And have you conducted a review of the
24 engineering issues that would affect and impact the
25 proposed injection that Chevron is proposing?

1 A Yes. I have.

2 MR. RANKIN: Mr. Examiner, at this
3 time, I would tender Mr. Lattimer as an expert in
4 petroleum engineering and production engineering.

5 THE HEARING OFFICER: Hearing no
6 objections, so accepted.

7 BY MR. RANKIN:

8 Q Mr. Lattimer, I'm going to pull up on my
9 screen for ease of reference and discussion an exhibit
10 marked as Hearing Exhibit 14. Once I get it to full
11 screen mode, I'll ask you if you would just give us a
12 summary overview of how Chevron proposes to operate
13 these normally producing wells and convert them into
14 temporary injection wells during midstream upsets.

15 (Exhibit 14 was marked for
16 identification.)

17 A Fair enough. Yeah. So as you can see here
18 on the upper left is their typical production
19 operation where we have a well coming into our
20 battery, and then our streams separate oil, water, and
21 gas. Our gas gets metered and goes to third party.

22 Part of that gas is pulled off and run to
23 our compressor station that runs our gas lift system
24 for our wells to enhance lift and, you know, draw them
25 down further to get better production rates.

1 That gas, as you can see here in the red
2 line and the wellbore goes down the annulus through a
3 gas lift valve and then mixes with the flow stream
4 from the reservoir to help lighten the fluid column
5 and, you know, continue to produce. That's our normal
6 operation day-to-day.

7 On the right, it depicts when our third-
8 party gas sales goes down. The valve closes. There's
9 interruption. Whatever it may be. As we talked
10 about, it could be a few hours. It could be a few
11 days.

12 So what we're proposing here is at that
13 moment, we -- these presented or candidate wells, we
14 would shut the wells in at the surface and continue to
15 inject through the same compressor stations, same gas
16 lift supply line.

17 But instead of the gas lift gas going
18 through the gas lift valves and mixing with the
19 reservoir fluids and coming to surface, it would just
20 continue to go down holes and into the lateral section
21 and potentially, you know, fill up the -- depending on
22 the length of time could fill up just the wellbore.

23 Or it could end up going into the formation
24 a little bit depending as I said on the amount of
25 time.

1 Q There's a second page to this exhibit, Mr.
2 Lattimer. Can you just briefly review what this next
3 page shows so the examiners understand what the
4 schematic depicts?

5 A Yeah. It's just a facility process diagram
6 that depicts, you know, our different central tank
7 batteries and our different well pads throughout.
8 What's highlighted in yellow is the three pads where
9 these candidate wells go to, Pads 1, 3, and 6. And
10 they all upload to the same battery, which we call
11 central tank battery 19.

12 Q And so I think you touched on this, but just
13 so it's clear for the record, these 13 candidate
14 wells, these all are currently subject to gas lift
15 operations currently. Is that right?

16 A Correct. All of them use gas lift
17 operations to maintain flow.

18 Q And the gas lift -- the gas as used for
19 those gas lift operations is the same gas that would
20 be used for injection. Right?

21 A Correct.

22 Q And it's the same gas from the same wells
23 that are identified in the exhibits and the testimony
24 that Ms. DeFriend previously referred to as being the
25 source gas for this project?

1 A Yes.

2 Q The only difference is that instead of, you
3 know, staying within the verb column of the wellbore,
4 the gas may reach the horizontal portion of the
5 wellbore and may get into portions of the formation
6 depending on the volumes and duration of the
7 injection. Is that right?

8 A Correct.

9 Q Okay. So I'm going to flip back to Exhibit
10 3. Forgive me for making everybody temporarily motion
11 sick while I do that. This is the Hearing Exhibit
12 number 3. I would ask for you just to give us a quick
13 overview of the various facilities that are involved
14 here with this project.

15 A Yeah. Fair enough. This again, as you've
16 seen before, the black lines depict the wells that
17 we're proposing for gas reinjection. The east half of
18 the east half of Section 18 on the north side is
19 excluded. Those have -- include private leases. But
20 what's depicted here in the bright pinks and yellows
21 are our pads throughout and some of our facilities.

22 But particularly the CTB, CTB19, and all
23 these candidate wells flow to is there in the center
24 in red marked with the error, as well. And then, the
25 three orange pads just above it into the right of that

1 are the three pads regarding these candidate wells.

2 So Pads 3, 1, and 6. And then, also
3 depicted on here are some other pipelines that run
4 through the area planes, CCP, and enterprise. None of
5 those are actually the third parties that we use for
6 our gas sales. They just cut through the area. But
7 we have a different third-party gas sales company.

8 Q Thank you. Let's talk a little more in
9 detail about these specific 13 project wells. Did the
10 application that was filed include a wellbore diagram
11 for each of the proposed injection wells in the
12 project?

13 A Yes. It does. That would be, I believe,
14 Exhibit 15, which you're working your way towards.
15 Those will summarize the -- each well has a wellbore
16 diagram with a summary of information that you can see
17 here from casing information to cement information to
18 perforation to lateral length and so forth. All 15 of
19 them are very similar.

20 (Exhibit 15 was marked for
21 identification.)

22 They're all Avalon wells. The only one
23 that's slightly different is the Porter Brown, this
24 very first one. And that's only because it's a older
25 well compared to the other 12 candidate wells.

1 They were all drilled and completed within,
2 you know, about a two-year timeframe of each other, so
3 they have a very similar well design. But they're all
4 built with packers. It's more or less the only
5 difference in them is the grade of tubing. Some is L-
6 80. Some is P-110. And that's -- that's it.

7 Q And does Chevron also have a CBL or cement
8 bar log for each of the wells that it proposes to
9 inject through?

10 A We have it for most of them. There's five
11 of them that do not have CBLs. But because of the
12 operations and the wellbore diagrams, we were able to
13 calculate a top of cement for these with sufficient
14 coverage across our, you know, intervals of interest
15 in Avalon.

16 Q In your opinion based on the calculated top
17 of cement, do you believe that there's sufficient
18 coverage within each of those wells that does not have
19 a cement bond long to demonstrate that they are
20 adequately constructed to be protective of the
21 injection zone and other offsetting zones?

22 A Yes. So confirmed.

23 Q How about mechanical integrity tests? Has
24 Chevron conducted recent mechanical integrity tests
25 for each of these candidate wells?

1 A Yeah. So within the last few months, we
2 have started collecting updated mechanical integrity
3 test results. So a few slides will summarize the
4 actual graphs and the date, and then there's the last
5 line that will be a table summary of the results.

6 There are a few wells that we have not
7 completed that on yet. So we're still working to
8 execute. There's just been issues with slip line
9 crews and timing and other priority work. So it's
10 still coming. But so far, every well we've conducted
11 it on, you'll see has passed.

12 Q And is you're referring to what's marked as
13 Hearing Exhibit 16, which contains the -- my mind is
14 blanking, but we call this chart, my T-chart showing
15 that the well is able to sustain the pressure for the
16 duration of time during the test?

17 (Exhibit 16 was marked for
18 identification.)

19 A Correct. Yeah. These pressure charts will
20 summarize that. And then, there'll be a few that are
21 blank as I mentioned because we don't have -- haven't
22 had them complete at the time we pulled this stuff
23 together and presented it. And then, at the very end
24 of this exhibit, there's that summary table that gives
25 you the results.

1 Q And on the summary table at the very last
2 one on the righthand side under the column marked
3 notes, it says, "Needs further diagnosis."
4 Diagnostics, rather. Was that erroneously included
5 for that particular well?

6 A Yeah. That was an error. As you can see,
7 that was the last well that was actually completed
8 when this table was put together and presented. And
9 so at that -- when that was first constructed, it
10 needed further diagnostics. And then, we go the data,
11 put it in, and I just forgot to delete out that
12 comment at the end.

13 Q And Chevron will provide the results from
14 the additional MIT tests to the division prior to
15 conducting injection in those wells. Correct?

16 A Correct. Yeah. Before any well would be
17 used, we would confirm that it has passed the MIT. So
18 of these four wells that were outstanding, I believe
19 we've completed two or three of them already since
20 this presentation was put together. So -- but yeah.
21 That data will be provided.

22 Q Now, kind of following along with the
23 division's updated guidance on applications for
24 temporary closed loop gas injection projects, have you
25 prepared a chart analyzing or presenting the various

1 operational parameters for the project that the
2 division has required or requested of pilot projects?

3 A Yes. I have.

4 Q And that's been marked as Hearing Exhibit
5 number 17?

6 (Exhibit 17 was marked for
7 identification.)

8 A Correct.

9 Q Apologize for the scale here. I can try to
10 zoom in a little bit. But I will ask you to review or
11 discuss each of these elements here. What is the
12 current average surface pressure in the project wells
13 under normal operations?

14 A It ranges from about 700 to just under 1,000
15 GSI.

16 Q And what would be the maximum allowable
17 surface pressure for these wells during injection
18 operations?

19 A The maximum allowable pressure would be
20 1250.

21 Q Is that pressure within the range of the
22 current infrastructure limits for these wells and the
23 facilities?

24 A Yes.

25 Q What other proposed average maximum

1 injection rates for the wells during an injection
2 event?

3 A So right now our average expected or
4 proposed would be a million and a half intercubic feet
5 a day with a max of 2 million. You know, this is
6 based off information we learned in our pilot.

7 Q Okay. And then, assuming that there's a
8 full fluid column of reservoir brine water, will the
9 proposed maximum achievable surface pressure exert
10 pressure at the top perforation in the wellbore of any
11 of these injection wells in excess of 90 percent of
12 the burst pressure for production casing or production
13 minors within each well?

14 A No. It will not. As you can see
15 highlighted here, you know, the highest percent I'll
16 say is 61 percent. But almost everything is 50
17 percent or less. And as I notated, that one well,
18 that top well is the Porter Brown.

19 So it's well design is a little different as
20 it's a little older than the rest of those wells.

21 Q And will the proposed maximum achievable
22 surface pressure exceed the division's guidance of
23 0.14 pound per square inch per foot as measure at the
24 top of the uppermost perforation in any injection
25 well?

1 A No.

2 Q Will the proposed maximum achievable surface
3 pressure in any well exert pressure at the topmost
4 perforation in excess of 90 percent of the formation's
5 parting pressure?

6 A No. It will not.

7 Q And at this table here in Exhibit 17, it
8 includes all the information that the division has
9 required of operators to present for these types of
10 applications. Is that right?

11 A Yes. It does.

12 Q Does Chevron have an operations plan in
13 place for how it will conduct these injections?

14 A Yes. We do.

15 Q Is that summarized at -- let me get the
16 right scale. Is that summarize on what's been marked
17 as Hearing Exhibit 18?

18 (Exhibit 18 was marked for
19 identification.)

20 A Yes. This summary does capture it.

21 Q Looking at this, Mr. Lattimer, will you just
22 give the division an overview of in particular the
23 safety devices that will be place on the shut-offs and
24 how Chevron plans to operate these wells in the event
25 that any of them do exceed any of the pressures,

1 operational pressures?

2 And then also, discuss how Chevron plans to
3 monitor and track the injection during these upset
4 events.

5 A Yeah. So we do -- as you mentioned, we do
6 have a lot of safety devices throughout our asset. We
7 have them on our wells. We have them on our
8 facilities, our flow lines, everything. You know,
9 when it's all monitored via SCADA, but we have
10 pressure kills. We have automated kill sequences.

11 We have ESDs. We have relief avenues. What
12 else can I say? We can control our injection rates
13 and pressures via SCADA and track that and get real
14 time information in terms of how much we're injecting
15 and at what pressures.

16 But we have a full-scale SCADA set-up in the
17 asset to be able to monitor everything from normal
18 operations even during the injection operations.
19 Nothing should change where we won't be able to track
20 and safely monitor progress.

21 Q Do you know, Mr. Lattimer, at what levels
22 those automatic shut-ins or kills are set up?

23 A It depends on where we're at. So usually,
24 it's 1550 on our producing wells. So the -- but
25 that's on our production side. On our injection side,

1 I believe it's 1300. But we can always change that,
2 you know, those set points, at any time.

3 Q Now, Ms. DeFriend gave us an overview at a
4 high level on the gas that's going to be source gas
5 that will be injected into these wells. I'm going to
6 take my sharing off here, so that it's no longer
7 dominating on the screen. What are the formations
8 from which the source gas will be derived that will be
9 injected into these wells?

10 A So Salado Draw has two formations that it
11 produces from, the Avalon and the Wolfcamp A.

12 Q Okay. And all those wells that will be
13 serving as the source wells are identified in Hearing
14 Exhibit 5. Is that right?

15 A Correct.

16 Q And now, all these wells are potentially
17 going to be the source of injected gas because they're
18 all behind the same four CTBs or central tank
19 batteries? Is that right?

20 A Correct. Yeah. So throughout our field,
21 it's developed with four central tank batteries. And
22 we have a combination of Avalon and Wolfcamp wells
23 that flow to each of those CTBs. And then, it's the
24 flow of gas from the CTBs that goes to sales. And
25 some of it gets pulled off for gas lift compression.

1 Q Mr. Lattimer, were you present when Examiner
2 Brancard asked Ms. Fleming the question about the
3 section of land identified in her exhibit that was
4 across the Texas border?

5 A Yes.

6 Q Are you aware of whether or not gas produced
7 from that particular section is going to be included
8 in this source gas for the injection in this project?

9 A It will not. So down there, there's only
10 one single well. It's a lease well that has its own
11 facility and sales takeaway. But it is -- even though
12 it's part of our asset, it is not necessarily produced
13 to the same CTBs and same production. It's kind of
14 considered an outlier or separate.

15 Q Okay. Now, has Chevron conducted an
16 analysis of the gas, the composition of the gas that
17 will be injected as part of this proposed project?

18 A Yes. We have.

19 Q And is that analysis and the summary of the
20 source of the gas and the composition of that gas and
21 the laboratory results, is that all included in
22 Hearing Exhibit number 19?

23 (Exhibit 19 was marked for
24 identification.)

25 A Yes. It is.

1 Q And does that analysis confirm, in your
2 opinion, that the gas that will be injected is
3 compatible with the Avalon Shale reservoir gas that
4 will be receiving the injection?

5 A Yes. It is. You know, the samples you see
6 here in the exhibit, you know, there's a lot of
7 different collection data points where those gas
8 samples are taken. But no issues or concerns with the
9 compatibility.

10 Q And the fact that same gas was injected in
11 the pilot project, did Chevron experience any
12 compatibility issues or scaling or any adverse results
13 as a result of the injection during the pilot project?

14 A We did not.

15 Q And you use that same gas for gas lift. Do
16 you see any adverse impacts on the wellbores during
17 gas lift operations?

18 A We do not.

19 Q Now, you also have an existing corrosion
20 prevention plan in place. Is that correct?

21 A Yes. We do. You know, we monitor and take
22 samples both from fluids as well as, you know,
23 facilities, metallurgy and so forth. But we have a
24 very robust corrosion monitoring plan.

25 Q Now, I want to talk now about the area of

1 the U analysis. Did you prepare a two-mile radius map
2 and a half-mile area of review map centered on the
3 project area?

4 A Yes. That has been prepared and shared.

5 Q All right. I'm going to pull that up, so
6 it's easier to discuss. And I'm going to get myself
7 into full-screen mode. Has that been marked as
8 Hearing Exhibit number 20?

9 (Exhibit 20 was marked for
10 identification.)

11 A Yes. It has.

12 Q If you would, I'll ask you just to review
13 this first slide from that exhibit. What does this
14 first slide show?

15 A So what's in yellow is the Salado Draw
16 asset. What's highlighted in red are the actual
17 candidate wells that we're looking at proposing for
18 injection, temporary injection into. And so we have
19 the darker blue shading is a half-mile radius from
20 those candidate wells.

21 And the lighter blue circle around it is a
22 two-mile radius. And all the other black lines are
23 all the other wells identified that go through or
24 penetrate the Avalon formation.

25 Q Great. And your next slide here, what does

1 this show?

2 A So this is a zoom-in of the half-mile radius
3 section. And so all the wells that are in partially
4 or fully in that half-mile section have been annotated
5 with the number. And on the following slide, it will
6 actually provide a tabular form of well information
7 for every well that penetrates the Avalon within that
8 half-mile radius.

9 Q Does that tabulated data for each of those
10 wells include all the information, the status of the
11 wells the division has requested as part of this
12 guidance for approving temporary gas injection pilot
13 projects?

14 A Yes. It does.

15 Q Are there any wells that you've identified
16 within the half-mile area of review that penetrate the
17 either any of the confining layers or the proposed
18 injection interval that have been plugged and
19 abandoned or temporarily abandoned?

20 A No. We have not identified any wells in the
21 area that are plugged and abandoned or temporarily
22 abandoned.

23 Q So for that reason, you have not included
24 any of the wellbore schematics for wells that have
25 been TA to TA because there are none within that area

1 of review?

2 A Correct. Within that area of review and
3 radius, there are none.

4 Q In your opinion based on your review of the
5 condition, status, the construction of these wells, do
6 you believe that the wells in their current condition
7 could possibly serve as a conduit for injected gas to
8 escape the injection zone?

9 A I do not think they'll escape the injection
10 zone.

11 Q Okay. And do you believe that based on your
12 review of these wells that they're in a condition that
13 will be protective of correlative rights and
14 offsetting zones and by offsetting owners?

15 A Yes.

16 Q Did you prepare an affirmative statement
17 confirming that you've reviewed the available
18 engineering data and find no evidence of conduits or
19 connections with underground sources of drinking
20 water?

21 A Yes. I have prepared a statement.

22 Q And that's been marked as Hearing Exhibit
23 12. Right?

24 A Yes. It has.

25 Q And Mr. Lattimer, now, I'm going to allow

1 the examiners to ask those questions, but in short,
2 you have been evaluating potential impacts of water
3 intrusion within the proposed injection zone. Is that
4 right?

5 A Yeah. It's something we've been looking
6 into and trying to determine. Still inconclusive of
7 the, you know, sources and the actual cause, but it's
8 something we're actively investigating.

9 Q And so at this point given your evaluation,
10 you have not determined whether it's from an overlying
11 zone such as the Brushy Canyon or potentially from an
12 underlying zone or even, you know, potentially within
13 the zone. Is that right?

14 A Correct.

15 Q Okay. Now, in your opinion, Mr. Lattimer,
16 will granting Chevron's application be in the interest
17 of prevention of waste and protection of correlative
18 rights?

19 A Yes.

20 Q And in your opinion, can this proposed
21 injection be operated safely without presenting risk
22 to human health or the environment including sources
23 of freshwater and groundwater?

24 A Yes.

25 Q Mr. Lattimer, were Hearing Exhibits 13

1 through 20 including your signature on Exhibit 12,
2 were they either prepared by you or under your
3 direction or supervision?

4 A Yes. They have.

5 MR. RANKIN: Mr. Examiner, at this
6 time, I would move the admission of Exhibits 13
7 through 20 into the record.

8 THE HEARING OFFICER: Thank you.

9 Are there any objections?

10 Hearing none, so admitted.

11 (Exhibits 13 through 20 were received
12 into evidence.)

13 MR. RANKIN: At this time, Mr.
14 Examiner, if, you know, I think it's appropriate to
15 ask Mr. Lattimer for questions. I think some of them
16 based on the nature of Mr. Dylan's questions may be
17 better addressed as a panel with Dr. Tang involved.
18 But with that, I will pass Mr. Lattimer to the
19 division for cross-examination.

20 THE HEARING OFFICER: Thank you.

21 Mr. McClure, any specific questions for
22 Mr. Lattimer?

23 MR. MCCLURE: No. I'm good at this
24 time, Mr. Brancard.

25 THE HEARING OFFICER: Okay.

1 Mr. Rose-Coss?

2 MR. ROSE-COSS: I have no questions at
3 this time. Thank you.

4 THE HEARING OFFICER: So Mr. Rankin,
5 how many more witnesses do you have?

6 MR. RANKIN: We have two more. We have
7 two more. And Dr. Tang who will be presenting on the
8 reservoir engineering will provide us with a review of
9 the previous model that was presented for the pilot
10 project. And then we'll be discussing confirmation of
11 the model with the pilot project results.

12 And then, we have a final witness who
13 is very brief and will discuss the land and notice
14 issues. I'm happy, I think, as long as he's
15 available, to shift the land witness now. Because I
16 think we could do that very quickly and save Dr. Tang
17 for after a break.

18 THE HEARING OFFICER: You know, let's
19 give that a try.

20 MR. RANKIN: Is Mr. Gutierrez
21 available?

22 MR. GUTIERREZ: Yes. I am. I'm
23 walking over to the screen now. Give me one second.
24 I'm setting up my exhibits. Okay. Ready.

25 //

1 WHEREUPON,

2 IRVIN GUTIERREZ

3 called as a witness, and having been first duly sworn
4 to tell the truth, the whole truth, and nothing but
5 the truth, was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. RANKIN:

8 Q Thank you, Mr. Gutierrez. Will you please
9 state your full name for the record and please spell
10 your name for the benefit of the court reporter?

11 A Sure. Good afternoon. My name is Irvin
12 Gutierrez, first name I-R-V-I-N, last name Gutierrez,
13 G-U-T-I-E-R-R-E-Z.

14 Q By whom are you employed and in what
15 capacity?

16 A Yeah. I am employed by Chevron as a
17 petroleum land manager covering our New Mexico assets.

18 Q Have you previously testified before the
19 division?

20 A I have.

21 Q And have you previously had your credentials
22 as an expert in petroleum land matters accepted as a
23 matter of record?

24 A Yes. They have.

25 Q Are you familiar with the application filed

Page 216

1 in this case?

2 A I am.

3 Q And have you conducted a study of the lands
4 and the ownership to determine affected parties under
5 the division's rules?

6 A Yes.

7 MR. RANKIN: At this time, Mr.
8 Examiner, I would retender Mr. Gutierrez as an expert
9 witness in petroleum land matters.

10 THE HEARING OFFICER: So accepted.

11 MR. RANKIN: Thank you.

12 BY MR. RANKIN:

13 Q Mr. Gutierrez, I'm going to share my screen
14 here momentarily and once again try to enlarge it, so
15 we all see without straining. Looking at what's been
16 marked as Hearing Exhibit number 22, will you just
17 review for the examiners what this exhibit shows?

18 (Exhibit 22 was marked for
19 identification.)

20 A Sure. So this map shows a zoomed-out view
21 of the project area. It's contained as -- as
22 Christine earlier, it's contained within our Salado
23 Draw development area. The specific sections are
24 Section 18 and 19 excepting the east east half of
25 Section 18. Approximately 1,120 acres located in

Page 217

1 Township 26 South, Range 33 East.

2 Q Did you also prepare an exhibit identifying
3 the affected parties entitled to notice of this
4 application and hearing under that the division's
5 regulation and requirements?

6 A I did.

7 Q And that's marked as Hearing Exhibit 23?

8 (Exhibit 23 was marked for
9 identification.)

10 A That's correct.

11 Q Will you review for the examiners what this
12 tract map shows and the subsequent pages of the same
13 exhibit?

14 A Sure. So this -- this map shows the project
15 area highlighted in red with the half-mile radius for
16 -- for notification purposes highlighted in orange.
17 Additionally, it also includes each of the tracks that
18 are numbered followed by if you go to the next page,
19 you'll see a detail of the operator's affected parties
20 and legal descriptions.

21 Q Great. And the owner of the surface on
22 which the injection wells are located, is that the
23 Bureau Land Management?

24 A It is. It's the BLM.

25 Q So all parties entitled to notice were

1 identified based on the interest of record and the
2 division's record or BLM records or public records at
3 the time the application was filed?

4 A That's correct.

5 Q In your opinion, did Chevron undertake a
6 good-faith effort to identify and locate the correct
7 parties and the valid addresses for each of the
8 parties entitled to notice under the division's rules?

9 A We did.

10 Q And to the best of your knowledge, were all
11 the addresses that you identified valid and correct?

12 A Yes.

13 Q And did you provide a list of those parties
14 and their addresses to Holland and Hart so that we
15 could provide notice of the hearing?

16 A We did.

17 Q Is Exhibit 24 a copy of the affidavit that I
18 prepared reflecting that we have provided notice in
19 accordance with the division rules to each of the
20 parties that you have identified?

21 (Exhibit 24 was marked for
22 identification.)

23 A It is.

24 Q And subsequent pages of that affidavit
25 included a copy of the letter that was sent out to

1 each of the parties giving notice of this hearing?

2 A Yes.

3 Q Along with postal report of the certified
4 mailing that was sent out reflecting the status of
5 each of those notice letters as of November 23, 2022?

6 A Yes.

7 Q And then, finally, Exhibit 25, is that a
8 copy of the affidavit of publication from the Hobbs
9 News-Sun reflecting that a publication was printed
10 giving notice of this application and the hearing in
11 the newspaper within the county where the proposed
12 project is located?

13 (Exhibit 25 was marked for
14 identification.)

15 A It is.

16 Q Mr. Gutierrez, were Exhibits 22 through 23
17 either prepared by you or under your direction and
18 supervision?

19 A They were.

20 MR. RANKIN: At this time, Mr.
21 Examiner, I would move the admission of Exhibits 22
22 through 25, which include my affidavit, Exhibit number
23 24, and the affidavit of publication, Exhibit 25, into
24 the record.

25 THE HEARING OFFICER: Any objections?

1 Hearing none, the exhibits are
2 admitted.

3 (Exhibits 22 through 25 were received
4 into evidence.)

5 MR. RANKIN: Thank you, Mr. Examiner.
6 At this time, no further questions of Mr. Gutierrez,
7 and we'll make him available for questions. I don't
8 think he needs to be part of the panel at the end of
9 this, but in any event -- so I would suggest if the
10 division has any questions, maybe now is the time.

11 THE HEARING OFFICER: Thank you.
12 Mr. McClure, any questions?

13 MR. MCCLURE: Actually, yes, Mr.
14 Brancard. I do have some questions.

15 In regards to the BLM royalties, are
16 they all consistent across the federal leases?

17 MR. GUTIERREZ: They are, 12 and a half
18 percent.

19 MR. MCCLURE: Okay. And then, so
20 essentially, is ownership identical within the project
21 area then between royalties and working interest
22 owners?

23 MR. GUTIERREZ: So identical in the
24 sense that for the BLM properties, it's the same
25 royalty rate. However, there are fee interests,

1 private interests, state interests, et cetera, within
2 the noticed area, if that's what you mean.

3 MR. MCCLURE: Okay. So then only BLM
4 royalties is identical. But other than that, there is
5 a divergence, then, on the ownership then?

6 MR. GUTIERREZ: Well, there's
7 additional working interest partners that we notified
8 around the project area.

9 MR. MCCLURE: I guess within the
10 project area, though, from --

11 MR. GUTIERREZ: Oh. Then, no --

12 MR. MCCLURE: -- what these oils are
13 produced --

14 MR. GUTIERREZ: Correct. No. Within
15 the project area, it's all uniform.

16 MR. MCCLURE: Okay. Okay. I just
17 wondered because it seemed like in this statement it
18 was 100 working interest of Chevron. And so I was
19 just assuming it was identical. Okay. I was going to
20 say, actually, that might be all the questions I have
21 for you. Thank you, sir.

22 MR. GUTIERREZ: No problem.

23 THE HEARING OFFICER: Thank you.

24 Mr. Rose-Coss?

25 MR. ROSE-COSS: I don't have any

1 questions.

2 THE HEARING OFFICER: Thank you.

3 All right. Mr. Rankin, at this point,
4 you know, maybe it'd be good if Mr. Gutierrez was just
5 sort of available later in the day if anything comes
6 up. So but at this point --

7 MR. GUTIERREZ: No problem.

8 THE HEARING OFFICER: -- it may be a
9 good time for us to take a break here. As I said, OCD
10 employees are scheduled for a meeting from 1:30 to
11 two. So we will try to recommence after two o'clock.

12 MR. RANKIN: Mr. Examiner, we will be
13 prepared to show up here at two.

14 THE HEARING OFFICER: Thank you.
15 Appreciate that.

16 MR. RANKIN: Thanks.

17 (Off the record.)

18 THE HEARING OFFICER: -- 2022 hearings
19 the New Mexico Oil Conservation Division. And we were
20 hearing the testimony from Chevron USA.

21 So with that, will Chevron recommence
22 its testimony? Thank you.

23 MR. RANKIN: Thank you. Thank you, Mr.
24 Examiner. May it please the division, Chevron would
25 like to present its final witness of the day, Dr. Yula

1 Tang.

2 WHEREUPON,

3 YULA TANG

4 called as a witness, and having been first duly sworn
5 to tell the truth, the whole truth, and nothing but
6 the truth, was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. RANKIN:

9 Q Mr. Tang, will you please state your name
10 and spell it for the benefit of the court reporter?

11 A Yes. My name is Yula Tang, Y-U-L-A,
12 T-A-N-G.

13 Q And by whom are you employed and in what
14 capacity?

15 A I work for Chevron. I'm the senior
16 production petroleum engineer and advisor.

17 Q Have you previously testified before the
18 division?

19 A Yes.

20 Q Have you had your credentials as an expert
21 witness in reservoir and petroleum engineering
22 accepted as a matter of record?

23 A Yes.

24 Q Are you familiar with the application that
25 Chevron filed in this case?

Page 224

1 A Yes.

2 Q And have you prepared an engineering study
3 evaluating the results from Chevron's pilot project?

4 A Yes.

5 MR. RANKIN: At this time, Mr.
6 Examiner, I would retender Dr. Tang as the expert in
7 reservoir and petroleum engineering.

8 THE HEARING OFFICER: Thank you. So
9 accepted.

10 BY MR. RANKIN:

11 Q Dr. Tang, did you prepare a slide
12 presentation today?

13 A Yes.

14 Q Has it been marked as Hearing Exhibit number
15 21?

16 (Exhibit 21 was marked for
17 identification.)

18 A Yes.

19 Q I'm going to pull up the slides, so we can
20 review it. Let me know when you're able to see.

21 A Yes. I see it.

22 Q Okay. Is this the slide presentation you
23 prepared?

24 A Yes.

25 Q Refer to the Slide 2 in the exhibit. Will

1 you review for the examiners, just give us an overview
2 and remind us of how Chevron and you modeled in the
3 injection for the pilot project that was presented to
4 the division and previously approved?

5 A Sure. Yes. We selected the Salado Draw
6 depleted reservoir, the Avalon benches where this gas
7 reinjection started. So the model is set up use a
8 dual tanker model previously build it in 2019. And we
9 also build as a ISIR model.

10 What is integral is product modeling, which
11 means the reservoir on the wellbore to the north and
12 -- that shows the gas injection is feasible. On the
13 pilot test, in this model we -- we did that injection
14 for 1.5 million that is the pilot -- pilot injection
15 was in not a year, May 14 to 21st with maximum to 1.5
16 million gas.

17 And we did select the data from that whole
18 -- on the surface, the injection meter. And the
19 injection on the before and after, this data, we did
20 analysis.

21 We used numerical -- advanced numerical
22 model to match what we're see the data. Under the
23 results, the progress estimation of the injectivity,
24 it is the still valid. And also we -- we stayed 100
25 percent recovery of the reinjected gas.

1 The teammates that you hear that injection
2 gas is fully recovered in five months. And we've seen
3 there may have been errors of 5 percent.

4 Q And just to be clear, you mentioned that the
5 pilot project successfully injected 1 and a half
6 million -- up to a maximum of 1 and a half million.
7 That's standard cubic feet per day during that
8 seven-day period. That was the maximum rate of
9 injection that you achieved?

10 A That's right. We'll show that data in the
11 next slide, in the following slide.

12 Q Now, in your evaluation that was based on
13 the modeling, you conclude that the Avalon shale is a
14 good candidate for this periodic intermittent
15 injection of produced gas. Correct?

16 A Yes.

17 Q And as a reminder, the model showed that
18 there's adequate capacity in the Avalon to temporarily
19 inject up to 2 million standard cubic feet of gas per
20 day for up to two weeks. That was the model. Right?

21 A Yes. That was the model.

22 Q Okay. And the model also demonstrated that
23 this proposed injection for the pilot would not
24 adversely impact offsetting production in the target
25 reservoir or offsetting producing intervals?

1 A Yes.

2 Q Okay. Now, let's go ahead and look at your
3 next slide. Review and remind the examiners of how,
4 what this dual tank model was and how it was set up.

5 A Yes. This dual tanker model was set up for
6 in 2019, so we did it a secondary analysis to address
7 the -- the gas injection capability under the pressure
8 change. The model, as I mentioned, it's a material
9 balance model. Use the dual tank.

10 The dual tank have basically connect to all
11 for the SRV simulated the rock volume that has the
12 lower pressure. And also have that -- the metrics for
13 high pressure tank. So that's linked in the model.
14 And the -- the model parameter was derived through the
15 RTA rate transient analysis we get through the
16 geometry.

17 And we did the model for 14 days injection.
18 That is the maximum. Normally, it should be less than
19 that 14 days. The ISIR model was built integral to
20 production model to understand the injection
21 hydraulics during gas reinjection. So the key message
22 is that the model does not demonstrate the feasibility
23 of gas reinjection.

24 We inject for 14 days. And the results as I
25 will show next slide, the observed that lateral

1 pressure increased in the SRV reservoir, the oil
2 reservoir. And also well pressure increased. But all
3 that pressure will be able to inject two million gas
4 with our available injection pressure.

5 We did the specificity to cover the
6 uncertainty including the injectivity and also the
7 reservoir tank size.

8 Q Dr. Tang, just so everybody's clear, when
9 you talk about the stimulated rock volume, that's the
10 volume of the fracture network that was created when
11 the wells were completed for production. Is that
12 right?

13 A Yes.

14 Q And when you talk about the matrix as the
15 other tank, the matrix would be the injection
16 reservoir, the unstimulated volume of the injection
17 reservoir. Is that right?

18 A Yes. That's a level --

19 Q Okay. So just so we understand what the two
20 components were of the model, will you explain on this
21 next slide what the inputs or the parameters were for
22 the model?

23 A Yes. The model we consider injecting up to
24 two million gas per day injection rate. And the
25 injection targeted there is the 150 feet TVD

1 temperature is around the 136 degree. On the wellhead
2 case pressure, injection pressure, up to 1200 PSI.

3 The overall pressure was that -- if we used
4 that wellhead -- wellhead pressure -- gas gravity
5 graded the TVD depth, we estimate 1500 or 1600 PSI
6 with the available gas injection pressure. Initially,
7 the Salado Avalon bench, the original pressure was
8 high, was for 600 or 650 PSI.

9 By the time when we -- when we build the
10 model, you know, August 2019, that pressure flowing
11 BHP bottomhole pressure already dipped to 440 to 600.
12 That is based on eight wells data in this sub-area in
13 this sub-section. On the shut-in BHP based on our
14 data, it's still the 500 50 to 70 to PSI from the
15 eight wells, based on well shut-in pressure.

16 The injection as the way I explained the
17 well expect 3 to 5 days normally. And each month
18 maybe one time or three time that is the -- when we
19 set up the model, we made this assumption.

20 Q Okay. So then Chevron as you mentioned
21 actually conducted this pilot project after it modeled
22 it. It conducted the pilot project -- actually,
23 before we get into that, I guess this is the results
24 of that model. Is that right, Dr. Tang?

25 A Yes. So this slide is the results of the

1 model.

2 Q Okay. Let's talk about that.

3 A Okay. So here this is the based on the gas
4 model, all the ISIR model. The ISIR model is integral
5 to the production model. First, on this righthand
6 side chart, that shows the ton access, the water
7 access on the left to that shows the pressure.

8 And on the righthand side vertical asset
9 that shows the gas injection rate and liquid
10 production rate. So we have two rates that's showing
11 here. Before -- before -- just in the beginning, the
12 -- the well continued as a producer. So you can say
13 the liquid rate is declining.

14 The black dot, the black line liquid rate is
15 declining. And also the metrics pressure, which is
16 500 PSI also slightly declining. And you can see that
17 the SRV reservoir that is the blue, the reservoir
18 pressure, SRV of well is also declining. But the
19 pressure is quite low.

20 It's only very several hundred PSI. And the
21 petroleum BHP, bottomhole pressure, is about 500 PSI.
22 So you can see the flowing bottomhole pressure is less
23 than the reservoir SRV pressure due to this figure.
24 Under the injection, we don't inject any gas into the
25 reservoir.

1 Then, from the X axis in April 1st 2020, in
2 the model, we assume we start at two weeks injection.
3 So that gas rate of 2 -- 2 million gas per day. And
4 then, you can see that appear to be the purple that
5 goes up to -- to --

6 Q Sorry.

7 A Yeah. To a higher pressure, which is higher
8 than the SRV that's blue. The SRV pressure is also
9 increased because there are injectors into the tank.
10 So it's increased that the injection flowing
11 bottomhole pressure is higher than the -- the SRV tank
12 pressure.

13 Now, you can see on the top of that is the
14 green -- green matrix pressure, result pressure, it is
15 still much higher. It is 2500 PSI, 2400 PSI. So it
16 is much higher than your SRV pressure, even though
17 injection pressure, there's no way that pressure will
18 exceed the matrix pressure.

19 So basically, like, injection in the model
20 as I show, it is the isolated in the SRV area.
21 There's no way -- it's different to reservoir
22 injection. So that's our model back to 2019.

23 Q Dr. Tang, just so that I understand because
24 I want to make sure the record was clear, I think you
25 were explaining the significance of the higher matrix

1 reservoir pressure in the model compared to the SRV
2 and the flowing BHP pressure.

3 I think, what did you say was the
4 significance of the difference in pressure between the
5 matrix and the flowing BHP and SRV pressures?

6 A That's right. Also, I guess I want to
7 mention here on the lower -- lower left, the chart,
8 that is the model that -- that's only half the model.
9 So you can see this -- the green that is the tank, the
10 two tanks, the green. No, this is the wellbore.
11 Yeah.

12 At the bottom, that is the tank or SRV, and
13 another one on the -- yeah. That is the matrix, the
14 two different pressures. That's connected by the --
15 the total -- to match our production data. So then
16 the wells, in the beginning, we start a clock.

17 That is the triangle in blue. That is the
18 production period. And then -- then the clock stated
19 the production of the well closed. Then, that's in
20 red. That's in red. After down triangle, then they
21 put same well, they stuck a week or two injector. The
22 injection period for two weeks. So that is starting
23 injection. So that is the model.

24 Q Going back to the question, Dr. Tang, you
25 just identified that the matrix reservoir pressure was

1 far greater than the SRV --

2 A Yeah.

3 Q -- and the flowing BHP pressure. Why is
4 that significant?

5 A Yeah. Because the -- when we did that -- on
6 the dual tank model, we were -- we -- we have that SRV
7 pressure, we have the bottomhole pressure. And also
8 we have the initial, that, based on RTA, rate
9 transient analysis. That shows the matrix pressure is
10 still high.

11 And then -- then, through the model or in
12 the model, we inputted that SRV pressure was initially
13 high. And so -- so that connected the -- it's, like,
14 the two times that we connected that transmissibility,
15 you know, even the transmissibility gets to, like, a
16 -- if you -- if you open up the choke that's very
17 small, then the SRV high pressure and slowly chugging
18 into your SRV reservoir. You know, that is our -- the
19 nature of unconventional well production. This is --
20 of course, this is a central site model.

21 Q So if I understand correctly, you're saying
22 that between the matrix and SRV, there's some
23 transmissibility between the two. But because the
24 matrix pressure is so much higher, the matrix will be
25 recharging the SRV volume. Is that right?

1 A Yes. No matter, it is due in production
2 period, oil in the injection period. So it will
3 always come into the SRV by the high pressure matrix.

4 Q And does the fact that that high matrix
5 pressure help contain the injected volumes close to
6 the wellbore --

7 A Yeah. Yes. Because their injection
8 pressure is only maybe, like, 1500 PSI, but the matrix
9 pressure is 2500 PSI, which is 1,000 PSI much higher.

10 Q Okay. So irrespective of the geology and
11 any geologic barriers that may help contain the fluid,
12 the matrix pressure itself is serving as a means to
13 keep the injected volumes nearer to the wellbore?

14 A Yes. Because this is low-pressure gas
15 reinjection. Not a high pressure gas injection.

16 Q Very good. Let's talk about your next slide
17 here. Now, that was the model, Dr. Tang, and now tell
18 us a little bit how Chevron took the next step to
19 actually implement the pilot project and what the
20 conditions of the well were at the time the pilot
21 project was commenced.

22 A Sure. Yeah. So back to the time last year,
23 we did this -- test. Before we did the test, we still
24 had to collect all the data to understand the what was
25 the reservoir situation. So in this chart, you can

1 see that on the top, we've got the -- the blue dot.

2 Those are the water, and that's the vertical
3 axis. That is water cut. So initially, back to 2020
4 April, back to 2020 April, note the water cut is above
5 50 percent, 50 percent of water cut. Only okay the
6 lack of mud, maybe it's a porosity -- But normally, it
7 is 50 percent of outreach.

8 But since -- since the April -- after April
9 2020, after shut-in, then -- then the well -- that
10 well, water kept increase to 80 percent or even
11 higher, sometimes 90 percent. So the water cut had
12 changed.

13 To coordinate the cap rock appeared to be --
14 that is the lower green and the two green dots, that's
15 two different approach to a cap rock use different
16 model. But that's then they tell us the pressure is
17 dipping to 500 PSI. But only after that water cut
18 increase as well, you have the water intrusion.

19 This is the pressure increase to about 1,000
20 PSI before our -- our injection. So -- so the -- not
21 the year before our injection, the -- the bottomhole
22 pressure was estimate 1100 PSI as I -- I put it here.
23 So the key messages that are the model that initially
24 we had calculated before we did the pilot and but we
25 still say that appears to be 1,000 or 1100 PSI.

1 We're still made aware of a gas compressor,
2 the pressure, 1200 wellhead pressure still make it
3 feasible to inject into reservoir.

4 Q So before conducting the pilot, Chevron was
5 aware of this water situation but determined based on
6 the pressures that it was still feasible to proceed
7 with the pilot project. Correct?

8 A Yes. Yes.

9 Q Okay. So these are the original conditions.
10 Now, tell us about what occurred, what the data was as
11 a result of the injection?

12 A Okay. Sure. So on the top of this chart,
13 the red dots are the gas -- gas injection rate.
14 Before this -- before -- in the beginning -- in the
15 beginning where you have this gas rate, that is the
16 production gas rate, which is quite small. Maybe --
17 maybe only 100 -- 100 MSA per date, the gas rate.

18 And the water rate was the high of what's
19 maybe 50 barrels, something like that. The oil rate
20 almost one or two barrels. So that is the data. And
21 the also at the bottom is the pressure. We install
22 the memory gauge the pressure at the bottom, that
23 green dot, those -- those lines -- that is, yeah,
24 pressure.

25 So you can see during this the gas injection

1 -- gas -- gas -- production period. You can see the
2 production's productive and due to unstable gas meet.
3 The water -- the pressure is compared to our
4 estimation of -- we calculate 1100. And here, it is
5 approximately 1100 PSI.

6 So that fills our pre-gas injection memory
7 gauge for 1140 PSI. So then when the well was shut
8 in, this -- this well was shut in under the pressure
9 slightly increase, you can see, this multi -- and
10 then, the gas injection in this -- in this part,
11 injection gas where they work as negative.

12 So you can see that's the red star that is
13 on the top. That's a red star goes down. That is the
14 gas injection. Injection is like that. And until it
15 reach to 1500 -- 1500 MSA for days, so regular
16 inspection, you have, say, 1500 or more to most of the
17 time for 1500 for whereabouts to seven days.

18 And after that seven days, then -- then that
19 way we -- we shut -- we shut down the injection.
20 Then, the well takeaway, we call the falloff test. So
21 FOT, falloff test, period. Under that -- that memory
22 gauge it shows the pressure decrease. So most of it
23 decrease.

24 And then, the well, we open the wellhead to
25 let it return to production. Then -- then, the

1 pressure will be -- it was decreased a lot. And the
2 dual lift period and you can see on the top of this
3 production rate, will only return to water in the
4 beginning.

5 So that's almost no oil, no gas, come out
6 immediately because water so strong to come -- come
7 out first. But after this, the shorter period, we --
8 we change our gas -- gas lift for gas to -- to inject
9 more gas to help with occupation of gas lift to make
10 that bottomhole pressure.

11 You can see the bottomhole pressure that at
12 the bottom. That pressure, once it's decreased, and
13 our rate of oil, water, gas, oil, increased. Then,
14 you can see the gas -- gas return. That is the red
15 dot on the top. That gas come out in this period.
16 And also come with oil.

17 That is the oil maybe that is the -- the ten
18 barrels, 20 barrels. So that is the data.

19 Q So --

20 A So the key message is that pilot well -- oh.
21 I'm sorry.

22 Q No. Go ahead. Go ahead.

23 A -- 1500 MSA for per day for seven days.

24 Q So even with that status, that initial
25 condition as depicted in the Slide 6 with the higher

1 water cut going into the pilot project, Chevron was
2 able to accomplish approximately 1500 million cubic
3 standard feet of gas volume injected per day for seven
4 days?

5 A Yes.

6 Q Now, just so the record's clear when we go
7 back and look at this chart, the top chart, the green
8 is the barrels of oil produced. Correct?

9 A Yes.

10 Q So the blue is the water barrels produced,
11 and then the --

12 A Yes.

13 Q -- red dots, as you said, were the gas?

14 A Yes.

15 Q And the shut-in, I think it's clear on the
16 chart, but just so it's clear in the record, the
17 shut-in under the pilot project commenced
18 approximately the 14th of May? Is that right?

19 A Yes.

20 Q And that's the bottom --

21 A Yeah. You can see the scale. Maybe that is
22 the 13th on --

23 Q Yeah.

24 A Yeah. It's a -- it's a small gray that is
25 one day. Yeah.

1 Q Okay. And then, so it lasted for seven days
2 until the 21st. Okay. Just wanted to make sure it's
3 clear for the record.

4 A Yes.

5 Q This reference up here, RTP, means return to
6 production?

7 A Yes.

8 Q So that gray bar is indicative of when
9 Chevron returned that well to production?

10 A Yes.

11 Q And the green period is when Chevron
12 increased the gas lift. Is that right?

13 A Yes. Gas lift gas increased from 100 to 600
14 MSA per day. Then, that rate is significantly
15 increased.

16 Q Did these results confirm, Dr. Tang, your
17 analysis and expectation under the initial pilot
18 project model?

19 A Yes.

20 Q Now, let's look at this next slide and
21 explain what this slide shows.

22 A So the present slide shows the data. Then,
23 we -- we put the data in -- in a wellbore --
24 horizontal well with -- fracture model. And trying --
25 trying to match the data to understand the water

1 reservoir -- water is the injection make the reservoir
2 happening.

3 So -- so you can see the -- at the bottom of
4 that is green, the state of green, that is the memory
5 gauge pressure. And the flash of the yellow, that is
6 the model.

7 So in the beginning -- in the beginning,
8 back to May 12th, that period, that is production
9 period where if we use that water rate as a -- as the
10 given, so that dash, that's the model used as the
11 input. The solely the blue, that is the actual
12 measurement of water.

13 So you can see we use that one, they overlap
14 with each other. Then, we match the pressure first at
15 the bottom. The pressure is matched. And we also
16 match the oil rate that is the green. That is green.
17 The BOPD. That is the oil rate match. And also that
18 gas rate is matched.

19 Basically, that is the -- that is water we
20 had. Then -- then, after starting from -- starting
21 from May -- May 14th, then with -- we use that gas
22 injection rate on the top. That is the -- the red
23 line and the yellow -- yellow dot. Those dots are the
24 actual measurement.

25 The -- the red line, that is the model

1 input. So we use the is gas injection into the
2 reservoir. Then, we -- we match the pressure at the
3 bottom. That is the yellow dots. And -- and it
4 captured the peak pressure, reached to maybe that is
5 the -- the 1400, 1500 PSI peak.

6 So it didn't exactly match the shape.
7 That's because maybe -- because, you know, our model,
8 we didn't understand where the water actually -- the
9 intrusion water come in powerfully. So that pressure
10 increased higher, faster than our model. But after
11 that -- after that May -- May 25 in the middle, then
12 we wait the model.

13 We use this -- we use this pressure. We use
14 this pressure as a given. And then, we match this --
15 we just match the oil rate and the gas rate. The
16 model shows the gas rate. You can see the RTP return
17 to production. The model shows the gas in the middle
18 come back. That is the spike.

19 But unfortunately, in the real data, we
20 didn't see it during this several days. We didn't see
21 the gas return. But after this May, June 8, 2021 --
22 after June 2021, on the X axis, you can see 6/8/2021,
23 here, yes. After this one, then -- then, in the
24 model, we use the pressure. And then, we -- we use
25 the pressure as the input.

1 And then -- then, the water rate was
2 matched. And -- and you can see the start, that is
3 the model. It matches oil line that is the
4 measurement. And also you can see the gas return
5 match quite -- quite well. That yellow that is actual
6 data. The red is the model.

7 So oil rate, you can see at the bottom, the
8 oil that is green -- matches green, the oil matches
9 that. So overall, we understand even there's some
10 water intrusion. But the key message here is that the
11 pilot data matched the model. It give us confidence
12 in our modeling.

13 The history match is another difficulty to
14 handle this water intrusion. Maybe the -- I'm
15 confident the outside water intrusion so that it makes
16 this reservoir the pressure build-up quite greater
17 filling the shut-in and the injection. So that's all
18 the data and the analysis.

19 Q Dr. Tang, based on your ability to match the
20 data to the model, do you have confidence that you
21 understand this system well enough to have an opinion
22 about whether Chevron can successfully scale out this
23 pilot project as it's proposed in the application?

24 A Yes.

25 Q And using the injection wells, the 13 wells,

1 the producing wells that would temporarily inject, do
2 you think Chevron has sufficient capacity within the
3 target interval to temporarily inject gas during the
4 intermittent midstream upsets to prevent flaring or
5 frequent well shut-ins?

6 A Yes.

7 Q Do you think Chevron will be able to operate
8 its proposed injection within the operational
9 parameters of 1250 PSI?

10 A Yes.

11 Q During the pilot project, did Chevron
12 observe any adverse impacts to production from the
13 Avalon shale or any offsetting zones of production?

14 A No. Because the -- you know, because our
15 pressure is reinjection is much below that -- that
16 high pressure, which has -- it does not change the
17 EUR. It does not change the chemistry of this
18 situation.

19 Q And that's principally because the injection
20 pressures are so low that it's not interfacing,
21 changing the --

22 A Right --

23 Q -- of the --

24 A Yeah. Different from the EUR project -- EOR
25 project.

1 Q So there's no miscibility here, interaction
2 between the gas and anything in the reservoir?

3 A That's right. It does not change the
4 behavior, miscibility.

5 Q Okay. Have you also evaluated the gas
6 recovery from the pilot project?

7 A Yes.

8 Q Is that your next slide here?

9 A Yes.

10 Q Review what this slide shows and explain how
11 you analyzed the gas recovery after the injection
12 phase of the project.

13 A Sure. So this charts shows that a red dot
14 that is the gas rate, the green dot that's oil rate,
15 and the water, the blue that is water rate. Those are
16 well test data. So you can see the well test data,
17 the average is stabilized GOR during that period
18 before the injection, we collect the GOR as a
19 baseline.

20 And we use that to measure 100 as sales per
21 barrels oil. That is the GOR current in this gas
22 rate, the ratio of the oil. So -- so that is the --
23 before the shut-in. and then, the yellow in the
24 middle, that is the period of the seven days of gas
25 injection.

1 explain, have you analyzed the difference between the
2 formation gas, the gas was native to the formation,
3 and the gas recovered that was previously injected.

4 A Yes. This slide in the chart, that -- on
5 the top, that green, that blue, that was labeled 1,
6 Number 1, that is the total gas read. So total gas
7 cumulative production based on that allocation of what
8 is the daily allocation of gas rate. So we calculated
9 that Number 1 blue that is the total -- total volume.

10 Then, Number 2, that is -- that is the
11 virgin formation gas. Basically, we use that oil rate
12 -- oil one times the GOR, that calculate how much is
13 that formation gas come out. So that is the purple in
14 the middle. So the difference between 1 and 2,
15 there's some difference.

16 The difference that tell you that is gas
17 from the injection gas come out. So that is the --
18 the yellow Number 3. You can see the yellow Number 3
19 almost related to 90 percent by end of August --
20 August 30, 2021. And the data a little bit more come
21 back in the next two months.

22 So hopefully in five months, all the gas
23 recovered. So the key message is that the calculated
24 reinjection gas recovered, which is we've seen a
25 reasonable 5 percent measurement error because the

1 other -- I calculated it before based on the SCADA
2 data it's 8.5 million injected volume.

3 And this -- this calculation based on the
4 daily allocated rate, it is 8.9, so it's maybe 2
5 percent error. So it's less than 5 percent. So we
6 are quite satisfied with this result, the 100 percent
7 gas recovered.

8 Q Based on this analysis, Dr. Tang, is it your
9 opinion that the relatively simplified mass balance
10 approach to allocation between formation gas and
11 injected gas is a fair and reasonable approach?

12 A Yes. Because any way the gas, you know,
13 various zone in several couple months, several months,
14 the gas will return. That is based on our data, our
15 pilot here.

16 Q Now, let's just if we could, Dr. Tang, just
17 go through the summary. I think this is your summary
18 slide. That just kind of gives an overview of what
19 you did to identify the target to conduct and prepare
20 the model for the pilot project and then your analysis
21 of the pilot results.

22 A Yes. So the key -- key message here, that
23 the Avalon wells, the depleted wells were selected for
24 the pilot. And it has -- due to -- it has depleted
25 pressure. And we -- we did the model, and it shows

1 that there are -- the model's built in 2019 that shows
2 the gas injection is feasible.

3 And then, back to 2021, last year in May, we
4 did -- we did seven days injection -- reinjection with
5 up to 1.5 million gas. And we successfully did this
6 analysis and the match the data with the model. And
7 the results showed 100 percent of gas recovered. So
8 the total -- total time recovery is five months.
9 Majority of gas recovered in three months.

10 Q [Unintelligible response.]

11 MR. MCCLURE: We can't hear you, Mr.
12 Rankin. At least, I can't.

13 MR. ROSE-COSS: Yeah. There's a large
14 amount of background noise. I think that's better.

15 THE HEARING OFFICER: Okay. I think we
16 got it.

17 DR. TANG: Yeah. We hear you.

18 BY MR. RANKIN:

19 Q Okay. Dr. Tang, based on your analysis and
20 in your opinion, do you believe the wells that
21 Chevron's proposed for this application will be able
22 to temporarily inject and hold the volume of gas
23 anticipated during the midstream upsets lasting up to
24 and for as long as 14 days?

25 A Yes.

1 Q And do you believe that because rather than
2 just having one well, Chevron will have multiple wells
3 to choose from or to inject into during any upset
4 period?

5 A Yes. Because they are in the same area in
6 the same section, same situation.

7 Q And yeah. And so basically that's the
8 bottom line is that with these 13 wells that Chevron
9 would be able to inject and handle whatever lines are
10 available for temporary injection during an upset
11 event?

12 A Yes.

13 Q Okay. Now, and do you believe that it would
14 be able to do so within the operational parameters
15 that Chevron has set out and proposed for this
16 application?

17 A Yes.

18 Q And in your opinion, Dr. Tang, do you
19 believe that injected volumes are likely to migrate
20 out of the target interval?

21 A Can you repeat the question? I don't
22 believe the gas will escape from the reservoir.

23 Q That's my question. And the reason for
24 that, Dr. Tang, just thinking about reservoir
25 engineering, what's your principal reason for that

1 opinion?

2 A The principal reason is that the matrix
3 pressure, even this near wellbore, it's -- 700 only or
4 1,000 PSI only. But the matrix pressure still have a
5 lot of -- to the shale gas. That has still high
6 pressure.

7 That is still high up to 2500 PSI, which is
8 the -- which isolated the injection, low pressure
9 injection well 1500 PSI injection pressure. So that
10 can hold it when it -- it cannot just escape to other
11 pressures.

12 Q And is that pressure part -- I mean, is that
13 confidence supported by the fact that you analyzed and
14 confirmed that you believe all the gas that was
15 injected was recovered because it was able to stay
16 near the wellbore?

17 A Yes. As the data shows. Yes.

18 Q Now, have you also determined, Dr. Tang,
19 whether the injection would have a net positive,
20 negative, or neutral effect on production from the
21 Avalon?

22 A I think the impact is neutral. No positive.
23 No negative.

24 Q Okay. And in your opinion, do you believe
25 that the application if approved would protect

1 correlative rights of owners in the Avalon and
2 offsetting zones?

3 A Yes.

4 Q And do you believe that approving this
5 application would be in the interest of prevention of
6 waste?

7 A Yes.

8 MR. RANKIN: Mr. Examiner, I believe
9 that's all the questions I have for Dr. Tang, so I
10 would move the admission of his exhibit, Exhibit 21,
11 into the record.

12 THE HEARING OFFICER: Any objections?
13 Hearing none, so admitted.

14 (Exhibit 21 was received into
15 evidence.)

16 MR. RANKIN: Mr. Examiner, at this
17 time, I have no further questions of the witness. And
18 I think, you know, depending on how the examiners want
19 to handle it, I'm happy to, I think, have them direct
20 their questions to Dr. Tang.

21 And then, if there are questions that
22 are more appropriate for others in the group to
23 answer, then I think they can step up and answer those
24 questions that are appropriate for them to address.

25 THE HEARING OFFICER: All right. I

1 believe it'd be good if you had your group gather.

2 MR. RANKIN: Yeah.

3 THE HEARING OFFICER: Then, we can
4 answer questions.

5 UNIDENTIFIED SPEAKER: We're all here.

6 MR. RANKIN: Let's see. I'm going to
7 take my screensharing off so that everyone can see a
8 little better. All right. They're crowding around.
9 So we've got Christine DeFriend on screen left, Dr.
10 Tang in the middle. In the back row, we have Mr.
11 Lattimer.

12 And on the far right, we have Ms.
13 Fleming. And then, in the white shirt with the blue
14 tie, we have Mr. Gutierrez. And just as a reminder,
15 folks, as you speak, please state your name for the
16 benefit of the court reporter. And so try not to talk
17 over each other. And let's make sure that each answer
18 is in turn.

19 THE HEARING OFFICER: Okay. So who
20 would like to go first, Mr. McClure or Mr. Rose-Coss?

21 MR. MCCLURE: I didn't know if Mr.
22 Rose-Coss maybe wanted to continue with his
23 questioning from earlier or if you wanted to hand it
24 off, Dylan.

25 MR. ROSE-COSS: Are you inclined one

1 way or the other, Dean?

2 MR. ROSE-COSS: I mean, I was
3 personally going to let you finish your prior
4 questioning. But it's up to you. I can go as well.

5 MR. ROSE-COSS: Okay. Well, you know,
6 some of Mr. Tang's questions or presentation follows
7 up on the line of questioning I had earlier, as well
8 as it might be nice to ask him some questions while
9 it's the most fresh on my mind. I do also wonder if
10 there isn't, like, a cohesive way for us to run
11 through these efficiently and build up a story.

12 Because I feel like I got two or three
13 related lines of questionings. It's not like I have
14 this exhaustive list. But anyway, I do want to say
15 thank you to Mr. Tang, Tang? I want to say that
16 right, too. For running through your exhibits and
17 preparing them.

18 Actually, presentation helped in my
19 understanding of what's going on in the reservoir and
20 in these projects in general. So I think it's --
21 hopefully we're all learning something here together
22 through this problems and experiments. But the
23 technical question and the regulatory question at hand
24 here.

25 So if you would prefer me to go through

1 the models with you. A few of the questions I have,
2 the report that was submitted in October of last year
3 2021, one of the points that I took away from that
4 report was that recovery of the injected gas was 70
5 percent maybe.

6 And then, the point that I got was
7 maybe our GOR is off because of an influx of water
8 from the Avalon, and that's kind of skewed our
9 results. And now, when I look at the results that are
10 presented in the exhibit packet here, it seems like
11 the answer is all of the gas was recovered. It just
12 took five months.

13 And the water influx from the Avalon
14 really didn't -- that's not the question at play here.
15 Or you know, that skewed our results. But could you
16 maybe speak to that a little bit, why I might be
17 confused there?

18 DR. TANG: Sure. Sure. Yeah. That's
19 a very good question. What I did is that I used the
20 GOR. That's the key to make accurately to measure the
21 gas recovery is that you have -- we have to take a --
22 carefully take a look through that which data is the -
23 -- is good data, which -- which GOR we don't trust.

24 My -- I -- as I feel that in that PDF
25 file, that GOR back to -- back to earlier 2021, that

1 data was very good that we used, like, 100 -- measured
2 100 MSA per day per barrel oil. That's the ratio.
3 You know, because before the injection, before our gas
4 reinjection, those production data most -- most
5 reliable.

6 The reason is that occasionally you can
7 say sometimes, "Oh, we have a lot of water," and the
8 oil becomes lower. Then suddenly, you can see there's
9 some oil but there there's low gas. Sometimes there's
10 low gas. There's low oil. All those data actually
11 questionable.

12 So if we use some data, for example,
13 you assume the GOR is 50,000, then you are say -- you
14 won't recover -- you didn't recover because the 50,000
15 GOR. But actually the stabilized GOR -- I feel that
16 the stabilized price of good data that, that's 100,
17 it's there per barrels oil. Use that one to
18 propulsion to the oil recovery.

19 Because we see oil recovery on wells.
20 Then, we -- we kept track of that oil, the -- the
21 formation -- formation gas and then from the total
22 gas, total return to gas. Then, that gave us how much
23 injection gas come back. So anyways that one
24 individual person to take a look of the data and
25 evaluate.

1 And that's very good question. It's
2 not -- it's not a one solution. Maybe different
3 people will do -- I would say, left some error. There
4 may have been error that daily allocation has error.
5 Why don't we use the well test and allocation we
6 carbureted, we see that is quite good allocation.

7 And then, we use that -- we use that,
8 and we trust the data to do the carburetion.

9 MS. DEFRIEND: Can I add something
10 there? This is Christine DeFriend. I would just sum
11 up -- you do a wonderful job explaining all that. But
12 just summing it up. It's been 12 months since we
13 submitted that report. We've been seeing a year of
14 stabilized data to do additional analysis, so we're
15 confident now.

16 Whereas, when we submitted the report,
17 we were doing that analysis during that five months to
18 have it ready to submit in October. So since then,
19 we've just really had stabilization of data, gaining
20 confidence in our modeling and our analysis. And so
21 we're confident with what we've shown you today.

22 MR. ROSE-COSS: Okay. So thanks for
23 clarifying that. So it does seem -- I'm going to
24 share here, too. There's, like, some room for error
25 in the GOR and the measurements that go into it. And

1 so it may be subject to change. And when we're
2 picking the model points or so, just thinking out loud
3 when I was going through it, maybe you can explain.

4 So I understand that this area -- are
5 you seeing my screen now?

6 MR. MCCLURE: Yeah. Yeah. You're
7 good.

8 MR. ROSE-COSS: And are we seeing my
9 mouse, or do I need to --

10 MR. MCCLURE: Yeah. We can see your
11 mouse. We can see where you're pointing.

12 MR. ROSE-COSS: Okay. But I'll still
13 try and describe what I'm saying here. So the area in
14 yellow is the volume of gas recovered. And that's
15 based on, like, kind of the difference of what you
16 expect and what you're getting. And then, you know,
17 it happens quickly. And then it tapers off, the
18 recovery kind of it tapers off.

19 And then, okay, so this green 81 and 91
20 in here, that's the volume we've anticipated. And
21 then, there's this, like, large spike in the gas
22 recovered after that. Or there's this, like, data
23 point where it's like, "Oh, well, that's a higher
24 one." Is that then, you know, it seems variable again
25 further out here in November.

1 DR. TANG: Yeah. This -- this -- as we
2 showed this process, this is well test. So this is
3 well test we're not testing every day. And also the
4 operation part, I mean, like, a gas meter gas through
5 injection rate could be -- sometimes it's 300. Some
6 days maybe 400, 500, or 800. So low -- low gas
7 injection rate is changing.

8 So most operation, the data point also
9 change. Mostly but I think the key -- the key message
10 from this project, the red dots are after the gas
11 return to production, this -- this gas rate is much,
12 much higher than -- than before that -- this yellow,
13 yellow bar area.

14 So that is the -- attentively, we can
15 -- you can see, "Hey, we get a lot of gas come out.
16 Where is that gas from?" Of course, the majority it
17 should be from the injection gas.

18 MR. ROSE-COSS: And well, it seems like
19 it kicks up the production of gas and water after the
20 reservoir's state a bit. Or at least those oil tests
21 right after, they go up for a second. But that's an
22 insignificant return.

23 DR. TANG: Could be -- production.
24 Could be yellow -- this is a -- this scale is the
25 major scale for up to several months. If you look at

1 our daily data, which -- which should have more
2 resolution that can tell us. So what's happening,
3 yeah.

4 Yeah. Because yellow as I mentioned in
5 the present slide in the beginning when return to
6 production, we use the only 100, 300 gas injection --
7 gas lift gas. That is still quite high, so it didn't
8 return.

9 Once we really reduced the bottomhole
10 pressure, then the reservoir is free to flow into
11 wellbore. Then -- then all the oil and gas, water all
12 come out into our wellbore.

13 MR. ROSE-COSS: So there's a little bit
14 of an effect immediately after is my takeaway from it
15 that in over the course of months it doesn't have --

16 DR. YANG: Yeah.

17 MR. ROSE-COSS: -- hasn't been --
18 effect --

19 DR. YANG: You say that in the
20 beginning that only water returned that, in the first
21 -- in the first of several days, only water returns.
22 Didn't oil and gas. But after the water unloaded,
23 then we -- we increase the injection gas, gas for gas
24 rate.

25 Then -- then, that's make it -- make it

1 appear to be much easier low work than the fluid that
2 come out from reservoir, from the wellbore.

3 MR. ROSE-COSS: Okay. And see, this is
4 the stuff that I mean, like, we learned something. I
5 didn't know that before today. So --

6 DR. YANG: Yeah. The more flow --

7 MR. ROSE-COSS: Thanks for figuring
8 that out.

9 DR. YANG: Yeah. Right. The water
10 before that model -- modeling is modeling. Compare we
11 see the data. Then, we see the -- We see the data
12 pressure and all the change and we understand it
13 better. That's why.

14 MR. ROSE-COSS: Perfect. And so I
15 guess the piece that maybe increased some of my
16 understanding as well here, you know, this slide. So
17 basically, you know, I'll reiterate Mr. Rankin here.
18 What you're saying, you know, speaking right off the
19 matrix that the gas is seeping into the kind of bulk
20 rock reservoir.

21 And it's staying within the fractures
22 near the reservoir. Was there modeling in the last
23 hearing? Or is there modeling to say -- I'm kind of
24 curious about the --

25 I'm sorry, Dean, I'm going to be

1 wandering here for a second.

2 That you know, and so we're saying that
3 this amount of gas -- I'm scrolling here -- isn't
4 going to go very far away from the wellbore. And even
5 some of it's going to be stored in the wellbore. Have
6 you shown just how much of the fractured rock it will
7 occupy and how much of there is?

8 Because traveling back to my first
9 question on the geology is, does your fracture network
10 cross into the Delaware Mountain group and break,
11 cross through the cap rock, that limestone barrier?

12 And is this produced water -- tell me a
13 little bit more about the Avalon or the Delaware
14 Mountain group water infiltrating that was talked
15 about in the summary report and --

16 DR. TANG: Yeah --

17 MR. ROSE-COSS: Go ahead.

18 DR. TANG: Yeah. The more or with this
19 has 7 and 8 as the water intrusion because we're even
20 don't know where the water is from.

21 So -- so as you can see, that in the --
22 in the next pages that saturation in the early or
23 return to production, it would even didn't match --
24 you can't see that that that flash in the blue we even
25 did the match to the water return. The water return

1 the higher rate than the dots that lined that model.

2 So actually the model is the simplified
3 model. We use the commercial so for copper. Copper
4 have a numerical model called the loop. The loop is
5 how the horizontal lateral with the multiple failure
6 hydraulic fractures and with matrix permeability and
7 the conductivity of fractures.

8 I'm looking for the parameters for
9 permeability, porosity, saturation, all those initial
10 pressure before the production. Then, we -- we do
11 this stimulation.

12 You -- you gave some input. For
13 example, your input, water rates or your input at gas
14 injection rate then water, then you're trying to see
15 what is the response of this tank? That's -- that's
16 the reason why.

17 So it definitely didn't capture
18 everything. It -- it -- it's -- it's beyond level of
19 that, you know, that there are -- we didn't include it
20 here. So it's not -- we cannot -- we don't know where
21 the water is from.

22 MR. ROSE-COSS: Okay. But so from that
23 report last October, that's a hypothesis that you're
24 not kind of running with anymore? And now, it turns
25 out this process produces a little more water

1 initially, and then we're back to our accounting after
2 that?

3 MR. LATTIMER: Stefan Lattimer. So
4 with the water, yes, there is changes in it a little
5 bit after time.

6 But you know, we're still in the
7 process of gathering data, trying to ascertain where
8 the water is coming from, whether that's water
9 sampling for chemistry analysis and, you know, ion
10 comparisons, or is it TLC logging to try and, you
11 know, geologically look around?

12 But you know, that project's in
13 progress to try to figure that out. But at -- as of
14 now, we do not definitively know where it is coming
15 from.

16 MR. ROSE-COSS: Okay.

17 And Mr. Brancard, I saw a gesture
18 there.

19 MR. MCCLURE: Saying speak louder --

20 THE HEARING OFFICER: -- just to come
21 closer so we could hear him. That's all.

22 MR. ROSE-COSS: Oh. Okay. Reel it in
23 here.

24 I guess the last kind of thing that I'm
25 honing in on here is I'm wondering how -- you know, it

1 seems like, yes, we recover the gas. But the
2 accounting of it, you know, on this one well, you
3 know, even on this one well took a -- we're not 100
4 percent -- we said we recovered 100 percent.

5 But how does it look? And it takes
6 five months. And our data collection, you know, we
7 could collect it differently and get different results
8 potentially. But okay. So it takes five months. And
9 then, what happens if I inject again? And then, what
10 happens if you inject again? And then, what happens
11 if you inject again?

12 Like, each time, will it recalibrate
13 what you need to do to estimate the recovered gas?

14 DR. TANG: So that's a -- yeah. That's
15 good question. As Christine explained, so the simple
16 way that we -- we know -- we know the gas will
17 eventually come back in several months. So for
18 example, you in reality as you asked that, from time
19 to time, maybe, you know, you get it and then return
20 for production for maybe another three weeks, two
21 weeks?

22 And the gas having -- even having to
23 return fully, then you'll got to get injecting again.
24 That makes that calculation more complicated.

25 So the simple way we get to use the

1 mass balance we say how much gas is injected for when
2 we inject the 8 million gas -- 8 million gas, we
3 assume all the gas flow out first. That is -- that is
4 what is the injected gas. That is the simple way we
5 just count it.

6 MS. DEFRIEND: I'll also add -- this is
7 Christine DeFriend speaking -- that in our two pilots
8 in Culbertson County in Texas, we saw a gas recovery
9 within days.

10 DR. TANG: Yeah. Because there, that's
11 low water intrusion.

12 MS. DEFRIEND: Correct.

13 MR. ROSE-COSS: Okay. Well, I don't
14 want to deprive Mr. Dean of all of his questions here.
15 So I'm going to cogitate for a second and pass the
16 microphone. Thanks for all those answers. It's
17 helpful.

18 DR. TANG: Thank you.

19 MR. MCCLURE: And if you do as we move
20 through topics, if you just want to speak back up
21 again, Mr. Rose-Coss, if you have any questions. Or
22 do you want me to keep going until you do? Or do you
23 want me to pass off again later?

24 MR. ROSE-COSS: I guess if you had --
25 the question I was going to get at or I think you're

1 getting at, the next topic is how exactly the
2 injection going to be handled between all these
3 proposed injection wells.

4 MR. MCCLURE: Well, I do want to move
5 to that, but I want to stay on our current topic for a
6 little bit, I guess.

7 MR. ROSE-COSS: Okay. Go for it.

8 MR. MCCLURE: And then do it that way.
9 How often was this well being tested
10 after when you were recovering gas?

11 MR. LATTIMER: So this is Stefan -- let
12 me make sure I get close enough, so you can hear.
13 This is Stefan Lattimer. So historically, we test our
14 wells -- we're required to do one a month, but with
15 the pilot, we were testing it daily for a couple weeks
16 after the pilot.

17 And then, after about a month, we would
18 probably test it around once to twice a week is the
19 norm that we try and get to. We don't always achieve
20 that, but that's what we try to with the amount of
21 wells we have and the amount of testers we have.

22 MR. MCCLURE: Now, looking at, like,
23 11-1, like, November and December of 2021, it looks
24 like there's only, like, a single line of dots there.
25 Does that mean there was only one well test done that

1 month, and then the next month, another well test was
2 done? Is that kind of what I'm gathering from this
3 graph on Slide 183 or Page 183?

4 MR. LATTIMER: Well, I don't have the
5 chart in front of me to verify, but what I could say
6 is we've had a lot of other issues with some facility
7 things. And so some of our lower producers, we choose
8 to shut in while we do repairs to prioritize, you
9 know, where we can send gas lifts.

10 And so throughout 2021, we had a lot of
11 that activity work. And I can't recall especially the
12 second half of 2021, we had a lot of shut-in. And
13 that would relate to why there were fewer tests.

14 DR. TANG: Yeah. This Yula Tang. I
15 think Stefan, yeah, answered that question. I think
16 as most of the -- it's could we do to repossess this
17 well or how we're not a water flow production. And
18 then, we try and do just -- when -- when it has water,
19 low gas, oil production, then we didn't do probably
20 the test.

21 MR. LATTIMER: Right. It was mostly
22 due to the flex pipe work.

23 DR. TANG: Okay. Okay. So the surface
24 flow line flex pipe. Flow line, right?

25 MR. LATTIMER: Yeah.

1 MR. MCCLURE: Well, I guess to give you
2 a little bit more context as to why I was asking,
3 trying to determine do you have enough data to make a
4 educated assumption as to whether the GOR that you
5 used in your later calculation is still holding true
6 today?

7 DR. TANG: Yeah. We have -- we -- we
8 didn't submit that measure. But I prepared that GOR
9 with allocations, and the GOR was working -- it
10 overlap with the charts very well. If we did it, we
11 added that part to show our data quality.

12 MR. MCCLURE: Yes. So the GOR that you
13 used when you calculated your recovered gas, that is
14 matching your current well test data over the last
15 year then? Is that correct?

16 DR. TANG: Yes. Yes. Yes. We have
17 that well test overlap with, you know, the 7-1 chart
18 to show that work is gas rate and the allocated gas
19 rate. For -- area normally I quite factor that
20 allocation. It's quite good.

21 MR. MCCLURE: Do you know notice the
22 GOR continuing to change in this well, or is
23 stabilized in the last year?

24 DR. TANG: It's -- if -- if we're to
25 stable the measurement if we have enough oil, more

1 than one barrel or if we would have ten barrel oil,
2 then the measurement quite -- can be quite good. When
3 the oil rate is point of five barrels, one barrel,
4 then the GOR measurement sometimes -- because you
5 know, in the tester, you have the gas -- or sometimes
6 the measurement is not accurate.

7 MR. MCCLURE: Yeah. So is that kind of
8 what the deal is if the shift in GOR is what caused
9 the shift in GOR, is it kind of just a sharp decline
10 in oil production? Or was it an increase in water
11 production? Or a combination of the both?

12 DR. TANG: It is both because the water
13 intrusion that is the water rate is high and oil rate
14 is low. But this well, you can see from that oil
15 rate, they found from time to time we still have oil
16 rate up. I think the workers we didn't have enough of
17 the testing that month, that several months in
18 November, October, November, October time that year.

19 I think as Stefan mentioned, that could
20 -- that is most likely due to the facility, the repair
21 rate that changes that flex pipe flow line.

22 MR. MCCLURE: Well, I guess, my next
23 question is, I mean, I suppose with consideration that
24 maybe sometimes you don't have much oil production, so
25 it's hard to calculate a native gas production off

1 your GOR. Correct? That's kind of maybe some of the
2 problem? Or am I wrong there? You want me to restate
3 the question?

4 DR. TANG: You know, yeah, it's a --
5 it's a process but overall, if you see the history,
6 initially, like, the -- this well, initially the GOR
7 oil is 2,000 GOR only, 2,000. And then gradually it
8 goes to 5,000, 8,000, 9,000. And before that water
9 intrusion, it's rich to be maybe 30,000.

10 But after water intrusion, then the
11 projected increase some -- some gas, I guess, it come
12 back to the solution due to the increase of the
13 reservoir for ratio. So that GOR go back to 7,000,
14 8,000, 9,000. So -- so anyway, what I use, I think as
15 that number, I thought 9,000 -- is a good one.

16 We use that because of continuous
17 measurement and also very stable, we use that GOR.

18 MR. MCCLURE: Now, as far as magnitude
19 of actual or rate of actual gas rather than, like,
20 looking at a GOR but looking at the actual gas
21 produced, is there any consideration to go in more
22 towards, like, a decline curve in trying to estimate
23 the native production versus recovered production via
24 that route?

25 And is that more accurate, or do you

1 think that's less accurate?

2 DR. TANG: Yeah. These DCA kind of
3 analysis or would definitely we can take a look, but
4 we didn't use DCA approach because the --

5 MR. MCCLURE: Sure.

6 DR. TANG: -- because, you know, the
7 DCA still need some of what is the ratio of the
8 formation gas come out. Though -- so anyways because
9 DCA, they can't cover assets. You only get the total
10 gas production decline or total oil. So you -- you
11 cannot answer unless you have shown the baseline GOR,
12 you trust it.

13 MR. MCCLURE: Well, what I mean is if
14 you assume a baseline native production, and anything
15 over the native 100 NCF per day that you would predict
16 it would make, and it makes 150 NCF, then to say it
17 recovered 50 NCF that day. And just use --

18 DR. TANG: Yeah. Yeah --

19 MR. MCCLURE: -- the magnitudes --

20 DR. TANG: That's right.

21 MR. MCCLURE: Go ahead. I'm sorry.

22 DR. TANG: Yeah. You are right. If we
23 test the smooth production. But unfortunately, a lot
24 of times, our -- our operation is not smooth. And a
25 lot of our operation parameters change.

1 For example, gas reinjection rate, you
2 will inject a later gas, then you'll have -- you'll
3 know it's very later oil come up. If you have a lot
4 of gas injection to this well, then -- then that will
5 -- will produce -- that will think of that as oil --

6 MR. MCCLURE: Yeah. I see what you're
7 saying.

8 DR. TANG: Yeah. Because you can --

9 MR. MCCLURE: Yeah. I see what you're
10 seeing --

11 DR. TANG: -- gas is up and down, so
12 it's not so easily to do that way. But we can try.
13 Definitely. That's good consideration of --

14 MR. MCCLURE: I was going to say
15 especially if the consideration that we're only taking
16 a well test potentially once a month, that makes it
17 more difficult as well.

18 MR. ROSE-COSS: Dean, could I think out
19 loud for a second?

20 MR. MCCLURE: Go ahead.

21 MR. ROSE-COSS: I'm curious if I'm
22 understanding if it's been stated in the packets, and
23 I'm not getting it or if my understanding of how the
24 allocations is going to work is correct based on this
25 current discussion.

1 So am I understanding what Chevron
2 proposing for its allocation, you know, it injects,
3 like, 15 units of gas. Right? It's not going to
4 start charging royalties or saying that it's native
5 production until it's recovered, those 15 units?

6 That's not going to try and say, you
7 know, I injected 15 units, and now I've recovered ten
8 units, and three of it's going to go native production
9 that we're going to charge or sell and get royalties
10 on. And then, the other seven's this injected gas.
11 So like, there's not going to be two different bins?

12 It's all going to be one bin of
13 injected gas until that debt's fully paid off? And
14 then, after that happens, then we're on native
15 production again? And that's what we're going to be
16 charging or accounting of royalties on?

17 MS. DEFRIEND: Yes. That's what
18 Chevron's proposing. What we tried to show today --
19 sorry. This is Christine DeFriend speaking.

20 What we tried to show you today is that
21 we did some complex analysis looking at the GOR pre-
22 and post- as part of our pilot analysis but keeping
23 scalability in mind and not having an engineer monthly
24 doing all of this analysis as we scale up to do this
25 long-term to prevent waste.

1 That's not exactly feasible for what
2 Chevron has in mind. So we're looking at a simplistic
3 approach and proposing mass balance. Once we've
4 produced as you said in your example 15 units back
5 out, then the next volumes would be native and would
6 be allocated as such.

7 MR. ROSE-COSS: Sure. Because it's --
8 wait. Your approval meant you've got it all back and
9 that Chevron can count on getting it all back. That
10 it's not been lost to the native rock unit. It will
11 be recovered. So Chevron can hedge that and just say,
12 you know, banking it, banking it, banking it.

13 Once that's all accounted for, then
14 we'll start native accounting again.

15 MS. DEFRIEND: Correct. And you
16 mentioned or one of you asked before about well
17 testing. Are we going to have enough data? I believe
18 Mr. Lattimer shared in his testimony about our
19 operational plan.

20 And when we're doing this, we will have
21 increased frequency of well tests to make sure we're
22 seeing these produced volumes.

23 MR. LATTIMER: Yeah. I believe it was
24 spelled out in that, but if not, you know, that is our
25 plan, that, you know, when these wells come back

1 online for after temporary injection, we would be
2 testing them right after and then continuously looking
3 at them to monitor, you know, if there's any changes
4 or anything.

5 We're not going to do the once-a-month.
6 You know, we don't try and do that ever. So we will
7 keep a close eye on them.

8 MR. ROSE-COSS: Okay. Well, Mr. Dean,
9 I interrupted you there. But thank you all for that
10 clarification. I think that's helpful for me.

11 MR. MCCLURE: Oh, no. You're good,
12 Dylan.

13 I guess if I may back up just a tad bit
14 there, I guess is it Chevron's position that you are
15 in fact proving that you got back 100 percent, or is
16 that just what you're speculating occurred here?

17 DR. TANG: This Yula Tang. I've been
18 to the data -- of course, we only have one pilot. But
19 the pilot data for this project does show oil get come
20 back. And as Christine mentioned, we had another two
21 wells in Texas where we recovered really quickly
22 because there's low water intrusion.

23 So overall, we -- we are comfortable,
24 all the gas injection to the oil well will come back.

25 MR. MCCLURE: And see you bring up the

1 exact point I was going to bring up. Obviously, the
2 water intrusion made a difference here. And if there
3 is essentially a third tank, not two tanks, because
4 you have a third tank that is constantly flowing in,
5 how do we know the gas isn't flowing that way, that
6 you're never going to recover it?

7 DR. TANG: Yeah. That's really hard to
8 say. The only -- you know, what all hypothesis,
9 majority is always like that that. But you know, as -
10 - as a -- I'm a engineer. I just look at the data as
11 the data shows us the gas returned. And but I think
12 then -- then that -- that's true. It is coming back.

13 MS. DEFRIEND: I think Yula said it
14 well. This is Christine DeFriend. I don't know that
15 we can prove anything on one pilot, but we're
16 confident on the analysis that we have. We've
17 injected Avalon gas back in, and we're seeing that
18 come back out.

19 MR. MCCLURE: I guess on the maybe a
20 slightly change of topic, but a little bit on the same
21 topic, talking about the intrusion of water, can we
22 confidently say that this is going to be confined, our
23 injection gas, because we don't know where that
24 water's coming from.

25 I mean, to tail back a little bit on,

1 like, what Mr. Rose-Coss was saying, if it is coming
2 from the Brushy Canyon, how do we know we're not
3 losing gas back up and getting it out of our injection
4 interval?

5 DR. TANG: I -- that's a good account.
6 Yeah. The question, I think, the intrusion gas no
7 matter where it is from, it is from the top or from
8 upper or from lower Avalon or from the Wolfcamp A,
9 whatever, the pressure, the water intrusion because
10 you say after water got -- and our -- our pressure
11 calculate the -- also incorrect.

12 That's means the intrusion water has
13 high pressure. So the high pressure will help -- I
14 don't know what say to the water come to our well
15 because it's -- makes our oil production become water
16 well.

17 But on other hand side, these -- these
18 two are really isolated the injection gas, so the
19 reinjection gas has more difficult to move away
20 because of the water pressure coming to the wellbore.
21 It is a higher pressure.

22 MR. MCCLURE: Yeah. And we're assuming
23 it's under a higher pressure under your normal
24 operating conditions. But if you were to be injecting
25 for a week or something, you don't think you would

1 raise your -- your bottomhole pressures enough that
2 potentially you could raise it higher?

3 Because if we don't know where the
4 water's coming from, how do we know what the pressure
5 is of it? And how do we know it is higher pressure
6 under which conditions?

7 DR. TANG: Yeah. You are right. But
8 the -- the model as we showed that, we have the
9 pressure either in the metrics for pressure and then
10 you push the water. You inject the gas. A lot of
11 gas, so the injection will have to prevent the water
12 to come.

13 So -- so it's a delayed water
14 intrusion. But after return to production, the -- the
15 water will return. And the less water returns that's
16 regular permeability, oil, water, gas flow together.
17 And then, that's -- that's oil and gas in -- in that
18 fracture also brought back to the wellbore, so we flow
19 back --

20 MR. MCCLURE: So you're assuming the
21 water would -- go ahead. I'm sorry.

22 MS. DEFRIEND: This is Christine
23 DeFriend. We did that with the pilot. We injected
24 for seven days, and we did not see that in those seven
25 days.

1 MR. LATTIMER: Additionally -- this is
2 Stefan Lattimer. We had the memory gauge data down
3 there, and the pressure did not increase to a point
4 where it would be fearful as too high that it was
5 going to go away. So we have the data over that
6 seven-week period to, you know, justify that.

7 MR. MCCLURE: Well, the problem is we
8 don't have the pressure on wherever the water's coming
9 from. I mean, if it is essentially only 10 pounds
10 higher, than you raise by 10 pounds. Obviously, I'm
11 going to the extremes. It's going to be greater than
12 10 pounds, should be.

13 Having said that, though, your point is
14 well-taken in regards to the water should in theory
15 flush the gas out in front of it would be the thought
16 process because the gas should flow much easier than
17 the water. I surely would think.

18 MS. DEFRIEND: And following along that
19 theory, you know, you could argue that the water is
20 support -- or sorry, the water is helping support
21 containment of this reinjected gas. Like, just like
22 Yula was just explaining, pushing it back out, and
23 then we return it to production, the gas flows out
24 prior to the water.

25 MR. MCCLURE: I guess the question I

1 had, too, as far as testing capacity, how many of
2 these wells could you inject to and then maintain a
3 pretty consistent well test schedule when you bring
4 them back online? Because we got 13 wells we're
5 talking about here.

6 Do you have enough testing? Do you
7 have enough treaters to be able -- or excuse me,
8 separators to be able to maintain a good test schedule
9 there?

10 MR. LATTIMER: A schedule -- this is
11 Stefan Lattimer. A schedule, yes. To be able to do
12 them all sequentially, all 13, no. That's not
13 realistic for any operation, especially with the
14 magnitude. But we could test it easily one -- at
15 least one test a week.

16 But with the well test or test
17 separators that we do have, I could foresee if there's
18 no interruptions, we could get three tests a week on
19 each of those wells.

20 MR. MCCLURE: If you were to use all 13
21 of them and bring them all back on at the --

22 MR. LATTIMER: Exactly.

23 MR. MCCLURE: -- same time?

24 MR. LATTIMER: Correct. So it's a
25 large CTV with multiple trains, multiple testers, but

1 it just depends on, you know, the operational
2 conditions are going on at that time.

3 DR. TANG: Also -- this Yula Tang.
4 Sorry. We can also inference that the test that the
5 interval. For example, normally you do 24-hour test.
6 You can -- if -- if the test 12 hours, stable, quite
7 stable, mostly it's quite stable now.

8 You know, we no longer needed to use
9 the 24 hours. So in that way, we can stabilize that
10 frequency to make the measurement.

11 MR. LATTIMER: Yeah. Yula brings up a
12 great point. My assumption was 24-hour well tests,
13 but if we can get away with 8 or 12 hours, then that
14 would significantly change things. And our history of
15 well tests are consistent that that would be possible
16 to get a -- use shorter duration well tests.

17 MR. MCCLURE: So then your operations
18 is in place to be able to conduct 8-hour tests,
19 12-hour tests, then?

20 MR. LATTIMER: Correct.

21 MR. MCCLURE: Okay. Something along
22 those lines, maybe --

23 MR. ROSE-COSS: Dean, is this a decent
24 time to pivot to their plan about how injection will
25 be allocated, or, like, how the use of the 13 wells

1 will be orchestrated?

2 MR. MCCLURE: Give me ten seconds just
3 to look at my notes here, and then I'll let you know,
4 Dylan.

5 MR. ROSE-COSS: Okay.

6 MR. MCCLURE: Maybe just a little bit
7 of clean-up here before we switch subjects. On your
8 guys' graph -- let me see if I can find the one I'm
9 referring to. It's on Slide 181. It's your initial
10 gas reinjection pilot injection history. Are you
11 familiar with what I'm referring to? Maybe I can try
12 to make it --

13 MR. LATTIMER: We're pulling out the
14 hard copy. Give us one sec.

15 MR. RANKIN: I believe it's Slide 7 in
16 Yula's set.

17 MR. LATTIMER: Okay.

18 MR. MCCLURE: I don't know if you guys
19 can see or not what I'm doing.

20 MR. LATTIMER: Yeah.

21 DR. TANG: But which is it, one? Yeah.

22 MR. MCCLURE: As far as the scale for
23 your fluid, for your barrels per day of oil and water,
24 I'm assuming it's supposed to be on the righthand side
25 here. But it doesn't seem to be there.

1 DR. TANG: Yeah. That's right. On the
2 righthand side, that must be the scale for water and
3 oil. The oil rate, you can see the scale. The oil
4 rate for the native period, it's ranges about 10 to 20
5 barrels. I -- I remember. So the water rates --

6 MS. DEFRIEND: Do you see it there?

7 DR. TANG: Oh, yeah. Ten to 20
8 barrels. The water is -- is 300, 300 barrels.

9 MR. MCCLURE: Where are you seeing that
10 on this graph, though? Where do we got that
11 information at?

12 DR. TANG: Yeah. I -- I could include.
13 Unfortunately, that cut -- copied it from the software
14 didn't show up here.

15 MR. MCCLURE: Okay.

16 MR. LATTIMER: He was referencing the
17 box of comments below on the second graph on the
18 bottom but on the right side where it says, "Oil, ten
19 to --," same graph.

20 DR. TANG: Yeah. Same graph.

21 MR. LATTIMER: Bottom half for that
22 page.

23 MS. DEFRIEND: The text box.

24 MR. LATTIMER: Thank you.

25 DR. TANG: Yeah. The text box. The

1 text box.

2 MS. DEFRIEND: Go -- go back to the
3 plot in question.

4 DR. TANG: Yes. Yes.

5 MR. MCCLURE: Can I -- you're referring
6 to this right here?

7 DR. TANG: Yeah. But -- with higher
8 gas for reinjection --

9 MS. DEFRIEND: We're acknowledging that
10 the scale is cut off, but we're noting that in the
11 text box, we say the ranges are in the text box just
12 below that starting with the words "R-T-P-U is higher,
13 G-L-I-N-J." If you keep reading there, it shows that
14 the oil is 10 to 20, and the water was about 300.

15 So that gives you an idea of the scale.
16 But we are acknowledging and apologizing for that
17 scale being cut off.

18 MR. MCCLURE: Yeah. It's not a big
19 deal. I was just going to please submit this graph
20 again with the scale on it was the only thing I was
21 getting at, supplemental information.

22 MS. DEFRIEND: Yes. We can do that.

23 MR. MCCLURE: Thank you.

24 And there was one other thing I was
25 going to ask, I think, before I give it back to you.

1 I did have a quick question. Let me
2 stop sharing. If I can see where to do that. In your
3 report, your summary report, there was a detail about
4 -- and maybe I misread or misunderstood it -- the
5 pilot well. Were you able to get it returned to
6 production merely with gas lift, or did you have to
7 unload it or anything like that?

8 MR. LATTIMER: So the well in question
9 -- so this is Stefan Lattimer again. The well that
10 was conducted in the pilot, the 19-2, did return to
11 production with normal operations using gas lift.

12 MR. MCCLURE: Okay. Thank you.

13 Mr. Rose-Coss, I'm ready to change
14 topic if you want.

15 MR. ROSE-COSS: Okay. Well,
16 clarifications. Thanks, Dean. Yeah.

17 I phrased it earlier, maybe I can say
18 it again, what is the plan operationally to utilize
19 the 13 wells. How will that be orchestrated?

20 MR. LATTIMER: So our plan would be if
21 we get approval for all 13, we're going to use all 13.
22 Because ideally the more we have the ability to
23 inject, the more we can keep online with, you know,
24 the current production. So we want to use all 13
25 equally or as best as they can -- as much volume they

1 can each take.

2 But we recognize operationally there
3 may be some challenges at any given time. So we may
4 be only able to half of them depending on what's going
5 on. But ideally, we'd like to use all 13, you know,
6 from Day 1.

7 MR. ROSE-COSS: Okay. So since for me
8 my computer is going to have a force restart in ten
9 minutes. So I might need a five-minute break in ten
10 minutes. And if I just disappear, that's what
11 happened. And getting back to my earlier train of
12 thought, so what does that look like in the field,
13 then?

14 All of these pipes will be plumbed the
15 same, and when the third-party interruption happens,
16 the valve gets switched, and the gas will start
17 flowing to all 13 at the same time?

18 MR. LATTIMER: So there's no change to
19 piping or anything. These wells are already set up.
20 The only thing we would do is we'd shut-in these 13
21 wells at the wellhead, so we would keep our gas
22 compressors going. And we'd continue to inject gas
23 lift gas into these wells.

24 We would just up our choke, up our rate
25 into those wells from what our normal production

1 operations require to lift those wells. So we would
2 up the rate, and then we would also shut-in the
3 wellhead. And that's it. Shut-in the valve at the
4 wellhead.

5 After that, when the disruption's gone,
6 and we can send gas to third party again, then we
7 would open up the wellheads, the valves at the
8 wellheads, return to production, lower our gas lift
9 rates, because we would not need as much going into
10 each of those wells.

11 So there's no change to piping or
12 plumbing or anything like that.

13 MR. ROSE-COSS: Okay. So on that one,
14 I got to say my understanding is expanding all the
15 time here. So these wells are always having gas
16 injected to them, and they're on that same pipeline.
17 So, like, a certain amount of that gas that's coming
18 from other -- tell me more about where all this gas is
19 coming from. Right?

20 So I see that your project area is
21 these 13 wells. Is it the gas from these 13 wells,
22 or, like, how many source wells are there going to be?

23 MR. LATTIMER: So we have 96 wells in
24 Salado Draw. And all 96 wells produce to our four
25 central tank batteries. And that gas is comingled and

1 sold to our third-party company. A portion of that
2 gas that goes to sales is pulled off for our gas
3 compression to be used as gas lift gas.

4 So the gas that's going into these 13
5 wells will be coming from those 13 wells plus other
6 wells in the field.

7 MR. ROSE-COSS: So this is already
8 always happening --

9 MR. LATTIMER: Yes.

10 MR. ROSE-COSS: -- and then, you're
11 just going to be doing it more when there's a -- why
12 is this a -- you're just not going to be selling
13 the --

14 MR. LATTIMER: Because -- so what
15 other --

16 MR. ROSE-COSS: -- to the third party
17 anymore?

18 MR. LATTIMER: Under normal operations,
19 the gas that we inject into these wells does not enter
20 into the lateral and does not enter potentially into
21 the formation. It goes strictly into the wellbore and
22 down the annulus and injects through a gas lift valve
23 into the tubing and comes right back up.

24 So it's very short-term, like, short,
25 short-term even in the wells. And so we're not

1 injecting to continue to keep compression going
2 because we have the sales. We use that gas lift gas
3 to keep these wells flowing. Because of the low
4 pressure, we have to lighten the hydrostatic column to
5 get them to flow.

6 So that's our normal operation. It's
7 just where is that gas going during an upset or not
8 and during an injection phase. It's going to go into
9 the well through the gas lift valve and then further
10 down into the lateral and potentially, depending on
11 the amount of duration, into the near wellbore region.

12 MR. ROSE-COSS: And maybe it's not
13 presented and maybe, you know, my geologist mind just
14 doesn't know it, like, I didn't do it in school. But
15 how much wellbore volume is down there for the gas?
16 Then, what fraction of that is -- how much will be
17 injected? Right? So you could inject for how long
18 before it would fill up the wellbore?

19 DR. TANG: Actually -- this is Yula
20 Tang. Actually, it is not a wellbore gas over the 13
21 wells, the -- the 13 wells were selected. Actually,
22 this is some for number we have 90 wells. Because we
23 have 90 production wells. And the fuel as the
24 operator, all the sales gas kind of goes.

25 Then when gas -- we have to -- we -- we

1 make gas -- we may shut down all the high GOR wells.
2 Those have low oil rate. And high GOR will not work
3 after shut down, those producers. And then, we still
4 have rate of wells, low GOR. But those produce gas
5 previously it's been sent to the third party to -- to
6 -- for sale.

7 But now, this has nowhere to go. Then,
8 we flow -- flow to production goes back to our 13
9 wells for the reinjection for the short period of time
10 until this upset is done. So then we can open the
11 chokes -- we open the surface wells, and then go back
12 to normal production.

13 MR. ROSE-COSS: Okay. Am I thinking
14 about it correctly that this is, like, a relatively
15 old field bin, and it's not producing very much, so
16 it's going to be taking up some slack for the fields
17 that are producing a little more?

18 MR. LATTIMER: So, it's -- well, I'll
19 say if you go to Exhibit 14, they'll show the diagram
20 of normal and the gas reinjection just for reference.
21 But relatively speaking, it's not that old. I mean,
22 it's saying, I think, 2014, 2015. But we have
23 multiple benches that we developed.

24 And the Avalon is the first bench we
25 developed, so it is older, lower pressure. But we

1 also have the Wolfcamp production in the field that is
2 much higher rate and lower GOR. And that's what we're
3 trying -- mainly trying to keep online during these
4 upsets.

5 You know, to get your biggest bang for
6 your buck is going to be keep it online, any wells
7 that you can, instead of having them all shut-in.

8 MS. FLEMING: And prioritizing your
9 higher oil producers.

10 MR. LATTIMER: Yeah. Lowest GOR,
11 highest oil producers. So as Yula alluded to, you may
12 not keep all 90 wells online. You might keep 30
13 percent of them online. But that might be 70 percent
14 of your production.

15 MR. ROSE-COSS: Okay. Now, this is
16 helpful for me. Thanks. I have three minutes left
17 before this forced break occurs.

18 Dean, did you have any questions right
19 at the moment?

20 MR. MCCLURE: Yeah. I can start again.
21 As long as --

22 Mr. Brancard, do you want us to
23 continue while Mr. Rose-Coss resets his computer or
24 what?

25 THE HEARING OFFICER: I'd like us to

1 keep going here. But --

2 MR. MCCLURE: Okay. No, that works for
3 me. I was just asking what you wanted to do.

4 MR. ROSE-COSS: Well, Dean, you start
5 questioning. I'll restart my computer. My face will
6 pop up in a second.

7 THE HEARING OFFICER: Well, let me
8 throw a few questions out following up on Mr. Rose-
9 Coss's questions. I don't think you really answered
10 the question he initially asked, which is how do you
11 use these 13 wells? In other words, you have an upset
12 in the field.

13 You're getting all this gas coming
14 back. Is the gas going equally to each of these 13
15 wells? Are you filling up one well and then going to
16 the next? How are you doing that?

17 MR. LATTIMER: So it'd be sequentially,
18 all simultaneously. We can't guarantee it's going to
19 be equal rates into all of them because it'll depend
20 upon what their pressures are. But the plan would be
21 all 13 would have their wells, their valves shut at
22 the same time at the wellhead. And then, all 13
23 simultaneously will start injection.

24 MS. DEFRIEND: And we can ramp up, you
25 know, some of them might be at current conditions, 100

1 or 200 NCF a day of lift gas. We're utilizing the gas
2 lift system to continue injection. So we'll slowly
3 ramp up to that one and a half, two million a day in
4 each well so that it's not just a panner all at once.

5 We'll ramp up to that and inject into
6 all of them. It's also important to note that we have
7 some digital oil field tools. And they're basically
8 just general analysis models. They're all in our
9 wells in this field. And we can utilize that tool to
10 help us optimize injection rates and to which well in
11 which timeline.

12 None of that has been -- it's
13 operational and it's utilized for normal production.
14 It has not been used for the pilot because it was just
15 a singular pilot. But that's something that, you
16 know, once we hear back from the division on how to
17 proceed, we would look at memory gauges in the wells
18 to determine what the bottom well conditions are.

19 That would help guide us as to what
20 that injection rate would be and what that ramp-up
21 profile might look like. But we would utilize those
22 general analysis models to -- to help us optimize
23 that. But Stefan is just -- perfectly explained it.

24 They all get shut-in at once, and they
25 just continue injecting that gas lift gas.

1 THE HEARING OFFICER: Okay. And so
2 this is probably in your application, but when have
3 you hit enough in each individual well? Is it based
4 on pressure inside the well? Or when do you know that
5 you can't be putting more gas into that well?

6 MR. LATTIMER: So operationally, we
7 would hit our kill points. Basically, a pressure
8 would get too high where our gas lift supply cannot
9 overcome whatever the wellbore pressure is. But as we
10 found out in the pilot and with Yula's modeling, you
11 know, we're not going to hit that in our -- even our
12 14-day period of modeling.

13 You know, we didn't hit in our 7-day
14 pilot. But more or less, that would be what tells us
15 you can't go anymore is we'd have too much pressure in
16 the wells that our injection pressure can't keep up
17 and overcome.

18 THE HEARING OFFICER: Okay. Can you --

19 MR. LATTIMER: And that's that --

20 THE HEARING OFFICER: -- identify that
21 as a number?

22 MR. LATTIMER: Yes. That was
23 summarized in one of the tables during my testimony.
24 It was 1250.

25 THE HEARING OFFICER: Okay. Great.

1 That's what I'm looking for. As the lawyer here, I'm
2 looking for what's the worst-case scenario? When will
3 bad things start to really happen? And can we put
4 things in a permit or an approval order that will
5 prevent bad things from happening?

6 MR. LATTIMER: Yeah.

7 THE HEARING OFFICER: So that's the
8 tone of my questions when I ask you things.

9 MR. LATTIMER: No. Fair enough. And
10 that 1250, our calculations that I did with that 1250
11 show that we're well below any pressure rating or any
12 issue where bad things would happen. So our system
13 pressure can't get high enough to create bad things
14 later on.

15 MS. DEFRIEND: And again, to reiterate,
16 the alternative here is flaring, which is wasteful.
17 And you know, increased emissions. Or shutting in
18 wells, where we're losing production. Those high oil
19 rate producers cannot continue to produce. We just
20 have to shut them in until this third-party takeaway
21 upset is resolved.

22 THE HEARING OFFICER: Well, you know,
23 the goal of this project is terrific. Okay? It's
24 just we don't want to have side effects that are
25 worse. Right? And I'm not just thinking about your

1 project. I'm thinking about all the other projects
2 coming down the line. I mean, how do we put
3 sideboards on them?

4 How do we know when it's going bad?
5 How do we know when that gas is gone? It's not there,
6 and that formation anymore? You know, so, if you can
7 work with us in trying to identify, you know, when,
8 you know, whether you stop doing this. Uh-oh. You
9 know?

10 That wasn't what was planned here. We
11 can identify that, you know, in an order or through
12 communications with the division, things you're
13 monitoring, et cetera, that can trigger what are these
14 issues when things are not going according to plan,
15 and how do we control that? How do we, you know --

16 MS. DEFRIEND: I think that was some of
17 what we were trying to identify with our pilot,
18 working on what's the volume we can inject over seven
19 days, over a certain duration. What's the -- that --
20 that rate? You know, not 8 million a day in one well,
21 but you know, one and a half to 2 million, what can a
22 well accept?

23 But yeah. We're absolutely happy to
24 partner with you guys to identify these guardrails.

25 DR. TANG: This Yula Tang. I just want

1 to echo what Christine mentioned here, that we have
2 the digital oil field -- so basically, that is
3 automation. That has the real time, real time
4 monitoring all the wells for production. And it has
5 all the well performance each of the well.

6 So when -- when there's any upset, when
7 we need to decide which well to go, therefore there we
8 can stay to that. We continue to set point of the gas
9 injection rate, and we can also determine which well
10 and the long part of injection, you know, that
11 reinjection to the reservoir.

12 So -- so I think we -- we have this
13 capability, the infrastructures, this data -- data
14 under the -- the controlled data. So all of that
15 under the safe operation well, which is the well
16 safety PSI injection pressure as the -- as the -- we -
17 - we showed that in the -- in the pilot.

18 In this one-well pilot, we did reach to
19 1200 PSI, we stopped to that injection. We maintained
20 that 1200 PSI under that injection rate maintained at
21 1.5 million gas injection into the reservoir.

22 THE HEARING OFFICER: Thank you. You
23 know, why don't we take a little break here? I see
24 Mr. Rose-Coss has not come back yet. And plus, we
25 need to give our court reporter a little bit of a

1 break here, too. So how about 3:55? All right.

2 MS. DEFRIEND: We can do that --

3 THE HEARING OFFICER: -- standard
4 time --

5 MS. DEFRIEND: See you in a few
6 minutes.

7 DR. TANG: See you.

8 (Off the record.)

9 THE HEARING OFFICER: All right. I
10 believe we are on Mr. McClure.

11 MR. MCCLURE: Yes, Mr. Brancard.

12 THE HEARING OFFICER: Do you have a
13 question or two?

14 MR. MCCLURE: Yeah. Yeah. I mean, I
15 think it'll start going faster. We kind of worked our
16 questions the opposite way of how I would have, and we
17 kind of started in the middle of the issue, and now
18 we're cleaning up the outside. So in theory.

19 THE HEARING OFFICER: As long as you
20 know where we are.

21 MR. MCCLURE: Well, I mean, I have
22 random notes spread throughout four pages here. So I
23 mean, I'm hoping I can sort them out. So.

24 THE HEARING OFFICER: The best way to
25 confuse a witness is random --

1 MR. MCCLURE: That's what I'm best at.
2 Just a few quick questions, just for
3 confirmation to make sure I have a correct
4 understanding. Essentially, your gas samples when
5 you're referring to catching your gas sample at the
6 check meter, you caught it at the meter as it's
7 leaving that particular central tank battery.
8 Correct?

9 MR. LATTIMER: Correct. So we --
10 there's a lot of sample point that our gas measurement
11 group has throughout the field. And some of them are
12 at the tank battery. Some of them are individuals for
13 the trains at the tank battery before it leaves the
14 tank battery. So I think there's probably a dozen or
15 more analysis that were shared in the exhibits.

16 MR. MCCLURE: Yes. Correct. And what
17 I'm getting at is, you had one for your item of the
18 BLM has you have a filled measurement point. But
19 essentially, what you're referring to is your check
20 meter for your three batteries with the exception of
21 the central tank battery 29, in which case you have a
22 gas sample from two separate trains there.

23 Based upon one of your maps, it looks
24 like you only have two trains on central tank battery
25 29. I'm just asking for confirmation. Is that

1 correct? You only have two trains on central tank
2 battery 29?

3 MR. LATTIMER: Correct.

4 MR. MCCLURE: Okay. Thank you. From
5 that standpoint, then, we should actually have a gas
6 sample from between a lot of them. We should have gas
7 sample for pretty much every single set of source
8 wells, then. Okay. Let me scroll up a little bit on
9 my map here.

10 On your well that's marked as Well 19
11 on your AOR map, that's the Salado Draw Federal Com
12 2H. It's in the west half of the west half of Section
13 18.

14 MR. LATTIMER: Okay.

15 MR. MCCLURE: What was the reason that
16 that's excluded?

17 MR. LATTIMER: That well has a reduced
18 tubing hanger ID, so we could not get tools in it to
19 set a plug and perform an MIT.

20 MR. MCCLURE: Okay. But it's still an
21 active production well? Is that correct?

22 MR. LATTIMER: Correct. But we just,
23 as I said, we couldn't do the full background work to
24 include it in this application.

25 MR. MCCLURE: Yeah. I'm with you. I'm

1 just confirming, make sure I got a picture of what
2 we're looking at. And then, on that east half of the
3 east half of Section 18, would it be correct that what
4 you have marked as 33, the SDEA Federal Com 20H, is
5 that in the same target formation as the rest of
6 these?

7 MR. LATTIMER: Yes. It's an Avalon
8 well.

9 MR. MCCLURE: Okay. And then, it is an
10 active producer. Correct? You're actively producing
11 from it?

12 MR. LATTIMER: Correct. Correct.

13 MR. MCCLURE: Okay. Very good. The
14 wells that are in the, well, west of the project area
15 but in the east half of Section 13 and Section 24
16 there, you have them marked as 45, 46, 47. They're
17 the SDWE Federal Com 5H, 6H, and 7H. Are those all up
18 in the upper Avalon, as well?

19 MR. LATTIMER: Yes. Those are Avalon
20 wells, and they are online, producing.

21 MR. MCCLURE: Okay. Now, are all these
22 wells in what we're calling the Avalon 1, or are they
23 within both the Avalon 1 and the Avalon 2, as Chevron
24 is referring to it as?

25 MS. FLEMING: Yeah. Hi, Dean. This is

1 Alexandra Fleming, jumping in there on the geology.
2 So about the landing of those wells within the Avalon,
3 they put in the -- so before with Dylan's questions,
4 you're asking about where they were landed. We have
5 the upper Avalon and the upper Avalon 2.

6 And we've fully drilled this bench in
7 all of our Salado Draw acreage. And we were really
8 testing different landings. The shallowest landings
9 go -- are 150 feet below the top of the upper Avalon.
10 And they go a little bit into sort of the top of that
11 upper Avalon 2.

12 But all of our wells in this entire
13 acreage are really within a similar landing depth in
14 the base of the upper Avalon and the upper Avalon 2.

15 MR. MCCLURE: Okay. I guess would you
16 consider both of those reservoirs kind of common
17 source, then, or is there actually, like, some sort of
18 barrier between them?

19 MS. FLEMING: They're -- they're not
20 really -- I mean, they're unconventional reservoirs --
21 all we were trying to do, and their interbedded, you
22 know, they've got some, if you'll look at the type log
23 on Exhibit 8, there's -- the upper Avalon is a bit
24 sandier, but it does have some carbonate interbedded
25 in there.

1 The upper Avalon 2 has higher carbonate
2 content in there, but you do get some pockets of the
3 sand. And this is tight. You know, this us siliceous
4 mudstone, so it's not like they're conventional
5 reservoirs where there's some barrier between them.
6 It's really the hydrocarbon is contained within the
7 mudstone.

8 And so what we're trying to do is fine
9 the best landing for not only drilling speed but also
10 for production. And so within that interval, we're
11 looking for -- we kind of see it as the similar
12 reservoir, if you will, but then we're also completing
13 these well to extract the hydrocarbon from them.

14 And so if you look at that type log,
15 you can see that it's all kind of one big siliceous
16 mudstone with these interbedded carbonates in between.
17 And we were just testing from landing plus or minus on
18 the face of the upper Avalon and the upper Avalon 2.

19 MR. MCCLURE: I'm trying to get -- but
20 I might be scrolling the wrong way. I think I need to
21 scroll up, actually.

22 MS. FLEMING: Yes. Exhibit 8 is what I
23 have, the type log. Hearing Exhibit 8.

24 MR. MCCLURE: Oh, here we go. I got
25 it. Ms. Fleming, I do see what we're looking at.

1 Yeah. So essentially, where you're probably all in is
2 in essentially what you're calling your upper Avalon
3 1, and then you're kind of just in the top of the
4 upper Avalon 2 in some of them.

5 Is that kind of what you just finished
6 telling me if I'm understanding what you're saying?

7 MS. FLEMING: Correct. Yeah. The
8 upper Avalon 2, you know, it's a -- it's -- it is a
9 boundary, but we do see a variable sort of carbonate
10 content coming in. You can see it gets stronger and
11 more -- there's more of it in the lower part of the
12 upper Avalon 2. So that's, yeah, essentially what it
13 is.

14 MR. MCCLURE: Okay. Very good. As far
15 as your praxis, though, for your vertical extent of
16 your fractures, do we have any sort of rough estimate
17 of what we're assuming they might be? Like, say, 150
18 feet tall, or? I'm sorry. Go ahead, sir.

19 DR. TANG: Since we're trying to repeat
20 to what's asked of that. So you said what is the
21 normal height of the fracture height?

22 MR. MCCLURE: Yep. That was the --

23 DR. TANG: Yeah.

24 MR. MCCLURE: -- if kind of knew. I
25 mean, obviously we don't really know. But I didn't

1 know if you had a good estimate of what it would be.

2 DR. TANG: Yeah. Our normal range is
3 coming from 100 to 300 feet, the fracture height. So
4 yeah. You know, in the older times, people do the
5 microsite meter to monitor the fracture height. And
6 then, we also do the hydraulic -- and 3D modeling to
7 see how that height of the fracture to grow and now
8 the natural fracture measure.

9 MR. MCCLURE: We don't have any reason
10 to believe that these would be out of that higher
11 bounds that you just said, 300 feet. Correct? Would
12 be shorter, less height than that?

13 DR. TANG: Yeah. Yeah. Normally, it's
14 150 on average.

15 MR. MCCLURE: Yeah. I --

16 MS. FLEMING: And Dean, I'll --

17 MR. MCCLURE: I agree with you. I'm
18 just --

19 MS. FLEMING: -- clarify -- what we see
20 regionally, that's not necessarily for this exact
21 interval and project.

22 MR. MCCLURE: Yeah. I understand.
23 Unless you specifically run microsites down these
24 wells, then you're not going to know, really. I was
25 just wondering if kind of an estimate. And you have

1 provided me what I was asking. Just so I understand
2 some more checking.

3 On our Salado Draw cross-section, what
4 is wrote out as A-V-L-2.

5 MS. FLEMING: Yes.

6 MR. MCCLURE: That there is the upper
7 Avalon 2 limestone, I'm assuming, and what you're
8 considering your lower confining zone?

9 MS. FLEMING: Yeah. The lower
10 confining zone is actually the part of the AVU2, so
11 the upper, the Avalon upper 2, that's -- that's what
12 we're defining as the -- the lower confining zone.

13 MR. MCCLURE: So kind of the bottom
14 half of that where we're seeing -- okay -- is the
15 thought process --

16 MS. FLEMING: -- carbonate content.
17 Yeah. There's -- it's pretty thick of carbonate
18 content in that Avalon upper 2 unit.

19 MR. MCCLURE: Okay. And that there
20 kind of answered some of my question because it almost
21 seemed like maybe we were -- yeah. Like we were
22 referring to the upper Avalon 2 as being the confining
23 layer as well as, you know, being some production
24 there. Okay.

25 I was almost wondering if maybe how you

1 just described is what your intent was. Thank you.
2 That does answer that question.

3 Ms. Fleming, during the break, did you
4 manage to find any history of Brushy Canyon production
5 in the area?

6 MS. FLEMING: Yeah. The -- we actually
7 did. I was able to find a team member who was
8 knowledgeable about it. And from what I said earlier
9 when Dylan was asking on the type log, we had put the
10 Brushy as a known, you know, hydrocarbon layer.
11 That's regionally. That's kind of, like, it could be
12 in there.

13 But as -- as you really well know, the
14 DMG is really thick. And it's comprised of the Bell
15 Canyon unit, the Cherry Canyon, and then the Brushy
16 Canyon unit. And so in this area, there is one known
17 oil field that was completed up in the Bell Canyon, so
18 the uppermost unit.

19 It's called the El Mar Field. It's
20 actually about a mile south and west of Sections 18,
21 19, and it was completed in the '50s, 1950s. And it's
22 been since put on water flood. You know, an enhanced
23 oil recovery unit. And so that area and -- and really
24 the wells are -- some are still, like, squeaking by.

25 But a lot of them are shut-in at this

1 point. And that -- you can see the outline of the
2 field just, like, very much, but it looks like a
3 traditional stratigraphic track where this outline of
4 the field is just, like, demarcated by those wells.
5 And it -- it doesn't get into Section 18 or 19 in
6 those areas.

7 MR. MCCLURE: Yeah. I'm looking at
8 your cross-section index map, and that is a pretty
9 good depiction. I'm assuming that all the vertical
10 wells, just as you described, southwest of your
11 Section 19, would be the wells you're referring to,
12 then?

13 MS. FLEMING: Correct. Yeah. And I --
14 and they were -- they were drilled -- the field was, I
15 think, discovered in the '50s or so. And so I --
16 definitely vertical wells.

17 MR. MCCLURE: Okay. And I think that
18 sort of aligns with what -- and I don't remember who
19 Chevron's geologist was in the initial case. I don't
20 remember who it was --

21 MS. FLEMING: Jason Parizek. Yeah.

22 MR. MCCLURE: I'm sorry?

23 MS. FLEMING: Jason Parizek.

24 MR. MCCLURE: Oh, it may have
25 definitely been. I couldn't even tell you. But it

1 seems like we had a discussion about that, and it
2 seems like that is what he'd indicated is that there
3 was some but it wasn't right there. But I don't
4 remember, as you said, how far away it was.

5 So you did -- I mean, this is more
6 information. And then, obviously, if it was drilled
7 back in the '50s in vertical wells, it kind of answers
8 that question somewhat, so we have a decent
9 understanding there.

10 MS. FLEMING: And then again in the
11 uppermost unit in the Bell Canyon formation of the --

12 MR. MCCLURE: Yeah. So we probably
13 have an extra --

14 MS. FLEMING: There's another --

15 MR. MCCLURE: -- thousand, 1500 feet,
16 something?

17 MS. FLEMING: Maybe even 2,000 feet
18 between that -- that field, the El Mar, and what was
19 completed and going down into the upper Avalon.

20 MR. MCCLURE: Well, maybe he wasn't
21 referring to his El Mar field, then. He might have
22 been referring to a different field then because he
23 almost sounded like he sounded like it was Brushy
24 Canyon somewhere. But I don't know. This was two
25 years ago or some such, and I don't remember the

1 details. I'll go on back and look.

2 Anyway, we have our current discussion
3 on it. In regards to the set points on the packers
4 when the MITs were run, were they down beneath our
5 confining layer, our Bone Spring lime? Or were they
6 set at the point that the MITs were ran?

7 MR. LATTIMER: The packers are set up
8 above our top perforation, so they're going to be up
9 in the vertical and/or, you know, early part of the
10 deviation usually around 10 to 20 degrees.

11 MR. MCCLURE: Yeah. So you're probably
12 1200 or just 1,000 feet above the target formation
13 or --

14 MR. LATTIMER: Yeah. Generally, we're
15 -- we're going to be within a few hundred feet. We
16 try to, you know, the deeper we can get the packers,
17 the better we can do draw-down on these wells
18 historically. So we don't want to put those packers
19 so far vertically above the production formation.

20 So I'd have to go look at a wellbore
21 diagram and the deviation to tell exactly what the TVD
22 for that packer.

23 MR. MCCLURE: And what you included in
24 your application for your exhibits, does it give us
25 your packer depths? I know you have your well

1 diagrams. But --

2 MR. LATTIMER: Yeah. It should have in
3 there. I believe it's in there. I know it shows, and
4 then there's a lot of depth referenced. If it's not,
5 we can get that for you.

6 MR. MCCLURE: Yeah. Because my only
7 concern thee is in theory if we're considering the
8 confining layer to be that Bone Spring lime, then if
9 you tested your casing at some point above that, then
10 you have some untested casing above that confining
11 layer essentially is the context for why I'm asking.

12 MR. LATTIMER: No. Understood.

13 MR. MCCLURE: And this is one of your
14 wellbore diagrams. And I don't know if it has it
15 here.

16 MR. LATTIMER: Yeah. So the second
17 page of each wellbore is, you know --

18 MR. MCCLURE: Oh. I do see it now. I
19 do see now.

20 MR. LATTIMER: Yeah. It provides.

21 MR. MCCLURE: I apologize. I do see
22 it. On your second page there it has the packer
23 setting. And you have that for each and every well,
24 it looks like.

25 MR. LATTIMER: Correct.

1 MR. MCCLURE: Yes, sir. It looks like
2 you do. Okay. We'll review that and see what we're
3 thinking on our MITs. Okay. Now, in an earlier
4 statement, you had made the determination that you
5 believe a calculation of the top of cement was
6 adequate to demonstrate that we had accurate cement
7 coverage.

8 I was just wondering what we were
9 basing that off of. I mean, how we for sure, I guess,
10 on our numbers, because essentially we're going to
11 calculate it based upon if we have any losses and how
12 much washout we have and stuff like that. Go ahead,
13 sir.

14 MR. LATTIMER: It's based off our, you
15 know, returns and, you know, circulating surface
16 volumes and whatnot that that was calculated that it
17 was high enough to go well above, you know, the zone
18 of interest.

19 MR. MCCLURE: And by saying it's high
20 enough to go well above the zone of interest, you're
21 referring to the confining layer and the upper Bone
22 Spring is the thought process? Or yeah? Or are you
23 referring to getting up into the intermediate casing,
24 like our normal requirement would be.

25 MR. LATTIMER: It's definitely got to

1 be up into that. I mean, the -- on those diagrams
2 provided, there is a top of cement calculation. If
3 it's not confirmed by CBL. But it's definitely going
4 to be above regulations and requirements. Because if
5 not, then we would have remediated it and address it,
6 you know, if it was determined it wasn't sufficient.

7 MR. MCCLURE: Well, the problem is you
8 run into different requirements for production and
9 injection. And here we're technically injecting into
10 the reservoir.

11 So it is kind of a gray zone, I guess.
12 So while I agree with you on you would have remediated
13 it under the thought process of it being a production
14 well, now we're looking at converting it to a closed
15 loop gas capture well, essentially.

16 MR. LATTIMER: Yeah. Understood.

17 MR. MCCLURE: Go ahead.

18 MR. LATTIMER: But again, this
19 injection is very, you know, short-term duration.
20 It's, you know, hours or days. It's not going to be,
21 you know, weeks.

22 MR. MCCLURE: Well, I was going to say
23 the pressure is actually the larger factor that would
24 make a person most comfortable.

25 Having said that, though, the part that

1 makes us a lot less comfortable is the fact that we
2 have no way of monitoring our annulus and making sure
3 there's a layer of protection between our well that
4 we're injecting into and our outside formations,
5 essentially, upper formations.

6 Because in normal injection, you'd have
7 your annulus isolated. Here, we obviously cannot do
8 that. So that's --

9 MR. LATTIMER: There's been --

10 MR. MCCLURE: -- a little bit extra
11 concern. Go ahead.

12 MR. LATTIMER: I was going to say yes,
13 because it's a normal gas lift operation, so you know,
14 you --

15 MR. MCCLURE: Exactly.

16 MR. LATTIMER: -- but I mean, the
17 pressures that can be seen on that annulus are within
18 our normal gas lift operational, I guess, criteria
19 anyways or pressure limits because we can't supply a
20 pressure that would get way too high and create an
21 issue for the well integrity.

22 MR. MCCLURE: Yeah. No. And I was
23 going to say, that's definitely a circumstance that is
24 less problematic than its general injection well. But
25 having said that, you know, I'm not sure if we're

1 comfortable, I guess, not having cement coverage all
2 the way to the intermediate casing.

3 But that's something for the division
4 to decide upon and see what we're thinking on these
5 individual wells. At this particular juncture, I'm
6 just getting confirmation of what Chevron's intent is
7 and proposition is here.

8 MR. LATTIMER: Understood.

9 MR. MCCLURE: Okay. You didn't want to
10 jump in at all, did you, Mr. Rose-Coss, before I get
11 to more general?

12 MR. ROSE-COSS: I don't have anything
13 else specific to pivot. So keep going.

14 MR. MCCLURE: Okay. That's what I'll
15 plan on then.

16 Yeah. Ms. DeFriend, earlier you had
17 mentioned that the railroad commission that Chevron
18 also has a similar project to this in front of them.
19 What was the resolution in the case? Or is it still
20 before them?

21 MR. ROSE-COSS: Yeah. That was going
22 to be my question because often -- well, I was -- it
23 was probably not that funny. But it was, like,
24 awesome of the OCD would get told how it is done in
25 Texas, and then we say how we're going to do it

1 instead.

2 But now I'm curious to know how the
3 Texas Railroad Commission --

4 MS. DEFRIEND: Sure. This is Christine
5 DeFriend. When we approached the railroad commission,
6 they did not require us to provide any pilot data, any
7 permitting, or anything for intermittent gas injection
8 less than 30 days.

9 MR. ROSE-COSS: Okay. And that's about
10 what I thought.

11 MS. DEFRIEND: They allowed it proceed,
12 and they have not been involved in that pilot project
13 at all.

14 MR. ROSE-COSS: So they didn't grill
15 you for a whole day at a hearing with a lawyer?

16 MS. DEFRIEND: Correct. We didn't have
17 a hearing. We handled it via phone call, email, that
18 type of thing.

19 MR. ROSE-COSS: Okay. Well, go
20 ahead --

21 MR. MCCLURE: Did they have any
22 requirements in regards to ensuring mechanical
23 integrity considering my concerns that we don't have
24 the annulus isolated? How did they approach that
25 circumstance?

1 MS. DEFRIEND: It was not brought up.
2 I don't want to assume they had no concerns, but they
3 did not ask us to provide any or demonstrate any MITs.
4 They didn't ask us for anything, in fact. They just
5 said we could proceed anything less than 30 days.

6 MR. MCCLURE: And it's just currently a
7 pilot project, though. Right? It's not full-term?

8 MS. DEFRIEND: It -- it was -- it was a
9 pilot, but even moving onto full-term intermittent
10 injection, less than 30 days where we are not required
11 to reclassify the wells as injectors, we were allowed
12 to proceed.

13 MR. MCCLURE: Okay. Thank you. Now,
14 when you approached the BLM in regards to this
15 project, you mentioned that they have not gotten back
16 to you with any resolutions or conclusions of their
17 opinion, then, yet?

18 MS. DEFRIEND: That is correct. But
19 actually, later in the hearing after my testimony, we
20 did get an email back from them. They were setting up
21 a meeting next week to -- we did a presentation on
22 November 10th to -- I'm not 100 percent aware because
23 titles.

24 But another group, the reservoir
25 management group, would like us to do the same

1 presentation again. And we're currently setting that
2 up for next week.

3 MR. MCCLURE: Yeah. I'm going to
4 mispronounce his last name, but it's Kyle Paradis
5 maybe or Paradis.

6 MS. FLEMING: Yeah. Just to -- to
7 clarify, we had a meeting -- this is Alexandra
8 Fleming, if you can hear me. We had a meeting --

9 MR. MCCLURE: Yes, ma'am.

10 MS. FLEMING: -- with BLM's CFO, the
11 Carlsbad field office -- that would be Chris Walls --
12 on November 10th just showing the allocation method.
13 And he said, yep, this is great. He remembered the
14 pilot that we came and we proposed. And they had said
15 yep, sounds great, to do the pilot.

16 He asked us to re-present the pilot
17 results because some of his engineers have turned over
18 since we came to them and presented the pilot results.
19 And he just wanted his newer engineers to see it. And
20 then, he also asked that Mustafa Hawk [ph] and Kyle
21 Paradis with BLM RMG group, the reservoir management
22 group, also see it and give us feedback on the
23 allocation method.

24 But -- and so we're doing that -- that
25 email from Haws [ph] came in during this sort of

1 deposition actually. And so we're setting it up
2 hopefully for next week. And then the BLM did
3 indicate that it would just be a sundry notice to them
4 of this allocation so they can re-review the
5 allocation method.

6 MR. MCCLURE: Yeah. And just to give
7 you some context of the reason I'm asking, Chevron was
8 very kind enough to take the fee leases out of their
9 pilot project here. So essentially now we're just
10 left with the federal royalties.

11 But essentially what my concern is is
12 if we do not have 100 percent recovery, then it will
13 be the federal minerals in this case that end up
14 getting shorted. Correct? If we underestimate their
15 native production?

16 MS. FLEMING: Could you say that again,
17 please?

18 MR. MCCLURE: Yes, ma'am. I was going
19 to say if the native production from the well was
20 underestimated, then how your royalties are being
21 determined, those wells would be underpaid on
22 royalties. Correct?

23 MR. LATTIMER: I mean, I guess, yes.
24 But I mean, we don't have any indication that we would
25 be underestimating. You know, our well tests are

1 pretty frequent. We have solid baseline and history
2 data that, you know, we believe the data that Yula has
3 alluded to and shared that, you know, I guess that is
4 a possibility.

5 But we don't see that as being a
6 concern.

7 MR. MCCLURE: And I'm not -- go ahead,
8 sir.

9 DR. TANG: Sorry. This is Yula Tang.
10 I just was trying to say that, you know, maybe the
11 difference is that a simple allocation or -- GOR
12 calculation, there are some difference regarding the
13 timing of the recovery. Maybe it's in short time or
14 one month or four months, three months, five months.

15 So five months is not a big difference
16 that go years or ten years to come back or that's not
17 the case. So the impact regarding who the capture
18 volume for the royalty, that is very small.

19 MR. MCCLURE: Yeah. And it's
20 definitely -- oh, go ahead. Was somebody else
21 speaking? I'm sorry.

22 DR. TANG: Me. I mean, the cause would
23 say that our gas would be returned 100 percent. It
24 just takes some time.

25 MR. MCCLURE: Well, I was going to say,

1 I mean, we might approach 100 percent. But I don't
2 think you're ever going to actually see 100 percent.
3 You'll approach it, but you need infinite time to
4 actually get an entirety back. Having said that, you
5 can have relatively the full amount.

6 Micro show obviously more so in this
7 one as alluded to earlier is our pursuing with our
8 water influx potentially messing with that. However,
9 the reason I'm asking about the BLM is if it were to
10 occur, then it seems that how royalties are being
11 determined, it would only be the BLM that would be
12 shorted.

13 Hence, why I'm interested to know once
14 they've given their approval and blessing of how
15 you're going to determine your allocation and
16 determine royalties to them.

17 MS. FLEMING: That's correct. But
18 that's why we're proposing mass balance because we're
19 not waiting infinite time to recover these very small,
20 like, relatively-speaking very small volumes out on
21 the tail end if that's even the case. In our
22 Culbertson pilot, we recovered it quickly, and we
23 confirmed that was GOR.

24 So there is the option or possibility
25 here that in some of these other wells, the water

1 influx may not be a problem, and we do recover that
2 gas very quickly. So mass balance makes sense, and
3 then we return to native gas production.

4 But yes, in this situation you are
5 proposing, if we are underestimating, then it would be
6 the federal leases that are shorted. But we have no
7 reason to believe that that -- as my colleagues have
8 said, we have no reason to believe that that would be
9 the case based on our pilot results thus far.

10 MR. MCCLURE: And I'm not implying as
11 such. But because of that, at the very least, I don't
12 think I would recommend that the division not move on
13 this until we get some sort of approved sundry or
14 something submitted to us from the BLM for this
15 specific case.

16 I don't know what Mr. Brancard's
17 thought is on how we can proceed with the case going
18 forward. But that's kind of where I was leading to
19 with this line of questioning, I guess.

20 I don't know if Mr. Brancard --

21 MS. DEFRIEND: I think pursuing --

22 MR. MCCLURE: -- is listening in.

23 Go ahead, ma'am.

24 MS. DEFRIEND: -- speak to that we've
25 been pursuing this with BLM. We have the follow-up

1 meeting next week. We'll approach them with this
2 sundry, so that's something we can provide to you if
3 and when we have that.

4 MR. MCCLURE: Yeah. That was exactly
5 what I was getting at. And because the assumption is
6 here if in a few weeks you might have it, it's kind of
7 your thought process currently?

8 MS. FLEMING: Yes.

9 MR. MCCLURE: Okay.

10 MS. FLEMING: Yeah, Dean, we'll have
11 that conversation, and then we'll put in for that
12 sundry. So and just because I don't know the process.
13 Will you prefer that we submit that to the BLM to gain
14 their approval first and then move forward? Or would
15 they typically wait for you all to let us know whether
16 it was --

17 MR. MCCLURE: Well, I was going to say,
18 we're kind of, I mean, Chevron's considering it a
19 full-time project, but we're essentially kind of
20 still, I mean, we're at the very least regardless of
21 who's making the terminology, at the tail end of a
22 pilot project regardless of who's referring to it, I
23 guess.

24 But because of that, I don't know as
25 there is a set standard is what I'm trying to get at.

1 And I wouldn't even say that this would be a
2 requirement for these projects overall. But because
3 of the special circumstances in this project,
4 wondering if that may be our best approach.

5 MS. FLEMING: So we heard that, Dean,
6 to go ahead and get with the RMG, talk with them about
7 it, and go ahead and submit that to them for their
8 approval.

9 MR. MCCLURE: Yes, ma'am. Yeah. And
10 in this particular case, I think if we just get
11 something from the BLM that just shows that -- or
12 something from you that's been approved by the BLM
13 that shows they're on board with your allocation
14 proposal.

15 Could be as simple as a cover letter or
16 if they want you to submit it as a sundry. I don't
17 think it makes a difference to us how the BLM wants
18 you to do that.

19 MR. LATTIMER: All right.

20 MS. FLEMING: I don't know if this
21 impacts you guys, but I have about ten minutes until I
22 need to go pick up my kids from school. If you have
23 any other questions directed for me, maybe we could
24 try to cover those? Is that okay?

25 MR. MCCLURE: Yes, ma'am. I was going

1 to say, having said that, I --

2 MR. ROSE-COSS: I'm in the same boat.
3 So that works.

4 MS. FLEMING: It's an hour later here,
5 so my kids are going to be, like, "You left me. I was
6 the last one picked up today."

7 MR. MCCLURE: I was going to say, I
8 actually have one more question.

9 Go ahead. I'm sorry? Is somebody
10 talking?

11 MS. FLEMING: No. We were
12 chit-chatting. Go ahead.

13 MR. MCCLURE: Okay. I was going to
14 say, the only other question I have is just for
15 confirmation as far as where our source wells are
16 located, what you have highlighted as Chevron's
17 acreage, it'd be that eight and a half sections that's
18 in the state of New Mexico there.

19 Essentially, that's the location of all
20 the source wells. Correct?

21 MR. LATTIMER: Correct. All of those
22 eight and a half sections highlighted in yellow in New
23 Mexico.

24 MR. MCCLURE: Yep. Exactly. I was
25 just wanting to confirm it was all eight and a half.

1 Based upon the central tank battery names, it kind of
2 led me to that conclusion, but I just wanted complete
3 confirmation of that. I think that was all my
4 questions.

5 Dylan, did we want more follow-up about
6 having the -- making sure that we had a disposition of
7 the Bone Spring lime, I think you were asking about
8 maybe? Did you want more follow-up on that, or were
9 you satisfied?

10 MR. ROSE-COSS: I'm satisfied. I think
11 we're going to -- it's going to be what it is.

12 MR. MCCLURE: Okay. Thank you, all of
13 you.

14 Mr. Brancard, I don't have any more
15 questions.

16 THE HEARING OFFICER: I don't believe
17 you, Dean, but you're cutting yourself off.

18 MR. MCCLURE: I'm cutting it off.

19 THE HEARING OFFICER: So anyway, yes.
20 We really appreciate you all hanging in there and
21 answering a lot more questions whether they're
22 relevant or not. And what do we need for follow-up?
23 Let's sit down and figure this out here.

24 MR. MCCLURE: I don't know if Mr.
25 Rankin has a list. I was going to say, I had two

1 things that I was thinking of unless I missed any.

2 The two things I was --

3 THE HEARING OFFICER: Mr. Rankin --

4 MR. MCCLURE: Oh, go ahead. I'm sorry,
5 Mr. Brancard.

6 THE HEARING OFFICER: No. Go ahead,
7 Dean.

8 MR. MCCLURE: Okay. The only two
9 things that I had that was identified was an approval
10 from the BLM regarding the allocation method. And the
11 other thing was submit that graph again with the scale
12 on the righthand side for the fluid. It was the gas
13 reinjection pilot injection history.

14 And then, the scale on the righthand
15 side. Those are the only two things that I had, but I
16 may have missed it if somebody else asked for
17 anything.

18 THE HEARING OFFICER: Mr. Rose-Coss,
19 did you have anything that you --

20 MR. ROSE-COSS: You know, no. No. I'm
21 okay. I think the discussion resolved most of the
22 questions.

23 THE HEARING OFFICER: I would warn you
24 all that we feel free to email you with other
25 requests.

1 Mr. Tang? Dr. Tang?

2 DR. TANG: I just wanted to clarify
3 that and the scale of that chart. It didn't show that
4 liquid rate scale, but on next page, it same -- same
5 graph. It show on the -- on the lefthand side
6 vertical, it shows the liquid rate scale. Actually,
7 it is there.

8 MS. FLEMING: But we will also reach in
9 it with the scale.

10 THE HEARING OFFICER: Thank you. Yeah.
11 I know that the only two things that I had written
12 down.

13 Mr. Rankin, did you have anything else
14 written down?

15 MR. RANKIN: No. That's all.

16 THE HEARING OFFICER: Great. Thank
17 you.

18 This has been extremely helpful.
19 We're, you know, heading to new waters here -- or new
20 gas. New fluids, how about that? And we appreciate
21 all the information you provided, and the information
22 from these pilot projects is obviously very helpful.
23 And so with that, we are now at the end of Case 23174.

24 Is there anyone else out there with
25 comments today on Case 23174?

1 Hearing none, if we haven't already
2 admitted all the exhibits into the record, did we
3 clear all that up, Mr. Rankin?

4 MR. RANKIN: I believe we did. I
5 believe we have accepted all 25 and have had them
6 admitted to the record. You know, Mr. Examiner, it's
7 late, so I won't belabor anything. One thing I would
8 like to close with is just a reminder to the division
9 -- this is before your time, Mr. Brancard.

10 But when Chevron initially came to the
11 division with this pilot project, it did so at the
12 direction of the division on the basis that the
13 proposed operations and short-term injection that it
14 was proposing did not fall within the division's UIC
15 regulations.

16 And so the division sent Chevron a
17 letter clarifying that they believed the authority to
18 regulate this type of project fell under the Oil and
19 Gas Act. And so that's how the nature of how this
20 evolved going back to 2019 when these pilot projects
21 initially came about was on that basis.

22 And I understand that the division, it
23 may be continuing to evaluate that. But that's the
24 basis for how, you know, the origination of these
25 cases.

1 THE HEARING OFFICER: Thank you. I'm
2 aware of the discussions on the pilot projects and
3 that we came to that decision for the pilot projects.
4 I just think it's worthwhile to think about it again
5 now that's we're looking at permanent approval of this
6 type of method of injection here.

7 Anyway, we will keep you informed. I
8 think discussions are ongoing. I see emails bouncing
9 back already from other people with Chevron and our
10 agency. And so we will keep you informed as to what's
11 going on with that issue. And it's not that we want
12 to slow down or block your project.

13 It's more that we don't want to head
14 forward on something and then have somebody, you know,
15 like our big uncles at the EPA tell us that we've done
16 the wrong things. So.

17 MR. RANKIN: Understood. Appreciate
18 the diligence, engagement. On behalf of myself and
19 the group at Chevron, thank you very much for the
20 time. And if there's anything else that ends up with
21 that, we'll try to address it or facilitate, you know,
22 anything down the road. And we'll be in touch, I'm
23 sure.

24 THE HEARING OFFICER: Thank you. So
25 with that, Case 23174, it is taken under advisement,

1 record left open for those two little matters at this
2 point to be submitted.

3 Thank you, everyone.

4 MR. RANKIN: Thank you.

5 DR. TANG: Thank you.

6 MS. DEFRIEND: Thank you.

7 MR. ROSE-COSS: Thank you, all. This
8 was helpful.

9 MR. MCCLURE: Thank you, guys, for all
10 your hard work, by the way.

11 DR. TANG: Thank you.

12 MS. FLEMING: Thank you.

13 (Whereupon, at 5:39 p.m., the
14 proceeding was concluded.)

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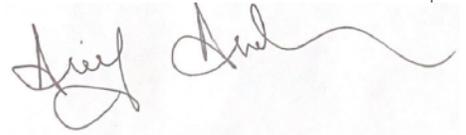
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ARIEL ANDREW

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& 4:10,17,23 5:4 5:9,21 6:4,21 7:17 8:4 52:22	84:23 85:6 97:9 174:20,20,21 281:9,10,12 285:4 286:14 312:10	112:3 117:10 120:20 129:8 156:4	90:25 178:24 179:1,14,21 180:1 199:25 212:23 214:1 221:17 258:12 283:6,13,19
0		103 57:9	
0.14 204:23 01 32:9 02 32:9,10 025g 107:11 0268 3:16 7:12 8:24 9:6 03 32:9,10 032 55:1 04 32:10 08s223227d 107:11	100 125:1 159:18 163:5,9 174:25 222:18 226:24 237:17,17 241:13 246:20 247:4 249:6 250:7 257:1,2,16 261:6 266:3,4 273:15 277:15 294:25 307:3 319:22 321:12 322:23 323:1,2	103/106 17:13 103h 128:4 1056 3:21 10:5 108/111 17:18,20 17:22,23,24 18:4 18:5,6 109/111 18:8,9 10h 73:20 10th 163:12 319:22 320:12 11 21:6 98:15 102:23 109:1 114:9,15 175:18 175:20	120 177:17,19 1200 230:2 237:2 299:19,20 312:12 1220 3:8 1236 91:8 1239 9:12 1250 203:20 245:9 296:24 297:10,10 128/137 19:16 129/137 19:17,18 19:19,20,21 12:15 192:1 12h 69:16 12th 242:8 13 21:9 69:10 70:2 78:3,9 84:23 85:4,6 91:18 109:3 114:11 139:19 140:20 142:5 155:3,24 156:1,4 156:17 162:10 194:1,4 197:13 199:9 213:25 214:6,11 244:25 251:8 282:4,12 282:20 283:25 287:19,21,21,24
1		11-1 268:23 110 4:6 6:10 7:24 8:18 9:17 9:24 91:24 200:6 1100 236:22,25 238:4,5 1120 154:8 113/115 18:14,15 18:16 114/115 18:18,20 18:21 1140 238:7 117/126 19:4,5 118/126 19:9,10 119/126 19:11 11:05 138:3,9 11h 69:16 73:20 91:8,15 92:1,2	
1 2:9 4:6 6:10 7:24 8:18 9:17 9:24 20:18 22:3 22:11 77:23 90:25 94:6 119:9 126:3 146:2,3,5,21,25 164:8 166:13,19 197:9 199:2 227:5,6 248:5,6 248:9,14 288:6 303:22,23 306:3 1,000 203:14 235:9 236:19,25 252:4 312:12 1,120 217:25 1.5 226:14,15 250:5 299:21 1/19 25:16	1000 4:24 5:5 7:18 101 57:9 102 15:15 16:3 57:9 62:24,25 92:8 95:7,18,22 96:5 97:23 111:1 124:17 102/106 16:20,21 16:23,25 17:4,5 17:6,8,10,12 102h 128:4 102s 12:19 16:21 17:18 19:5,19 20:21 53:10 58:17 62:12,17 62:20,24 63:5 65:2 102:4 108:8 109:16,19 109:25 110:1,12		

<p>288:5,17,20 289:21,21 290:4 290:5 291:20,21 292:8 294:11,14 294:21,22 303:15 130/137 19:22,23 19:24,25 1300 207:1 131/137 20:4,5,6 132/137 20:7,8,9 20:11,13 133/166 20:14 136 230:1 137 11:3 13th 240:22 14 21:10 151:24 152:9,13,15,18 195:10,15 226:15 228:17 228:19,24 250:24 292:19 296:12 1400 243:5 144 11:7 146/166 20:18 14th 240:18 242:21 15 21:11 72:1 98:17 103:3 113:15 199:14 199:18,20 275:3 275:5,7 276:4 15.35 94:10 150 229:25 273:16 304:9 306:17 307:14</p>	<p>150/166 20:19 1500 230:5 235:8 238:15,15,16,17 239:23 240:2 243:5 247:9 252:9 311:15 1512 5:16 6:16 154/166 20:20 1550 206:24 156/166 20:21 159/166 20:22 15h 69:16 15th 38:9 86:16 86:25 87:10,15 87:19,24 126:1 16 21:12 57:7 80:5 128:2 201:13,17 160 62:17,18 101:3 177:19 1600 230:5 160s 58:21 59:6 161/166 20:23 1612 7:6 168 11:9 16h 69:17 16th 32:2,10 33:15 35:5 42:7 42:23 43:23 48:17 51:25 52:6 17 21:13 25:24 73:18 74:2 101:4,9 109:17 111:1 203:5,6 205:7 171/180 20:25</p>	<p>173/180 21:4 174/180 21:5 175 94:7 175/180 21:7 177 36:11 178 36:12 179 36:12 179/180 21:8 18 21:14 28:23 93:15,17 101:5 110:2 128:2 140:24 141:1,6 154:9 155:6,15 161:3 170:25 176:3 198:18 205:17,18 217:24,25 302:13 303:3 309:20 310:5 181 284:9 183 269:3,3 189/180 20:24 19 21:15 57:7 69:6,23 140:24 147:15 154:7,10 170:25 176:3 197:11 208:22 208:23 217:24 302:10 309:21 310:5,11 19-2 287:10 190 11:9 193 11:11 194/214 21:9 195/214 21:10 1950s 309:21 199/214 21:11</p>	<p>19h 69:17 171:2 171:20 174:5 19th 25:6,20 67:6 69:19 1:30 192:6 223:10 1h 73:20 101:9 1st 232:1</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 20:19 28:13 53:20,20,20,22 53:22,22 54:15 54:15,15 77:11 77:23,24 78:2,8 94:9 142:9,10 143:7 150:6,8,12 150:15 172:11 172:22,25 174:14 175:24 181:15 204:5 225:25 227:19 232:3,3 248:10 248:14 249:4 298:21 303:23 304:5,11,14 305:1,18 306:4,8 306:12 308:4,7 308:11,18,22 2,000 272:7,7 311:17 20 21:17 210:8,9 214:1,7,11 239:18 285:4,7 286:14 312:10 200 88:11 118:8 184:11,14 295:1</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

2007 194:11	210/214 21:17	22103 1:14 25:25	22603 1:22 29:1
201/214 21:12	21020 139:10	22104 1:14 26:1	22641 1:22 52:11
2014 292:22	211 116:17	22114 1:12 26:1	52:25 54:13
2015 292:22	212 116:18	22115 1:12 26:1	22642 1:22 52:11
2018 145:11	21361 1:18 23:11	22274 1:19 28:25	22643 1:23 52:11
2019 177:10	24:23 25:18	22275 1:19 28:25	22644 1:23 52:11
226:8 228:6	21362 1:18 23:11	22276 1:19 29:1	2274 32:9
230:10 232:22	21363 1:18 23:12	22277 1:19 29:1	22813 1:11 44:8
250:1 331:20	21364 1:18 23:12	223176 35:8	47:3
2020 232:1 236:3	21393 1:10 23:12	22399 90:9	22814 1:12 44:8
236:4,9	21394 1:10 23:12	224 11:15	47:3
2021 139:13,15	214 4:11 6:22	22423 1:19 32:14	22871 1:10
151:19,24,25	8:5	22424 1:20 32:14	22872 1:10
153:7 243:21,22	21481 1:13	22425 1:20 32:14	22879 1:23 35:8
247:23 248:20	21489 1:9 23:12	22426 1:20 32:14	36:11
250:3 256:3,25	21490 1:9 23:12	22429 1:20 33:17	22880 1:23 35:8
268:23 269:10	21491 1:9 23:12	22430 1:20 33:17	37:8
269:12	216 11:13	22431 1:21 33:17	22912 1:16 33:17
2022 2:9 22:3	21683 1:13 25:25	22432 1:21 33:17	22913 1:16 33:18
75:23 98:15,17	21685 1:13 25:25	22433 1:21 33:17	22914 1:16 33:18
102:23 103:3	217/221 21:19	22434 1:21 33:17	22915 1:16 33:18
109:1,3 110:2	218/221 21:20	22496 1:14 32:14	22916 1:17 33:18
114:9,11,15	218h 121:4	22497 1:14 32:14	22917 1:17 33:18
121:5 153:16	219/221 21:21	22498 1:14 32:14	22928 90:2,14
220:5 223:18	21h 90:10 91:12	22499 1:15 32:15	91:6
2023 113:16	91:13 92:2	225/253 21:18	22989 1:17 33:18
2024 69:6,19,23	21st 226:15	22501 1:15 29:1	22990 1:17 33:18
203/214 21:13	241:2 247:12	32:9	22991 1:17 33:19
205/214 21:14	22 21:19 35:8	22502 1:15 29:2	22992 1:18 33:19
208/214 21:16	85:19 90:25	22503 1:15 29:2	22nd 43:19
20h 69:17 70:7	91:18 107:15	22504 1:15 29:2	23 21:20 218:7,8
303:4	217:16,18	22584 1:16 44:8	220:5,16
21 21:18 43:6	220:16,21 221:3	45:24 47:2	23031 1:13 54:19
69:12 70:4,18	220/221 21:22	22600 1:21 29:1	55:1,10,20,22
91:2,21 151:25	22083 1:12 26:1	32:9	23032 1:13 54:20
225:15,16	26:20	22601 1:22 29:1	55:20,22
253:10,14	22084 1:12 26:1	22602 1:22 29:1	23088 1:11
	26:20		

[23089 - 33h]

<p>23089 1:11 23090 1:11 23091 1:11 23174 1:10 138:1 138:13 139:2 330:23,25 332:25 23175 1:23 56:2 56:21 64:2,25 23176 1:24 35:8 36:11,20 39:1 23177 1:24 35:8 36:20 23178 1:24 35:9 36:20 39:1 23179 1:24 35:9 36:21 23180 1:24 23181 1:25 23182 1:25 23183 1:25 96:12 96:25 97:3 98:22 100:2,4 23184 1:25 68:19 68:25 69:4 70:24 72:11,12 72:14 23185 1:25 68:19 68:25 69:20 70:25 72:11,12 72:14 23186 2:1 100:11 100:18,23 103:5 106:6,8 23187 2:1 89:13 89:18 90:7,10,13 90:22 91:6,10,24 95:25</p>	<p>23188 2:1 23189 2:1 23190 2:1 23191 2:2 23192 2:2 23193 2:2 23194 2:2 65:10 67:3 68:14 126:10 133:11 137:15 23195 2:2 23196 2:3 23197 2:3 23198 2:3 23203 2:3 23204 2:3 106:24 107:6,9 109:8 112:11 23206 2:4 47:8 47:18 23207 2:4 77:11 77:15,18 79:8 81:8,10 23209 2:4 81:16 81:20 84:18 85:19 23210 2:4 23211 2:4 115:22 116:11 125:25 23212 2:5 115:22 116:11 23213 2:5 23214 2:5 50:8 52:4 23215 2:5 72:18 73:8,11 77:3,5,7 23216 2:5 72:18 73:8,21 77:3,5,7</p>	<p>23217 2:6 112:16 112:21,24 114:18 115:11 115:13 232213 48:24 24 21:21 69:11 69:11 70:3 116:17 153:13 219:17,21 220:23 283:5,9 283:12 303:15 2400 232:15 24h 70:7 25 21:22 57:8 70:4 107:15,18 220:7,13,22,23 221:3 243:11 331:5 2500 232:15 235:9 252:7 25245 5:22 26 97:8,11 104:7 128:3 147:15 154:10 218:1 26522 334:17 27 101:5 276.17 77:20 27972 335:14 28 73:18 74:2 29 28:24 97:11 301:21,25 302:2 29th 105:18 2h 78:5 85:1 101:9 302:12 2nd 46:13 47:4 49:20 50:4</p>	<p>3 3 19:6 20:20 84:23 85:3 117:24 118:3 154:20 160:20 160:22,25 197:9 198:10,12 199:2 230:17 248:18 248:18 30 32:12,13 248:20 293:12 318:8 319:5,10 30,000 272:9 300 172:22 260:5 261:6 285:8,8 286:14 307:3,11 3002542662 147:9 151:24 3002542797 147:10 311h 107:19,24 31h 107:19 32 69:12 70:4 73:17,19 74:1 91:1,2,18,21 107:16 320 57:3 62:14 63:2,6,7 73:16 73:25 99:6,9 127:22 129:10 147:13 154:5 325 4:18 5:10 3250 127:25 32h 107:19 33 147:16 154:10 218:1 303:4 33h 107:19,20</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>34 116:17 3400 178:12 35 78:7 94:10 97:9 35-25 97:15 350 8:11 175:25 36 91:2,21 107:15,18 360 69:24 362 24:23 25:18 363 24:23 25:18 364 24:23 25:19 37 32:13 38 33:16 78:3,7,9 84:24 85:4,6 393 24:23 25:19 394 24:23 25:19 3:55 300:1 3d 307:6 3h 101:10</p>	<p>46 303:16 47 303:16 480 84:21 85:9 90:23 116:23 121:19 122:14 123:1 489 24:23 25:19 490 24:23 25:19 491 24:23 25:19 4th 4:24 5:5 7:18</p>	<p>53 33:16 53/54 12:4 54 35:7 55/55 12:9 5566886 2:15 58/65 12:15,16 12:17,18,19 5800 175:2 59 35:7 59/65 12:20,21 5:39 333:13 5a 129:13,14 5b 129:18 5h 69:16 303:17 5th 41:7 42:21 43:20 67:16 68:15 88:3 89:10</p>	<p>63 47:8 64 48:23 640 107:13 110:13 642 53:1 54:13 643 53:1 54:13 644 53:1 54:13 65 50:8 650 230:8 66 52:10 66-69 12:3 69 52:10 6h 69:16 303:17</p>
	5		7
	<p>5 19:11 20:22 77:23 94:7 105:11 116:16 119:4,5,9 126:3 143:9 159:8,12 207:14 227:3 230:17 248:25 249:5 5,000 272:8 50 176:1 204:16 230:14 236:5,5,7 237:19 273:17 50,000 257:13,14 500 4:24 5:5 6:5 7:18 176:1,3 230:14 231:16 231:21 236:17 260:6 501h 113:1 502h 113:1 50h 74:4 50s 309:21 310:15 311:7 51120 101:1 51683 91:13</p>	6	<p>7 20:24 53:20,22 54:15 77:23 78:8 97:8 117:9 179:14,20 180:1 189:5,7 263:19 284:15 296:13 7,000 272:13 7-1 270:17 7/22 62:21 70 54:19 230:14 256:4 293:13 70-71 12:8 700 203:14 252:3 70h 74:4 71 54:19 72 12:13 13:3 56:1 72/72 13:20 720 69:7 73 19:15 20:3 65:9 74 68:19</p>
4			
<p>4 19:10 20:21 78:6 86:9 118:12,17 156:3 156:7 4,100 73:16 4,130 73:24 40 172:18 183:16 183:21 400 7:5 247:5 260:6 4040 8:11 431.99 97:6 440 230:11 45 303:16 451h 97:15</p>			

[74/77 - able]

<p>74/77 14:4 75 13:19,19 32:9 68:19 75/77 14:7,8 76 14:3 32:9 72:18 77 14:3 32:9 72:18 78 14:12 77:11 78/81 14:15,19 78209 8:12 79 10:10 15:3 81:16 79/81 14:20 7h 69:16 303:17 7th 103:17</p>	<p>82 16:18 17:3 100:11 83 10:11 17:17 18:3 26:23 106:23 84 18:13 26:24 112:16 85 19:3 68:2 115:22 85/87 15:5 8500 247:12 86 19:3 68:9 115:22 86/87 15:6,7 87 20:17 21:3 22:12 68:2 127:10 138:1,12</p>	<p>9,090 156:20 90 204:11 205:4 236:11 248:19 291:22,23 293:12 90h 74:4 91 259:19 92/96 15:12,13 15:14,15,17,18 15:20,22 9258 156:20 93/96 15:23,24 95 91:24 96 289:23,24 97955 156:15 98220 97:5 98286 107:12 99/101 16:3,5,7,8 16:9,10,11,13,14 9:15 2:10</p>	<p>a5 12:20 19:20 59:4,7 129:16 134:19 a5b 19:21 129:24 a5c 19:22 130:3 130:5 135:11 a6 12:21 19:23 59:15,17,18,21 59:23 130:7,10 a7 12:22 19:24 59:25 60:3 130:15,17 a8 12:23 19:25 60:5,10 130:19 130:23 a9 12:24 20:4 60:12,16 128:15 131:1,4 abadie 4:10 6:21 8:4 23:21 52:22 abandon 49:17 abandoned 71:13 211:19,19 211:21,22 ability 113:18 175:11 244:19 287:22 334:10 335:7 able 48:12 66:24 126:16 149:9 150:6 154:15 159:5 191:1 200:12 201:15 206:17,19 225:20 229:3 240:2 245:7 250:21 251:9,14</p>
8	<p>87102 4:25 5:6 7:19 87125-5245 5:23 87501 2:13 4:7 4:12,19 5:11 6:11,23 7:25 8:6 8:19 9:13,18,25 87504 3:17,22 7:13 8:25 9:7 10:6 87505 3:9 5:17 6:6,17 880 36:11 88202 7:7 8h 69:16 8th 41:1 43:17</p>	a	
<p>8 20:25 114:3 116:17 117:9 171:12,15 243:21 263:19 267:2,2 283:13 283:18 298:20 304:23 305:22 305:23 8,000 118:9 178:4,8 272:8,14 8.5 249:2 8.9 249:4 80 15:11 89:13 200:6 236:10 800 118:10 260:6 81 16:2 96:11 104:24 259:19 813 45:24 814 45:24</p>	9	<p>a.m. 2:10 a1 12:16 19:16 58:7,9,15 128:15 128:15,19 a10 13:4 58:8 60:19,22 a2 12:17 19:17 58:10,15 128:21 129:1 a3 12:18 14:4 19:18 58:12,15 74:9,12 129:3,6 a4 12:19 14:7 19:19 58:17,23 75:18,19 129:8 129:11</p>	

[able - admitted]

<p>252:15 282:7,8 282:11 283:18 287:5 288:4 309:7 absolutely 40:7 298:23 abundance 130:12 132:23 accept 54:11 87:5 298:22 acceptable 164:18 accepted 97:21 101:16 108:6 145:13,23 164:9 165:24 168:20 169:8 195:6 216:22 217:10 224:22 225:9 331:5 access 231:6,7 accomplish 240:2 account 279:5 accounted 276:13 accounting 161:25 162:6 265:1 266:2 275:16 276:14 accrues 140:4 accurate 271:6 272:25 273:1 314:6 334:9 335:5 accurately 256:20</p>	<p>achievable 149:13 204:9,21 205:2 achieve 141:18 268:19 achieved 227:9 acknowledging 286:9,16 acquired 45:2 acre 57:3 62:17 62:18 63:2,6 69:7,24 73:16,25 77:20 84:21 85:9 90:23 97:6 101:3 107:14 121:19 122:14 127:23 154:8 acreage 17:6 42:3 43:5,9,12 50:21 102:13 113:17 141:2,3 173:20 175:12 304:7,13 327:17 acres 62:14 63:7 110:13 116:24 123:1 147:13 154:6 217:25 acronyms 135:16 act 44:3 142:19 142:22 143:11 331:19 acting 100:20 action 22:19 93:6 334:12,16 335:8,12 actions 120:14</p>	<p>active 302:21 303:10 actively 213:8 303:10 activity 269:11 acts 142:15 182:6 actual 86:13 156:18 201:4 210:16 213:7 242:11,24 244:5 272:19,19,20 adam 8:16 64:4 65:23 116:5 138:15 add 89:22 90:9 90:15 110:4 166:4 258:9 267:6 added 22:20 76:5 110:4,9 270:11 adding 22:18 addition 105:20 additional 12:4 23:1 38:8 54:12 70:16 73:11 74:16 90:10,16 103:13 105:2 146:16 149:19 162:21 202:14 222:7 258:14 additionally 218:17 281:1 address 31:22 76:16,18,20,24 83:24 148:4 160:7 162:24</p>	<p>166:11 190:22 191:1,13 228:6 253:24 315:5 332:21 addressed 90:10 164:21,25 166:7 214:17 addresses 76:16 135:12 219:7,11 219:14 adequate 227:18 314:6 adequately 200:20 adjacent 113:17 187:13 adjudication 165:25 administrative 60:9 107:23 admission 53:19 119:8 179:20 214:6 220:21 253:10 admit 111:16 admitted 38:22 39:15,16,18,20 39:21 55:20 61:25 64:25 71:2 72:12 74:23 77:4 79:7 81:10 93:5 96:2 98:22 100:4 103:4 106:8 109:8 114:17 115:13 125:25 133:6 137:17 166:18 179:24</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[admitted - alternative]

<p>214:10 221:2 253:13 331:2,6 advance 9:2 60:7 64:7 68:19,22 69:1,4,13,17,20 133:1 148:12 advanced 226:21 adverse 209:12 209:16 245:12 adversely 227:24 advisement 53:21 54:14 55:21 62:2,7 65:1 71:3 72:13 74:24 77:6 79:8 81:11 93:6 96:3 98:23 100:5 103:6 106:9,21 109:9 111:18 112:11 114:18 115:14 119:10 133:8 137:18 332:25 advisor 127:16 145:7 168:14 224:16 afe 12:25 15:18 16:7 60:14 92:9 97:25 130:21 afes 16:25 17:22 74:15 102:6 108:10 affect 194:24 affidavit 13:12 14:8 15:14 18:16 19:10 21:21 37:13</p>	<p>39:3 40:15 47:20 50:18 53:4,10 55:11,12 58:20 59:3,10 61:15 63:14,21 64:8 66:14,19,22 67:5,25 70:9 73:4 74:10,18 80:13 92:7,18 98:16 103:1 109:1 113:8 114:10 116:8 117:2 118:12 126:16,25 128:23 134:25 136:23 219:17 219:24 220:8,22 220:23 affidavits 15:21 38:8,15,19 43:18 93:4 118:5 affirmative 21:8 178:14,23 212:16 affirmed 12:14 13:5 16:12 17:11 18:7,19 20:10 58:5 60:25 74:6 97:17,22 98:4,14 101:13,17,24 102:11,21 108:3 108:7,15,24 114:8 128:13 131:7 132:10 affirming 102:1 afternoon 193:15 216:11</p>	<p>agency 142:24 332:10 ago 53:8 91:4 118:22 122:1 123:11 311:25 agree 31:15,19 31:23 33:12 38:3 46:9 48:14 95:3,11 110:21 180:24 307:17 315:12 agreeable 25:8 25:12,16 agreed 39:6 49:8 105:19,21 123:8 agreement 25:4 31:1 46:24 49:15 67:23 105:16,22 126:24 192:17 ahead 31:19 34:21 37:23 41:17 89:1 90:12 103:9 128:17 166:8 228:2 239:22,22 263:17 273:21 274:20 280:21 306:18 314:12 315:17 316:11 318:20 322:7,20 324:23 326:6,7 327:9,12 329:4,6 air 186:8 albuquerque 4:25 5:6,23 7:19 alerted 143:4</p>	<p>alerting 143:5 alexandra 11:8 143:20 167:18 167:23 168:8 304:1 320:7 aligns 310:18 allocate 161:13 161:22 162:22 allocated 249:4 270:18 276:6 283:25 allocating 163:15 allocation 20:23 162:9 163:11,15 164:4 248:7,8 249:10 258:4,5,6 270:20 275:2 320:12,23 321:4 321:5 322:11 323:15 326:13 329:10 allocations 270:9 274:24 allow 83:18,20 85:9 126:24 178:17 212:25 allowable 203:16,19 allowed 120:7 318:11 319:11 allowing 148:23 151:8 alluded 293:11 322:3 323:7 altar 93:25 alternative 297:16</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[amber - application]

<p>amber 10:11 92:7 108:3 110:17 amend 90:9 112:25 amended 32:11 40:14,22 41:1 43:18 90:15 amending 69:4 69:21 amendment 94:22 95:2 96:3 114:25 amount 196:24 250:14 263:3 268:20,21 289:17 291:11 323:5 analyses 157:16 analysis 21:16 153:7 158:18 160:1 163:4 176:6 177:4 187:19 190:14 208:16,19 209:1 210:1 226:20 228:6,15 234:9 241:17 244:18 249:8,20 250:6 250:19 258:14 258:17,20 265:9 273:3 275:21,22 275:24 278:16 295:8,22 301:15 analyzed 246:11 248:1 252:13 analyzing 202:25</p>	<p>andreas 77:19 77:20 84:20,20 andrew 335:2,15 andrews 4:17 5:9 24:13 35:11 45:21 annotated 211:4 announcement 22:24 23:4 announcements 22:15 23:5,7 annulus 196:2 290:22 316:2,7 316:17 318:24 answer 184:21 186:17 189:23 253:23,23 254:4 254:17 256:11 273:11 309:2 answered 269:15 294:9 308:20 answering 166:3 328:21 answers 267:16 311:7 anticipate 49:16 148:6,8,10 anticipated 250:23 259:20 antonio 8:12 56:13 127:18 anybody 126:10 anymore 44:19 264:24 290:17 296:15 298:6 anyway 27:18 89:2 143:14</p>	<p>255:14 272:14 312:2 328:19 332:7 anyways 257:23 273:8 316:19 aol.com 3:23 10:7 aor 158:19 187:7 302:11 apache 4:21 23:24 24:2 25:13 105:15,16 api 120:21 147:9 151:24 apologies 167:18 apologize 64:5 104:9 106:16 109:23 168:5 175:8 203:9 313:21 apologizing 286:16 apparent 178:17 appear 38:21 120:5 232:4 262:1 appearance 24:5 24:22 27:10 29:10 33:6 34:13 36:15,25 37:1,7 44:18 45:1,14 49:3 55:1 56:17,21,24 64:7,17 65:20 83:3,5 116:3,11 118:16 119:3,21 appearances 29:20 56:8</p>	<p>65:12 appeared 26:6 34:10 236:13 appearing 36:4 36:11 64:4 65:24 66:10 83:5 116:5 127:19 138:4,16 143:18 appears 190:15 236:25 applicant 87:10 87:12 88:17 100:15 107:3 118:8 138:16 application 12:17 15:13 19:17 20:18 57:12 58:11 70:12 74:7 79:1 86:8 89:21,23 90:7 91:10,23 92:6 94:22 95:2 128:6,22 140:23 141:16,23 142:3 145:16 146:2,3,9 146:24,25 155:13 156:23 164:1 168:23 179:5 194:20 199:10 213:16 216:25 218:4 219:3 220:10 224:24 244:23 250:21 251:16 252:25 253:5 296:2 302:24 312:24</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[applications - attachment]

<p>applications 18:14 42:2 43:3 53:18 70:10 113:6 117:1 157:6 202:23 205:10 applies 72:5 apply 30:1 80:25 appreciate 75:11 180:23 181:4 188:23 223:15 328:20 330:20 332:17 approach 162:23 163:1 165:14 236:15 249:10 249:11 273:4 276:3 318:24 323:1,3 325:1 326:4 approached 318:5 319:14 appropriate 38:4,12 52:6 90:8 93:6 166:8 214:14 253:22 253:24 approval 22:19 50:21 107:23 141:16 276:8 287:21 297:4 323:14 325:14 326:8 329:9 332:5 approve 141:13 142:11 approved 69:7 69:24 139:10</p>	<p>140:12 141:24 147:12 156:24 157:17 226:4 252:25 324:13 326:12 approving 146:20 211:12 253:4 approximately 73:15,24 156:16 172:18 217:25 238:5 240:2,18 april 232:1 236:4,4,8,8 aqua 155:5 area 17:7 20:20 21:4,17,19 102:13 113:16 139:18 140:20 141:3,7 146:16 147:11,13 149:4 152:15,17 154:3 154:8,13,19,25 155:14,16,23 156:5 160:20,24 161:1,7 169:2 170:18,22 173:10,20 174:13,17,25 175:12,15,17 176:14 177:5,12 177:16 178:16 182:25 183:15 183:20,21 185:13 186:3 187:18 189:21 190:4 191:9,14 199:4,6 209:25</p>	<p>210:2,3 211:16 211:21,25 212:2 217:21,23 218:15 221:21 222:2,8,10,15 230:12 232:20 251:5 259:4,13 260:13 270:19 289:20 303:14 309:5,16,23 areas 125:16 310:6 argue 281:19 argument 38:4 38:10 argus 130:14 132:25 ariel 335:2,15 arms 51:21 ascent 23:18,22 115:3 ascertain 265:7 asked 31:2 49:5 49:18 91:11 95:22 123:8 208:2 266:18 276:16 294:10 306:20 320:16 320:20 329:16 asking 118:9 136:10 140:18 142:3 156:1 157:7,9 190:13 190:17 270:2 294:3 301:25 304:4 308:1 309:9 313:11 321:7 323:9</p>	<p>328:7 asks 69:17 aspect 140:1 asset 170:22 189:15,17 193:22 206:6,17 208:12 210:16 231:8 assets 194:18 216:17 273:9 assignment 105:5,7 assignments 194:13 associated 113:22 149:17 assume 50:23 63:16 232:2 257:13 267:3 273:14 319:2 assuming 49:22 204:7 222:19 279:22 280:20 284:24 306:17 308:7 310:9 assumption 99:13 230:19 270:4 283:12 325:5 atoka 57:4 127:23 attached 63:20 63:20 118:7 130:22 146:20 146:24 attachment 117:3,10</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[attachments - back]

<p>attachments 70:11 117:3 attempted 87:18 attempting 134:4 attention 76:13 attentively 260:14 attests 113:9 attorney 3:20 10:4 334:14 335:10 audio 334:8 335:3 august 60:7 230:10 247:23 248:19,20 austin 194:11 authority 141:10 142:4,10,11,25 143:2,13 156:25 331:17 authorization 154:11 authorize 140:18 147:3 authorized 142:21 143:8 146:10 147:4 177:25 181:18 188:3 authorizing 139:6 automated 206:10 automatic 206:22</p>	<p>automation 299:3 available 37:18 66:25 140:7 153:1 155:24 166:24 176:19 176:20 212:17 215:15,21 221:7 223:5 229:4 230:6 251:10 avalon 21:6 139:8 147:6 156:11,13,20 169:15,22 170:1 171:8 172:6,11 172:11,20,21,22 172:25 173:5,21 174:11,14,24 175:22,23,24,24 176:7 178:6,22 181:22 185:1 186:14,20 188:7 188:7 199:22 200:15 207:11 207:22 209:3 210:24 211:7 226:6 227:13,18 230:7 245:13 249:23 252:21 253:1 256:8,13 263:13 278:17 279:8 292:24 303:7,18,19,22 303:23,23 304:2 304:5,5,9,11,14 304:14,23 305:1 305:18,18 306:2 306:4,8,12 308:7</p>	<p>308:11,18,22 311:19 avant 4:21 45:10 45:13,14 avenue 6:5 avenues 206:11 average 203:12 203:25 204:3 246:17 307:14 avoid 92:2 140:8 141:20 142:17 150:2 avu2 174:11 308:10 aware 103:19 104:20 119:16 134:1,9 141:8 157:4 186:19 187:6 208:6 237:1,5 319:22 332:2 awesome 317:24 axis 232:1 236:3 243:22 247:22</p>	<p>117:10,13 131:6 b1 13:7 20:5 61:1,5 131:8,13 131:19 b2 13:8 20:6 61:2,5 131:14,19 b3 13:9 20:7 61:7,13 131:21 132:3 b4 13:10 20:8 61:9,13 131:22 132:3 b5 13:11 20:9 61:11,13 131:8 132:5,8 back 31:13 46:23 49:14 67:12 79:23 80:3 115:8 118:15 121:5 123:10 126:9 128:24 139:13 149:6 150:21 160:20 163:23 170:12 177:8,9 177:10 189:4 194:11 198:9 232:22 233:24 235:22 236:3,4 240:7 242:8 243:18 247:24 248:21 250:3 254:10 256:25 256:25 257:23 263:8 265:1 266:17 267:20 272:12,13 276:4 276:8,9,25</p>
		b	
		<p>b 12:1 13:1,5 14:1,8,16 15:1,6 15:13 17:1 18:1 18:15 19:1,5 20:1 21:1 53:20 53:22 54:15 59:18 60:24,24 61:5 65:5 74:18 75:1 78:18,22 79:7 81:12 86:1 86:4 87:7 92:6 92:12 113:7,11</p>	

[back - believe]

277:13,15,20,24 278:12,17,18,25 279:3 280:18,19 281:22 282:4,21 286:2,25 288:11 290:23 292:8,11 294:14 295:16 299:24 311:7 312:1 319:15,20 322:16 323:4 331:20 332:9 background 250:14 302:23 bad 297:3,5,12 297:13 298:4 baker 5:21 balance 162:18 162:25 228:9 249:9 267:1 276:3 323:18 324:2 bale 13:11 61:11 132:5 ball 27:5 banga 293:5 banking 276:12 276:12,12 banks 123:5 bar 151:2 200:8 241:8 260:13 barrel 14:17 78:19 86:2 247:20,20 257:2 271:1,1,3 barrels 237:19 237:20 239:18 239:18 240:8,10 246:21 257:17	271:3 284:23 285:5,8,8 barrier 178:13 183:22 184:1 186:13,14 263:11 304:18 305:5 barriers 173:1 178:9 235:11 bars 151:3,4 base 13:8 20:6 59:1 61:3 73:24 131:14 304:14 based 140:17 152:8 153:18 157:21 162:1,1,7 163:3,18 173:4 176:5 177:3,21 189:2 200:16 204:6 212:4,11 214:16 219:1 227:12 230:12 230:13,15 231:3 234:8 237:5 244:19 248:7 249:1,3,8,14 250:19 259:15 274:24 296:3 301:23 314:11 314:14 324:9 328:1 baseline 246:19 273:11,14 322:1 basically 88:23 88:25 124:12 228:10 232:19 242:19 248:11 251:7 262:17	295:7 296:7 299:2 basin 152:15,17 170:20 182:8,19 182:20 183:17 186:2 193:21 basing 314:9 basis 38:17,23 59:19,20 129:20 129:20 135:4 153:21 162:23 162:25 176:20 331:12,21,24 batch 30:16 batteries 197:7 207:19,21 289:25 301:20 battery 195:20 197:10,11 301:7 301:12,13,14,21 301:24 302:2 328:1 beatty 6:4 29:18 54:22 beck 5:20 24:18 24:19 29:12,13 33:3,3 36:8,8 65:13 66:9,10,15 68:5,12 126:15 126:19,21 133:15 136:3 beginning 22:14 231:11 233:16 237:14,15 239:4 242:7,7 261:5,20 behalf 3:2,13 4:2 4:14,21 5:2,13 5:19 6:2,13,19	7:2,9,15,21 8:2,8 8:14,21 9:2,9,20 10:2 23:15,21 24:2,13,19 26:5 26:19 29:5,13 32:25 33:3 34:6 35:11,16,17,23 36:4,8,24 37:7 42:15 44:16 45:8,12,21 47:11 47:15 49:1 52:17,23 64:4 65:24 66:10 68:22 72:21 73:1 77:13 82:6 83:22 96:15 100:14,20 107:2 112:19 116:5 127:12,19 133:12 138:5,16 139:4 143:18 332:18 behavior 246:4 belabor 331:7 believe 22:12 23:9 24:17 25:7 27:5 44:23 45:1 47:19 49:2 50:7 53:2 55:2 56:1 56:15 57:15 64:12,13 68:1 76:8 79:21 80:5 80:7,21 81:23 86:12 95:16 100:19 101:25 104:10,18 106:19 109:25 111:13 114:24
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[believe - bottom]

<p>116:2 119:19 120:6,9,16 125:13 126:15 129:9 133:24 135:10 138:1 140:11 141:11 141:15 157:11 163:4 176:11,13 176:18 179:9 189:5 199:13 200:17 202:18 207:1 212:6,11 250:20 251:1,13 251:19,22 252:14,24 253:4 253:8 254:1 276:17,23 284:15 300:10 307:10 313:3 314:5 322:2 324:7,8 328:16 331:4,5 believed 331:17 bell 116:22 117:24 121:4 122:2,3,3,4 309:14,17 311:11 belle 30:7,18 ben 8:9 56:12 65:18 126:13 127:17 bench 230:7 292:24 304:6 benches 226:6 292:23 beneath 312:4</p>	<p>benefit 144:24 168:6 193:14 216:10 224:10 254:16 benefits 149:19 150:12 bennett 4:22 5:3 7:16 24:1,2 25:15 32:24,25 35:22,23 36:23 36:24 37:5 42:14,15,17 43:4 45:11,12,17 best 164:2 189:23 219:10 287:25 300:24 301:1 305:9 326:4 334:9 335:6 beth 34:6 37:6 45:7 47:15 52:17 better 31:12 66:1 89:5 96:21 181:1 195:25 214:17 250:14 254:8 262:13 312:17 beyond 264:18 bhp 230:11,13 231:21 233:2,5 234:3 big 56:9 185:4 286:18 305:15 322:15 332:15 bigger 109:16 biggest 293:5</p>	<p>bill 2:11 22:4 bin 275:12 292:15 bins 275:11 bird 30:7,17 bit 91:4 160:18 160:21 192:9 196:24 203:10 235:18 248:20 256:16 260:20 261:13 263:13 265:5 268:6 270:2 277:13 278:20,25 284:6 299:25 302:8 304:10,23 316:10 black 155:1 198:16 210:22 231:14,14 blalock 73:19 74:4 blank 201:21 blanking 201:14 blessing 323:14 blm 155:4,11 163:10,12,17 218:24 219:2 221:15,24 222:3 301:18 319:14 320:21 321:2 323:9,11 324:14 324:25 325:13 326:11,12,17 329:10 blm's 320:10 block 122:4,4,6 122:6 332:12</p>	<p>blue 155:10 175:1 189:12 210:19,21 231:17 232:8 233:17 236:1 240:10 242:11 246:15 248:5,9 254:13 263:24 board 326:13 boards 175:1,1 boat 327:2 bond 200:19 bonds 72:3,7 bone 69:8 90:24 91:12 116:18,23 123:22 139:9 147:7 156:13,14 156:21 169:16 171:8,19 172:5 172:12,17,24 174:10,13 181:20,22 182:14,14 183:8 183:10,18 188:5 188:8 312:5 313:8 314:21 328:7 book 135:16 bopd 242:17 border 99:19,22 170:21 208:4 bottom 78:7 85:4 91:14,19 187:21 233:12 237:21,22 239:12 240:20 242:3,15 243:3 244:7 251:8</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[bottom - c]

<p>285:18,21 295:18 308:13 bottomhole 230:11 231:21 231:22 232:11 234:7 236:21 239:10,11 261:9 280:1 boulevard 7:5 bouncing 332:8 boundary 187:1 306:9 bounds 307:11 box 3:16,21 5:22 7:6,12 8:24 9:6 10:5 143:3 285:17,23,25 286:1,11,11 boxes 155:11 boydex 57:8 58:13 61:3 129:10 132:17 brancard 2:11 22:5 26:4 61:24 80:11,14 81:3 84:17 89:11 102:3 110:21 119:25 120:7 121:3,10 133:5 165:15 167:3 180:9,11 192:20 208:2 214:24 221:14 265:17 293:22 300:11 324:20 328:14 329:5 331:9 brancard's 324:16</p>	<p>break 115:21 126:9 127:10 138:2 191:12,25 192:8,10 215:17 223:9 263:10 288:9 293:17 299:23 300:1 309:3 breaking 141:9 brendan 117:2 brief 57:21 113:13 176:16 215:13 briefing 38:8 briefly 194:7 197:2 bright 198:20 brine 204:8 bring 277:25 278:1 282:3,21 brings 283:11 brink 82:25 broad 180:16 broadcast 185:11 broader 161:7 broadway 8:11 broken 59:17 bronco 77:19 84:19 brought 38:15 280:18 319:1 brown 82:24 83:1 199:23 204:18 brown's 81:22 86:14</p>	<p>bruce 3:19,20 10:3,4 29:4,4,21 29:24 31:4,23 32:3,16,16 33:7 33:9,22,22 34:14 34:16 35:1 47:10,10 48:5,7 48:18 52:13,13 53:5 54:17 115:24,24 116:12,14 120:2 120:17,20,25 121:9,21,23,24 122:23 123:4,12 123:15 125:19 125:23 126:5 bruce's 31:11 brushy 171:19 172:4,12,19 181:23 182:9,14 182:15 185:2 186:20 187:6,18 188:2,4,6,8 191:6,15 213:11 279:2 309:4,10 309:15 311:23 buck 293:6 buffer 177:16 build 226:8,9 230:9 244:16 255:11 built 200:4 228:19 250:1 bulk 262:19 bullet 161:25 bunch 67:8 bureau 218:23</p>	<p>burnett 92:19 108:4,21 burnett's 108:14 burning 166:5 167:1 burst 204:12 bushwood 36:20 business 60:7 130:14 179:17 but 99:19</p> <p style="text-align: center;">c</p> <p>c 3:1 4:1 5:1 6:1 7:1,5 8:1 9:1 10:1 12:19 13:12 14:20 15:7,14,15 16:3 16:21 17:18 18:16 19:5,19 20:10,21 22:1 53:10 58:17 59:23 61:15,22 61:25 62:12,17 62:20,24 63:5 65:2,5 78:24 79:4,7 81:12 86:6,9,10 87:7 91:16 92:6,8,12 95:17,22 96:5 97:22,23 100:6 101:18 102:4 106:10 108:8,8 109:19,25 110:1 111:1,7,10,20,21 112:3 113:8,11 114:4 117:10 120:20 124:17 129:8 132:10,15</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[c - case]

<p>137:21 142:5 145:2 156:4 c1 13:13 15:15 16:3,19 17:18 20:12 61:16,22 92:8 97:23 98:1 101:18,23 102:8 108:8,12 132:12 132:15 c2 13:15 15:16 16:4,21 17:19 20:14 61:19,22 92:8 95:18 97:23 98:1 102:4,8 108:8,12 109:17 110:6 111:2,9 112:2 133:2,3 c3 15:18 16:6,22 17:21 92:9 97:24 98:1 102:4,8 108:9,12 c4 15:19 16:8,24 17:23 79:3 92:10 97:25 98:1 102:5,8 108:10,12 c5 17:4 102:6 104:19 calcite 171:24 calculate 200:13 238:4 248:12 271:25 279:11 314:11 calculated 200:16 236:24 248:8,23 249:1 270:13 314:16</p>	<p>calculation 249:3 266:24 270:5 314:5 315:2 322:12 calculations 158:15 297:10 call 57:15 68:4 110:8 138:12 144:19 167:12 167:17 169:15 197:10 201:14 238:20 318:17 called 1:6 104:6 122:3 128:17 135:11 144:13 157:1 167:24 170:22 181:22 193:7 216:3 224:4 264:4 309:19 calling 303:22 306:2 camamile 30:13 30:15 34:22 candidate 155:8 196:13 197:9,13 198:23 199:1,25 200:25 210:17 210:20 227:14 candidates 155:8 canyon 59:2 171:19 172:4,13 172:19 181:23 182:9,15 185:2 186:20 187:6,18 188:2,4,6,8 191:15 213:11 279:2 309:4,15</p>	<p>309:15,16,17 311:11,24 cap 181:19 182:7 182:8 184:8 185:4 188:9 236:13,15 263:11 capability 228:7 299:13 capacity 145:5 148:15 149:12 158:21 168:12 216:15 224:14 227:18 245:2 282:1 capmak 124:4 caps 107:18 capture 139:7 141:19 147:5 149:23 157:2 180:16 205:20 264:17 315:15 322:17 captured 243:4 carbon 181:25 186:23 carbonate 171:25 172:22 181:25 182:2,5,6 304:24 305:1 306:9 308:16,17 carbonates 182:21 305:16 carbureted 258:6 carburetion 258:8</p>	<p>card 118:15,21 cards 13:13 61:17 63:21 career 194:16 careful 165:18 carefully 256:22 carl 101:14 carlsbad 60:7 130:14 132:25 320:11 carve 141:2 case 1:9 23:11 24:9,15 37:12 45:14,15 47:8,18 47:20,22 48:3,9 48:23 49:6,15 50:8,18 52:4 55:10 56:1,4,9 56:17,21 57:2 59:25 64:2,8,17 64:25 65:9,25 66:13,18 67:3,4 68:2,3,9,14 69:3 69:20 70:24,25 73:10,21 77:7,11 77:15,17 79:7 81:8,9,10,16,20 82:11 83:3,20 84:15,18 85:18 87:9 89:9,13,18 90:1,2,3,7,10,14 90:18,22 91:6,6 91:10,24 92:21 93:5,11 95:25 96:2,11,25 97:3 97:16 98:7,22 99:21 100:2,4,11 100:18,23</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[case - charts]

<p>101:11 102:18 103:5,11 105:8 106:6,8,21,24 107:6,9 108:1,21 109:8 111:17 112:11,16,21,24 113:22,25 114:6 114:17 115:11 115:13 116:17 116:18 117:25 125:7 126:1,8,10 127:9,21 130:4 133:11 137:3,9 137:15,17 138:1 138:13,16 139:2 139:6,10 141:23 144:10 145:17 146:1 164:17 165:4 167:13 168:24 181:1 193:3 194:21 217:1 224:25 230:2 297:2 301:21 310:19 317:19 321:13 322:17 323:21 324:9,15,17 326:10 330:23 330:25 332:25 cases 18:18 22:10,12,18 23:10 24:16,22 25:5,18,25 26:19 26:22 27:4,11 28:21,23,25 29:15,20,22 30:7 30:10,13,14,15 30:18,25 31:6,20</p>	<p>31:21 32:9,13 33:17 34:10,13 34:17,18 35:6,7 36:11,18,20,25 37:1,24 38:25 41:24 42:8 43:22 44:8 45:24 46:19 47:2,7 52:10,11 52:25 54:12,19 55:1,9,20,22 67:8,9 68:19,25 70:8,21 71:3 72:10,12,14,18 73:3,8 74:5,16 74:23 76:2 77:3 77:5 113:21 115:21,22 116:7 116:11,15,15 120:3 121:12 124:4 125:25 134:19 331:25 casing 199:17 204:12 313:9,10 314:23 317:2 castile 178:10 catch 24:6 109:23 143:9 181:5 catching 301:5 caught 76:13 301:6 cause 113:10 213:7 322:22 caused 113:17 130:13 132:24 271:8</p>	<p>caution 130:12 132:24 cbl 200:7 315:3 cbls 200:11 ccp 199:4 cement 199:17 200:7,13,17,19 314:5,6 315:2 317:1 center 198:23 centered 210:2 central 186:2 197:6,11 207:18 207:21 234:20 289:25 301:7,21 301:24 302:1 328:1 certain 114:5 289:17 298:19 certainly 110:9 134:2,8,10 142:24 certificate 334:1 335:1 certified 53:16 53:18 74:19 220:3 certify 334:3 335:2 cetera 35:21 63:22 83:25 88:20 95:9 122:11 222:1 298:13 cfo 320:10 challenges 165:17 288:3</p>	<p>chance 42:18,24 62:4 185:5 change 31:8,22 49:9 83:11 162:11 177:3 206:19 207:1 228:8 239:8 245:16,17 246:3 259:1 260:9 262:12 270:22 273:25 278:20 283:14 287:13 288:18 289:11 changed 177:6 236:12 changes 46:24 111:12 112:10 175:15 265:4 271:21 277:3 changing 245:21 260:7 charge 103:25 109:15 118:9 275:9 charges 111:19 charging 275:4 275:16 chart 21:13 93:17 134:20 201:14,14 202:25 231:6 233:7 235:25 237:12 240:7,7 240:16 247:15 248:4 269:5 270:17 330:3 charts 21:12 201:19 246:13</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[charts - client]

<p>270:10 chat 83:24 chatting 327:12 cheaper 124:15 check 25:9 62:21 68:9 72:2,6 109:25 126:9 127:2 135:15 192:1,3,15 301:6 301:19 checking 42:22 308:2 checklist 15:12 19:11 22:17 23:11 57:11 79:12 92:6 95:5 95:17,22 96:5 97:17 101:12 103:24 106:13 107:22 108:2 109:13 111:19 119:4 128:5 133:23 134:8,13 136:18 chemistry 245:17 265:9 cherry 309:15 chevron 8:14 92:16 93:20 138:5,13,17 139:4,6,13,16 140:17,23 141:5 141:8,17 142:23 143:18 144:20 145:6,25 146:9 146:10 147:3,4 147:18,20,23 149:7 150:5</p>	<p>151:16,18,21 152:4,14 153:4 153:11,19 155:14 156:4,22 157:7 159:17,18 161:11,22 163:10 164:8 168:13 169:1 176:8,23 177:25 179:16,20 184:25 187:16 189:17 193:20 194:13,25 195:12 200:7,24 202:13 205:12 205:24 206:2 208:15 209:11 216:16 219:5 222:18 223:20 223:21,24 224:15,25 226:2 230:20 235:18 237:4 240:1 241:9,11 244:22 245:2,7,11 251:2 251:8,15 275:1 276:2,9,11 303:23 317:17 321:7 331:10,16 332:9,19 chevron's 140:14 149:23 156:24 159:16 163:14 164:1 170:21 213:16 225:3 250:21 275:18 277:14 310:19 317:6</p>	<p>325:18 327:16 chicken 113:14 chief 53:5 chisholm 45:1 chisolm 44:20 chit 327:12 choke 234:16 288:24 chokes 292:11 choose 251:3 269:7 chose 152:7 chris 320:11 christine 11:6 143:19 144:12 144:19 145:1,1 170:24 217:22 254:9 258:10 266:15 267:7 275:19 277:20 278:14 280:22 299:1 318:4 chronology 13:4 16:8 17:4,23 20:4 60:19 74:15 97:25 102:7 108:10 131:1 chugging 234:17 cimerax 6:19 26:19,21 circle 210:21 circulating 314:15 circumstance 316:23 318:25 circumstances 326:3</p>	<p>clarification 62:22 119:13 125:8 126:2 277:10 clarifications 287:16 clarified 51:13 136:3,18 181:5 clarify 62:7 83:23,24 103:9 136:6 143:12 307:19 320:7 330:2 clarifying 94:18 104:14 258:23 331:17 clarity 71:16 125:4 class 142:5,9,10 143:7,9 181:15 classes 143:8 classified 162:13 clean 63:9 284:7 cleaning 300:18 clear 53:15 94:14 103:19 136:18 137:1 143:11 166:1 197:13 227:4 229:8 232:24 240:6,15,16 241:3 331:3 clever 42:12 click 76:23 clicked 76:17 client 30:17 51:17 120:25 125:20</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[clients - compared]

<p>clients 30:4 126:23 clock 233:16,18 cloer 97:18 cloer's 97:21 close 31:1 66:24 90:1 141:23 170:5 181:2 184:5,8,9 235:5 268:12 277:7 331:8 closed 139:7 146:11 157:2 180:15 202:24 233:19 315:14 closer 41:6 67:13 96:18 265:21 closes 149:15 196:8 closest 67:17 code 60:9 91:13 95:8 97:5 101:1 107:12 110:4 127:24 156:15 coding 155:4 coffee 64:20 cog 7:2 34:4,6 37:7 47:13 52:16,18 53:25 93:25 cogitate 185:11 267:15 cohesive 255:10 colgate 5:2 24:11 24:14 32:23,25 colleague 160:6 colleagues 169:1 324:7</p>	<p>collect 235:24 246:18 266:7 collected 157:11 collecting 201:2 collection 209:7 266:6 college 7:5 collision 92:2 color 155:4 colorado 106:1 colored 155:10 column 93:22 181:4 182:23 196:4 198:3 202:2 204:8 291:4 com 57:9 58:13 61:3 69:16 70:7 73:19 74:4 91:8 97:15 101:9 107:19 128:4 129:5,10 131:15 131:16 132:17 302:11 303:4,17 combination 207:22 271:11 combined 28:22 combining 99:9 come 31:13 67:12,23 115:7 123:3 190:24 235:3 239:5,6,6 239:15,16 243:9 243:18 247:22 247:24 248:13 248:17,20 257:23 260:15 261:12 262:2</p>	<p>265:20 266:17 272:11 273:8 274:3 276:25 277:19,24 278:18 279:14 280:12 299:24 322:16 comes 150:21 188:22 189:10 189:23 223:5 290:23 comfortable 144:18 277:23 315:24 316:1 317:1 coming 101:20 182:19 195:19 196:19 201:10 265:8,14 278:12 278:24 279:1,20 280:4 281:8 289:17,19 290:5 294:13 298:2 306:10 307:3 comingled 289:25 commence 113:3 commenced 235:21 240:17 comment 202:12 comments 32:8 42:12 46:19 53:25 77:3 93:11 95:4,10,25 109:13 121:5 285:17 330:25 commercial 264:3</p>	<p>commission 62:2 317:17 318:3,5 commission's 140:1,6 141:13 141:19 committed 48:2 93:22 94:2 95:19 common 304:16 communicate 51:12 131:2 communication 13:14 78:15 89:3 104:20 105:2,14 communications 85:23 117:15 298:12 companies 141:18 company 3:13 4:2,21 6:19 8:2 10:2 23:13,16,22 24:25 26:19 29:3 32:15 33:21 35:9,14,17 47:9 50:13 52:12,20,23 92:17 103:13 112:16 115:23 116:6 140:18 149:20 199:7 290:1 compare 262:10 compared 199:25 233:1 238:3</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[comparisons - confirmation]

<p>comparisons 265:10</p> <p>compatibility 160:5 209:9,12</p> <p>compatible 160:2 209:3</p> <p>complete 69:5 69:18,22 70:17 71:19 117:11 119:8 147:23 201:22 328:2</p> <p>completed 71:17 72:5 140:15 146:13 184:4 200:1 201:7 202:7,19 229:11 309:17,21 311:19</p> <p>completing 305:12</p> <p>completion 70:18 71:20 140:14 148:24 170:7 194:14</p> <p>complex 275:21</p> <p>compliance 72:3 72:7</p> <p>complicated 126:8 266:24</p> <p>comply 112:2</p> <p>components 229:20</p> <p>composition 21:15 208:16,20</p> <p>compression 207:25 290:3 291:1</p>	<p>compressor 195:23 196:15 237:1</p> <p>compressors 288:22</p> <p>comprised 57:6 73:17 74:1 77:21 84:22 97:8 101:4 107:14 128:1 178:10 309:14</p> <p>comprising 154:8</p> <p>compulsory 15:12 22:18 57:11 71:17 79:12 92:5 95:5 97:16 101:12 105:4,20 106:3 107:22 108:2 120:8 125:12 128:5 135:8</p> <p>computer 288:8 293:23 294:5</p> <p>con 165:20</p> <p>concentrate 122:11</p> <p>concern 93:14 313:7 316:11 321:11 322:6</p> <p>concerns 35:4 42:11 43:8,8 75:5 106:6 119:13 137:15 163:24 209:8 318:23 319:2</p> <p>conclude 227:13</p>	<p>concluded 333:14</p> <p>conclusion 166:24 180:6 328:2</p> <p>conclusions 176:17 319:16</p> <p>concur 28:2</p> <p>condition 212:5 212:6,12 239:25</p> <p>conditions 149:22 235:20 237:9 279:24 280:6 283:2 294:25 295:18</p> <p>conductive 166:10</p> <p>conduct 146:10 147:4,23 153:11 154:12 156:25 165:8 177:25 205:13 249:19 283:18</p> <p>conducted 139:12 151:21 153:13 157:8 169:2 194:23 200:24 201:10 208:15 217:3 230:21,22 287:10</p> <p>conducting 149:8 190:20 202:15 237:4</p> <p>conductivity 264:7</p> <p>conduit 212:7</p>	<p>conduits 178:17 178:20 212:18</p> <p>confer 67:11 188:18</p> <p>conference 23:11 25:6,16,20 25:25 27:22,23 28:14 31:3,7,17 46:3,5 47:3 49:6 50:8</p> <p>conferences 22:13 25:1</p> <p>conferred 39:5 126:14,23</p> <p>conferring 39:22</p> <p>confidence 244:11,20 252:13 258:20</p> <p>confident 192:11 244:15 258:15 258:21 278:16</p> <p>confidently 278:22</p> <p>confined 278:22</p> <p>confining 172:18 172:25 174:14 211:17 308:8,10 308:12,22 312:5 313:8,10 314:21</p> <p>confirm 110:18 160:1 202:17 209:1 241:16 327:25</p> <p>confirmation 177:21 215:10 301:3,25 317:6 327:15 328:3</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[confirmed - coordinator]

<p>confirmed 39:23 103:14 200:22 252:14 315:3 323:23 confirming 158:15 178:15 212:17 303:1 conform 112:3 conformable 186:20 confuse 300:25 confused 256:17 confusion 76:6 94:14 connect 228:10 connected 29:22 233:14 234:13 234:14 connections 178:21 212:19 conoco 7:2 44:22 45:6,8 47:13,16 47:19 48:9 conservation 1:3 1:6 3:2,7 22:4 49:3 56:10 223:19 consider 141:12 229:23 304:16 consideration 271:23 272:21 274:13,15 considered 80:25 122:17 169:19 208:14 considering 1:8 308:8 313:7 318:23 325:18</p>	<p>consist 122:7 consistent 174:12 175:3 176:4 221:16 282:3 283:15 consistently 183:17 consists 92:5 consolidate 90:14 consolidated 129:20 constantly 124:13 278:4 constitute 179:16 constitutes 40:5 154:24 constructed 200:20 202:9 construction 158:13 212:5 cont'd 4:1 5:1 6:1 7:1 8:1 9:1 10:1 13:1,3 14:1 15:1 17:1,3 18:1 18:3 19:1 20:1,3 21:1,3 contact 15:19 19:22 59:24 60:20 74:15 83:13 84:3 88:8 92:10 104:18 117:17 125:20 130:3 135:12 contacted 88:18 contacts 13:4,13 16:8 17:4,23</p>	<p>20:4,12 60:19 61:17 97:25 102:7 108:11 131:1 132:13 contain 116:25 118:5 156:3 176:11 235:5,11 contained 78:12 85:19 176:14 217:21,22 305:6 containment 170:2 281:21 contains 59:18 59:23 117:3 129:8,18 201:13 content 305:2 306:10 308:16 308:18 contest 42:1,1 contested 31:13 37:24 38:13 41:14,17 42:8,19 42:25 43:22 47:24 48:2 49:14 51:23 52:5 67:8,21,22 context 270:2 313:11 321:7 continue 30:7 66:23 83:20 86:16 125:7 148:23 151:9,11 151:13 153:8 162:2 192:22 196:5,14,20 254:22 288:22 291:1 293:23 295:2,25 297:19</p>	<p>299:8 continued 47:22 47:23,24 48:1 52:9 53:3 67:9 87:9 89:9 126:1 231:12 continuing 24:25 25:3 270:22 331:23 continuous 183:14 185:13 186:23 272:16 continuously 277:2 contour 174:24 175:25 contrast 113:24 control 206:12 298:15 controlled 299:14 convenient 165:10 conventional 172:13 305:4 conversation 132:17 325:11 convert 195:13 converting 315:14 cooling 22:18 coordinate 236:13 coordinating 152:4 coordinator 158:2</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[copied - couple]

<p>copied 285:13 copies 57:19 copper 264:3,3 copy 58:9,10 60:12,14 61:19 63:14,19 113:7 128:21 130:19 130:21 136:22 156:3 159:9 194:1 219:17,25 220:8 284:14 corner 58:22,22 59:11,13 189:12 corp 5:19 36:6,9 corporate 101:25 corporation 5:19 23:25 24:3,17,19 25:14 29:11,13 33:2,4 36:7,9 66:8,11,11 136:7 correct 25:11,15 41:25 55:12 62:14 64:16,18 75:23 76:9,15 77:1 80:12,17 94:2,3,5,24 99:4 99:7,11,16 100:22 104:15 104:16 105:1,13 106:13,14 110:12 111:1,4,8 111:23 112:3,5 115:1 120:23 121:24 122:19 125:21 133:25 135:22 146:4,25 147:25 148:1,25</p>	<p>149:2 152:6,10 152:20 153:22 155:16,17,21,25 157:11 158:3 159:23,24 160:4 160:12,13 166:14,15 169:17,18 181:23 197:16 197:21 198:8 201:19 202:15 202:16 203:8 207:15,20 209:20 212:2 213:14 218:10 219:4,6,11 222:14 227:15 237:7 240:8 267:12 270:15 272:1 274:24 276:15 282:24 283:20 301:3,8,9 301:16 302:1,3 302:21,22 303:3 303:10,12,12 306:7 307:11 310:13 313:25 318:16 319:18 321:14,22 323:17 327:20 327:21 corrected 55:6 55:11 correction 55:14 94:11 corrections 23:1 corrective 120:14</p>	<p>correctly 234:21 292:14 correlative 164:3 179:6 212:13 213:17 253:1 correspond 128:23 correspondence 103:15,17 corresponds 131:23 corrosion 209:19,24 coess 3:4,10 138:25 165:14 167:4,5 180:10 180:11 183:12 183:25 184:5,7 184:13,22 185:10,15 186:5 186:18 187:5,16 187:21,25 188:11,17 190:13 192:16 192:21 215:1,2 222:24,25 250:13 254:20 254:22,25 255:2 255:5 258:22 259:8,12 260:18 261:13,17 262:3 262:7,14 263:17 264:22 265:16 265:22 267:13 267:21,24 268:7 274:18,21 276:7 277:8 279:1</p>	<p>283:23 284:5 287:13,15 288:7 289:13 290:7,10 290:16 291:12 292:13 293:15 293:23 294:4 299:24 317:10 317:12,21 318:9 318:14,19 327:2 328:10 329:18 329:20 333:7 coess's 294:9 cost 88:11 costs 109:14 counsel 12:5,10 13:16,21 14:9,21 15:8,25 16:15 17:14 18:10,22 19:12 45:5 66:5 334:10,13 335:7 335:10 count 267:5 276:9 counterapplica... 48:13 county 57:8 58:14 69:12 73:18 78:3 84:24 91:3 97:11 101:5 107:16 128:3 147:16 153:15 220:11 267:8 couple 103:10 123:15 124:13 132:21 190:9 249:13 268:15</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[course - data]

<p>course 56:23 117:1 118:15 234:20 260:16 261:15 277:18 court 127:2 144:3,24 165:16 168:7 186:8 192:1,4 193:14 216:10 224:10 254:16 299:25 cover 59:1 99:15 137:3 229:5 273:9 326:15,24 coverage 200:14 200:18 314:7 317:1 covering 216:17 covers 58:21,22 90:4 92:24 cp 103:24 cpz 105:15,15 create 122:25 154:7 297:13 316:20 created 157:18 229:10 creates 181:21 creating 107:25 creation 122:21 credentials 97:20 101:15 108:6 145:12 168:19 216:21 224:20 crews 201:9 criteria 316:18 cross 13:10 14:18 16:10,11</p>	<p>17:9,10 18:5,6 19:9 20:8 21:4 61:10 78:20 86:3 98:6,7 102:14,15 108:17,18 118:1 131:23 173:10 173:24,25 175:7 185:18,18,21 214:19 263:10 263:11 308:3 310:8 crowd 35:20 37:11 crowding 254:8 ctb 198:22 ctb19 198:22 ctbs 207:18,23 207:24 208:13 ctv 282:25 cubic 227:7,19 240:2 culberson 153:15 culbertson 267:8 323:22 cumulative 247:10 248:7 curious 27:8 262:24 274:21 318:2 current 31:6 40:16 113:22,25 194:2 203:12,22 212:6 246:21 268:5 270:14 274:25 287:24 294:25 312:2</p>	<p>currently 46:22 113:16 145:7 163:20 197:14 197:15 319:6 320:1 325:7 curtail 120:15 121:6 curve 272:22 cut 199:6 236:3 236:4,5,11,17 240:1 285:13 286:10,17 cutting 328:17 328:18 cx 11:5 cycle 183:9 cycles 183:7,9 cyclic 182:25 cyclically 182:22</p>	<p>102:13,16 108:17,19 d4 17:9 18:6 92:20 102:14,16 108:18,19 daily 248:8 249:4 258:4 261:1 268:15 dalton 74:6,7 dalva 9:10 89:15 dana 2:14 3:14 7:10 9:4 23:15 35:15 44:15 68:21 72:20 127:6 334:2,18 daniel 92:19 108:4 darin 4:9 6:20 8:3 23:20 26:18 52:21 dark 151:2 darker 155:10 210:19 dash 242:10 data 153:6 157:11 178:16 202:10,21 209:7 211:9 212:18 226:17,19,22 227:10 230:12 230:14 233:15 235:24 237:10 237:20 239:18 241:22,23,25 243:19 244:6,11 244:18,20 246:16,16 247:24 248:20</p>
		<p>d</p>	
		<p>d 11:1 15:21 18:17 22:1 91:19 92:18,22 98:4 102:11 108:15 113:20 114:1 145:3,3 168:9 d1 16:9 17:5,24 92:20 98:5,11 102:12,16 108:16,19 d2 16:10 17:6 18:4 98:6,11 102:12,16 108:16,19 d3 16:11 17:7 18:5 98:6,11</p>	

[data - defriend]

<p>249:2,14 250:6 252:17 256:22 256:23 257:1,4 257:10,12,16,24 258:8,14,19 259:22 260:8 261:1 262:11,11 265:7 266:6 270:3,11,14 276:17 277:18 277:19 278:10 278:11 281:2,5 299:13,13,14 318:6 322:2,2 date 2:9 23:2 37:24 38:4,13 41:14,17 42:5,8 42:9,23 47:24 48:8,10,15,17 49:14 67:5,9 71:17,19,24 87:12 88:3 103:16,20 118:23 140:11 163:23 201:4 237:17 247:23 dated 62:21 75:21 105:17 dates 62:20 76:14 daughter 81:22 davis 104:19,20 day 46:21 50:8 66:18 139:13 196:6,6 204:5 223:5,25 227:7,8 227:20 229:24 232:3 239:23</p>	<p>240:3,25 241:14 247:9 257:2 260:3 273:15,17 284:23 288:6 295:1,3 296:12 296:13 298:20 318:15 days 30:5 60:7 118:22 130:14 133:1 140:15 148:20 151:25 152:7,9,12,13,16 152:18 162:12 196:11 228:17 228:19,24 230:17 238:15 238:17,18 239:23 240:4 241:1 243:20 246:24 250:4,24 260:6 261:21 267:9 280:24,25 298:19 315:20 318:8 319:5,10 dca 273:2,4,7,9 de 4:18 5:10 9:12 deadline 69:5,18 69:22 70:19 112:10 deal 22:17,21 30:6 148:13 271:8 286:19 dealt 94:21 101:22 dean 3:5 138:25 255:1 262:25 267:14 274:18</p>	<p>277:8 283:23 287:16 293:18 294:4 303:25 307:16 325:10 326:5 328:17 329:7 dean.mcclure 3:11 deana 4:22 5:3 7:16 24:1 32:25 35:23 36:24 42:14 45:12 death 49:11 debt's 275:13 deceased 82:7 december 2:9 22:3,11 38:9 41:1 43:17,19 86:16,25 87:9,15 87:19,24 126:1 268:23 decent 283:23 311:8 decide 38:16 71:12 299:7 317:4 decided 62:24 decision 41:21 51:13 332:3 decline 271:9 272:22 273:10 declining 231:13 231:15,16,18 decrease 238:22 238:23 decreased 239:1 239:12</p>	<p>dedicate 97:14 101:8 107:17 dedicated 63:7 69:15 70:6 73:19 74:3 78:4 84:25 91:8,11 deemed 60:2 61:21 169:23 deep 183:1,2 deeper 58:19 92:2 312:16 defer 121:2 165:6 deferred 125:12 defining 59:3 63:1 107:24 155:4 308:12 definitely 264:17 273:3 274:13 310:16,25 314:25 315:3 316:23 322:20 definition 142:10 definitively 265:14 defriend 11:6 143:19 144:12 144:19,23 145:2 145:3,20,25 150:4 164:1 166:23 197:24 207:3 254:9 258:9,10 267:6,7 267:12 275:17 275:19 276:15 278:13,14 280:22,23</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[defriend - devon]

<p>281:18 285:6,23 286:2,9,22 294:24 297:15 298:16 300:2,5 317:16 318:4,5 318:11,16 319:1 319:8,18 324:21 324:24 333:6 degree 230:1 degrees 312:10 delach 10:11 92:7 108:4 110:17,18 111:6 delach's 108:7 delaware 8:14 36:1 64:5 65:21 65:25 72:23 170:20 172:4 183:18 193:21 263:10,13 delay 64:5 delayed 280:13 delete 202:11 delivery 118:23 demarkated 310:4 demonstrate 149:8 200:19 228:22 314:6 319:3 demonstrated 227:22 department 1:2 3:6 depend 42:20 294:19 depending 43:10 196:21,24 198:6</p>	<p>253:18 288:4 291:10 depends 206:23 283:1 depict 129:10 198:16 depicted 59:19 135:18 173:25 198:20 199:3 239:25 depicting 61:7 129:4 131:21 depiction 310:9 depicts 59:4 131:17 132:6 154:18 196:7 197:4,6 depleted 226:6 249:23,24 deposited 182:7 182:8 deposition 66:17 186:22 187:3 321:1 334:1 deposits 183:2,3 depriest 97:18 98:7 depriest's 98:3 deprive 267:14 depth 73:15,24 91:24,25 92:1 133:24,25 134:2 134:9 136:19 156:18 171:22 177:18,19,19 230:5 304:13 313:4</p>	<p>depths 156:16 177:16 184:12 312:25 derek 101:13 derived 207:8 228:14 describe 88:8 259:13 described 150:13 181:8 309:1 310:10 describing 102:1 171:18 description 12:2 12:7,12 13:2,18 14:2,11 15:2,10 16:1,17 17:2,16 18:2,12 19:2,14 20:2,16 21:2 55:4,12 181:7 descriptions 218:20 descriptive 181:6 design 200:3 204:19 designated 69:13 designation 142:13 designed 153:15 despair 22:12 detail 131:1 155:19 159:6 160:7 183:5 199:9 218:19 287:3 detailed 58:20 131:9 187:1</p>	<p>188:15 detailing 60:19 details 89:5 90:5 152:21 182:11 185:8 186:19 187:11 247:1 312:1 determination 314:4 determine 48:12 149:9,11 190:14 190:21 213:6 217:4 270:3 295:18 299:9 323:15,16 determined 178:16 213:10 237:5 252:18 315:6 321:21 323:11 develop 113:19 developed 43:7 207:21 292:23 292:25 developing 113:17 development 39:9 40:11 70:20 122:5,8 123:11 124:11 124:23 131:11 149:25 217:23 deviation 312:10 312:21 devices 205:23 206:6 devon 8:2 52:20 52:23 54:3</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[diagnosis - documents]

<p>diagnosis 202:3 diagnostics 202:4,10 diagram 13:11 20:9 61:12 132:5 197:5 199:10,16 292:19 312:21 diagrams 21:11 110:23 200:12 313:1,14 315:1 difference 198:2 200:5 233:4 248:1,14,15,16 259:15 278:2 322:11,12,15 326:17 different 62:17 109:21 140:11 155:4 184:12 197:6,7 199:7,23 204:19 209:7 232:21 233:14 236:15,15 245:24 258:2 266:7 275:11 304:8 311:22 315:8 differently 266:7 difficult 274:17 279:19 difficulty 244:13 dig 118:23 digital 295:7 299:2 334:8 335:3 diligence 332:18</p>	<p>dip 175:3,15 dipped 230:11 dipping 236:17 dips 175:10,15 direct 144:21 165:12 168:2 193:10 216:6 224:7 253:19 directed 326:23 direction 179:15 181:14 214:3 220:17 331:12 directly 88:19 disagree 40:3 disagreement 40:4 disappear 41:24 288:10 discovered 310:15 discuss 90:19 103:11 155:19 159:5 160:21 163:11 188:19 203:11 206:2 210:6 215:13 discussed 82:22 93:6 discusses 70:10 discussing 80:13 215:10 discussion 167:7 180:17 191:13 195:9 274:25 311:1 312:2 329:21 discussions 27:21 46:4,11</p>	<p>68:15 83:21 87:10,13 332:2,8 dismiss 30:14 37:13,18,22 38:5 38:16 40:14 41:22 43:16 dismissed 34:18 42:9,10 dismissing 31:21 dispense 166:6 disposal 142:9 185:2 disposition 142:16 328:6 disputed 39:2 40:7 disputes 40:8 disruption 170:8 disruption's 289:5 disturbance 122:11 divergence 222:5 division 1:3,7 3:2,7 22:4 42:18 49:4 56:10 57:19 62:7 69:18 78:11 85:11,18 97:19 98:23 101:15 103:6 105:4 108:5 112:25 114:18 125:21 128:11 133:7 138:15,19 139:15,17 140:12,16,18</p>	<p>141:12 142:11 142:15 143:13 145:10,14,20 146:10,19 152:1 152:23 153:4,8 156:24 157:1,4 157:15,21 164:19 165:2 168:17,21 177:23 188:2 191:2 193:24 202:14 203:2 205:8,22 211:11 214:19 216:19 219:19 221:10 223:19,24 224:18 226:4 295:16 298:12 317:3 324:12 331:8,11,12,16 331:22 division's 151:15 202:23 204:22 217:5 218:4 219:2,8 331:14 dmg 309:14 docket 25:6 37:18 53:3 57:12 66:25 86:16 125:7 128:7 dockets 38:6,11 dockum 177:14 177:18,20 document 137:4 documents 104:24</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[doing - earlier]

<p>doing 51:22 124:16 127:3,5 134:18 141:17 258:17 275:24 276:20 284:19 290:11 294:16 298:8 320:24</p> <p>dominating 207:7</p> <p>don 6:5</p> <p>dot 231:14 236:1 237:23 239:15 242:23 246:13 246:14 247:15</p> <p>dots 236:14 237:13 240:13 242:23 243:3 260:10 264:1 268:24</p> <p>double 162:18</p> <p>downstream 121:7</p> <p>downtime 148:23</p> <p>downward 173:1</p> <p>dozen 301:14</p> <p>dr 11:14 143:23 153:3 163:3 190:19 214:17 215:7,16 223:25 225:6,11 229:8 230:24 232:23 233:24 235:17 241:16 244:19 249:8,16 250:17 250:19 251:18 251:24 252:18</p>	<p>253:9,20 254:9 256:18 260:1,23 261:16,19 262:6 262:9 263:16,18 266:14 267:10 267:18 269:14 269:23 270:7,16 270:24 271:12 272:4 273:2,6,18 273:20,22 274:8 274:11 277:17 278:7 279:5 280:7 283:3 284:21 285:1,7 285:12,20,25 286:4,7 291:19 298:25 300:7 306:19,23 307:2 307:13 322:9,22 330:1,2 333:5,11</p> <p>draw 151:2,24 170:22 171:2 173:20 174:6 189:16,17 193:22 195:24 207:10 210:15 217:23 226:5 289:24 302:11 304:7 308:3 312:17</p> <p>drawn 35:20 37:11</p> <p>drill 71:17,18,23 88:23 89:2 98:9 122:8 123:22 124:5,16,18,20 124:21</p>	<p>drilled 71:9 72:5 78:5 85:2 120:4 123:21 124:8,8 124:24,25 200:1 304:6 310:14 311:6</p> <p>drilling 69:5,22 71:19 102:20 108:23 113:3 118:6,10 122:15 123:25 124:1,14 124:17,19 125:1 305:9</p> <p>drills 46:22</p> <p>drinking 142:19 142:22 177:24 178:19 179:12 212:19</p> <p>drive 3:8 5:16 6:16</p> <p>drop 67:24 130:1</p> <p>dropped 22:22</p> <p>dual 226:8 228:4 228:5,9,10 234:6 239:2</p> <p>due 149:17,24 151:6 152:2 231:23 235:1 238:2 249:24 269:22 271:20 272:12</p> <p>duke 51:14</p> <p>duly 56:25 144:13 167:24 193:7 216:3 224:4 334:5</p>	<p>duration 147:18 152:12 153:14 162:12 198:6 201:16 283:16 291:11 298:19 315:19</p> <p>dx 11:5</p> <p>dylan 3:4 138:25 182:10 190:13 254:24 277:12 284:4 309:9 328:5</p> <p>dylan's 214:16 304:3</p> <p>dylan.h.rose 3:10</p> <hr/> <p style="text-align: center;">e</p> <hr/> <p>e 3:1,1 4:1,1 5:1 5:1 6:1,1 7:1,1 8:1,1 9:1,1 10:1 10:1 11:1 12:1 13:1 14:1 15:1 15:23 16:12 17:1,11 18:1,7 18:19 19:1 20:1 21:1 22:1,1 76:16 78:5 92:24 93:2 98:13,18 100:6 102:21,24 108:24 109:4 114:7,12 145:2,3 145:3 168:9,9,10 168:10 193:16 193:17,17 216:13,13</p> <p>earlier 99:22 102:3 128:11,24</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[earlier - engineers]

<p>132:18 138:24 142:4 217:22 254:23 255:7 256:25 287:17 288:11 309:8 314:3 317:16 323:7 early 66:2 263:22 312:9 earned 56:25 earning 65:17 earthstone 7:9 27:1,8,10 35:17 44:13,16 45:2 46:8,23 earthstone's 46:24 ease 123:20 195:9 easier 123:24 160:21 165:12 210:6 262:1 281:16 easily 274:12 282:14 east 7:5 57:8 69:10,12 70:2,2 70:3,5 73:18 74:2 77:23 78:3 78:7,9 84:23,24 85:4,7 91:1,2,18 91:22 97:11 101:5 107:16 109:20 116:16 116:17 122:6,6 128:3 141:1,1,6 141:6 147:15,16 154:6,9,10 155:6</p>	<p>155:6,15,15 161:3,3 175:4 185:22 198:17 198:18 217:24 217:24 218:1 303:2,3,15 eastern 99:22 124:22 easy 35:1 106:15 109:24 166:6 echo 299:1 economic 149:25 eddy 57:8 58:14 73:18 97:11 101:5 128:3 educated 270:4 education 194:8 educational 194:2 effect 165:19 252:20 261:14 261:18 effective 172:2 effectively 149:16 150:15 150:24 effects 297:24 efficient 70:19 efficiently 255:11 effort 219:6 efforts 13:14 60:19 61:17 121:7 131:2 egl 6:13 26:9,11 27:1 50:8,11,21 eight 230:12,15 327:17,22,25</p>	<p>eighth 80:23 eighths 80:24 81:1 either 27:23 114:25 115:9 148:14 179:15 211:17 214:2 220:17 247:20 280:9 el 309:19 311:18 311:21 election 192:22 elements 203:11 elevation 171:6 eliminates 151:7 eliminating 136:20 elizabeth 7:3 elynn 168:8,9 email 22:16 76:15 103:15,17 104:17,19 121:1 318:17 319:20 320:25 329:24 emails 332:8 emissions 148:17 149:24 297:17 employed 145:4 145:6 168:11,13 193:18,20 216:14,16 224:13 334:11 334:14 335:8,11 employee 192:6 334:13 335:10 employees 223:10</p>	<p>ended 147:21 ends 332:20 energy 1:2 3:6 4:14 5:19 6:19 7:21 8:2,10,21 9:2,2,20 23:18 23:23 26:7,19 35:9,12 36:6,9 36:16 37:14 43:17 44:20 52:20,23 56:14 59:12 66:11 68:20,22 69:1 72:18,21 77:11 77:13 81:16,18 92:17 96:12 127:18 engaged 46:10 engagement 332:18 engineer 143:20 143:22 145:7 152:25 155:18 158:1,12,20 159:4 162:24 163:3 193:4,21 194:9 224:16 275:23 278:10 engineering 143:24 145:13 145:21 158:14 160:6 163:20 194:11,15,17,24 195:4,4 212:18 215:8 224:21 225:2,7 251:25 engineers 320:17 320:19</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[enhance - exactly]

<p>enhance 195:24 enhanced 309:22 enlarge 217:14 ensure 181:16 ensuring 318:22 enter 28:21 36:15 117:18,19 290:19,20 entered 37:1,7 45:1 56:16 83:5 118:16 187:22 enterprise 199:4 entertainment 137:25 entire 59:20 110:13 304:12 entirely 141:3 entirety 323:4 entities 36:4 entitled 218:3,25 219:8 entity 117:12 118:14 entries 24:5,22 29:19 33:6 34:13 36:24 44:18 54:25 56:8,20 116:10 entry 24:11 26:13 27:8,10 29:10,15 32:15 34:4 36:16 49:3 52:16,20 64:6,6 64:9,16 65:20 83:3 116:2 119:2,21 environment 179:11 213:22</p>	<p>eog 5:13 6:2 24:6 24:8 26:13,15 29:15,18 34:7,11 54:20,23 eog's 48:9 eor 245:24 epa 332:15 equal 294:19 equally 287:25 294:14 equivalent 77:24 97:10 ernest 5:14 6:14 24:7 26:10 50:10 erroneously 202:4 error 83:11 110:7,9 163:6 198:24 202:6 248:25 249:5 258:3,4,4,24 errors 227:3 es 334:4 escape 212:8,9 251:22 252:10 esds 206:11 especially 140:9 181:6 269:11 274:15 282:13 esquire 3:14,19 4:3,4,9,16,22 5:3 5:8,14,20 6:3,8 6:14,20 7:3,10 7:16,22 8:3,9,16 8:22 9:4,10,15 9:22 10:3</p>	<p>essentially 92:20 191:9 221:20 278:3 281:9 301:4,19 306:1,2 306:12 313:11 314:10 315:15 316:5 321:9,11 325:19 327:19 establishes 91:5 estimate 230:5 236:22 266:13 272:22 306:16 307:1,25 estimation 226:23 238:4 et 35:20 63:22 83:25 88:20 95:8 122:11 222:1 298:13 eur 245:17,24 evaluate 257:25 331:23 evaluated 139:15 152:8 158:21 246:5 evaluating 153:9 213:2 225:3 evaluation 169:2 190:21 213:9 227:12 evans 113:9 114:4 evd 12:2,7,12 13:2,18 14:2,11 15:2,10 16:1,17 17:2,16 18:2,12 19:2,14 20:2,16 21:2</p>	<p>event 152:2 159:16 161:15 161:23 163:7 204:2 205:24 221:9 251:11 events 146:13 148:11 206:4 eventually 266:17 everybody 144:5 191:24 192:13 198:10 everybody's 229:8 evidence 54:16 55:23 62:1 65:6 72:15 77:8 81:13 83:19 87:8 90:13 96:8 100:7 106:11 111:22 115:16 126:4 133:7 137:22 141:15 153:2 166:20 180:2 212:18 214:12 221:4 253:15 evolved 331:20 exact 71:16,23 103:16 182:12 278:1 307:20 exactly 53:12 71:15 88:8,9 111:10 121:25 154:1,23 183:6 243:6 268:1 276:1 282:22 312:21 316:15</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[exactly - exhibit]

<p>325:4 327:24 examination 144:21 168:2 190:11 193:10 214:19 216:6 224:7 examined 144:15 168:1 193:9 216:5 224:6 examiner 22:5,6 23:14,20,20 24:7 24:18 25:3,12 26:10,18 28:2,10 29:4,7,12,24 30:23 32:4,16,20 33:22 34:1,5 36:2,13,23 37:6 37:16 38:3,21 39:11 40:13 41:5,10 42:14 43:24 44:11,15 46:2,10,16,17,20 47:10 48:25 50:5,10,14 51:1 52:13 53:6 54:22 56:4 57:1 64:4,13 65:12,23 66:9,16 67:10 68:17,21 72:20 72:25 75:7 89:15,25 90:21 95:16 96:14 97:3 99:12 100:9,13,23 107:1,9 112:13 112:18,24 115:18,24 116:5</p>	<p>116:14 119:14 119:20 125:23 126:5,22 127:15 138:6,15,24 139:5,24 141:22 142:7 143:17 164:7,14 166:6 166:22 167:12 169:6 179:19 180:3 189:5 190:9 191:19 193:1 195:2 208:1 214:5,14 217:8 220:21 221:5 223:12,24 225:6 253:8,16 331:6 examiners 22:7 53:15 118:20 121:1 139:24 150:11 154:23 160:23 161:21 165:7 166:11,22 167:2 180:5 188:18 191:2 192:2 197:3 213:1 217:17 218:11 226:1 228:3 253:18 example 136:22 257:12 264:13 266:18 274:1 276:4 283:5 exceed 204:22 205:25 232:18 excepting 217:24 exception 301:20</p>	<p>excess 204:11 205:4 excited 56:9 exclude 141:1 excluded 155:7 161:4 198:19 302:16 excluding 141:6 155:15 excuse 41:16 145:1 159:14 282:7 execute 201:8 executor 82:8 exert 204:9 205:3 exhaustive 255:14 exhibit 12:14,16 12:17,18,19,20 12:21,22,23,24 13:4,5,7,8,9,10 13:11,12,13,15 14:4,7,8,13,16 14:20 15:4,6,7 15:12,13,14,15 15:16,18,19,21 15:23,24 16:3,4 16:6,8,9,10,11 16:12,14,19,21 16:22,24 17:4,5 17:6,7,9,11,13 17:18,19,21,23 17:24 18:4,5,6,7 18:9,14,15,16,17 18:19,21 19:4,5 19:6,10,11,16,17 19:18,19,20,21</p>	<p>19:22,23,24,25 20:4,5,6,7,8,9,10 20:12,14,18,19 20:20,21,22,23 20:24,25 21:4,5 21:6,8,9,10,11 21:12,13,14,15 21:17,18,19,20 21:21,22 51:2 53:7 57:10 58:4 58:4,10,12,23 59:7,15,17,18,21 59:23 60:3,5,10 60:12,16,18,22 60:24,24 61:2,9 61:11,15,16,18 72:14 74:5,9,12 74:18 75:1,18,19 78:11,12,16,18 78:22,24 79:3,4 85:10,18,19,24 86:1,4,6,9,10 92:5,6,6,18,22 92:24,25 95:18 97:22 98:4,13,16 101:18,18 102:11,21,24 103:1,7 104:19 108:8,15,24 109:1,17 110:6 111:2 112:2 113:5,6,7,8,20 114:1,4,7,10 116:25 117:5,13 117:24 118:3,12 118:17 119:4,5,7 128:12,12,15,15 128:19,21 129:1</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[exhibit - extra]

129:3,6,8,11,13 129:14,16,18,24 130:2,5,7,10,15 130:17,19,23,25 131:4,6,14,21,22 131:24,25 132:5 132:8,10,12 133:2,3 134:19 135:5,8,11 146:2 146:3,5,21,25 150:5,8,12,15,24 154:18,20,24 156:3,7 159:8,12 160:20,22,22,25 161:17,18 171:12,12,15 173:12,13,17,17 173:23 174:1,19 174:20,20,21 175:6,18,18,20 178:24 179:1 189:2,5,7 194:1 194:4 195:9,10 195:15 197:1 198:9,11 199:14 199:20 201:13 201:17,24 203:4 203:6 205:7,17 205:18 207:14 208:3,22,23 209:6 210:8,9,13 212:22 214:1 217:16,17,18 218:2,7,8,13 219:17,21 220:7 220:13,22,23 225:14,16,25 253:10,10,14	256:10 292:19 304:23 305:22 305:23 exhibit's 104:4 exhibits 12:4,4,5 12:9,9,10 13:16 13:20,20,21 14:9 14:15,21 15:5,8 15:22,25 16:15 17:14 18:10,22 19:12 53:19,22 54:8,12,15 55:19 55:22 57:13,20 58:7,7,15 61:5 61:13,22,25 64:24 65:5 71:2 72:11 74:22 75:11 77:4,7 78:13 79:6 80:3 81:9,12 85:20 87:6,7 92:8,12 92:19,20 93:2,5 93:16 94:5 96:1 96:7 97:23 98:1 98:5,11,18,21,21 100:3,6 102:8,12 102:16 103:4,4 104:1 106:7,10 108:8,12,16,19 109:4,7,7 110:5 111:6,17,21 113:11 114:12 114:17 115:12 115:15 119:9 125:25 126:3 128:15 130:2 131:8,19 132:3 132:15 133:6	136:10 137:3,8 137:16,21 146:1 164:8,12 166:13 166:19 179:14 179:20 180:1 197:23 213:25 214:6,11 215:24 220:16,21 221:1 221:3 255:16 301:15 312:24 331:2 existed 45:4 existing 50:20 58:19 90:15 95:2 96:4 209:19 expand 139:7,17 146:15 149:3 expanded 156:2 158:17,19 expanding 157:12 289:14 expansion 153:9 expect 88:17 230:17 259:16 expectation 241:17 expected 204:3 experience 125:13 194:3,8 209:11 experienced 152:15 experiments 255:22 expert 143:23 145:12,20 168:19 169:6	195:3 216:22 217:8 224:20 225:6 expertise 164:18 experts 57:19 58:1 128:10 explain 82:17 88:21 89:20 146:8 150:11 153:25 160:23 173:16 229:20 241:21 246:10 248:1 259:3 explained 87:1 121:23 230:16 266:15 295:23 explaining 137:4 232:25 258:11 281:22 explains 70:15 explanation 115:7 explicitly 143:13 explorers 35:25 expressly 140:5 extend 69:5,18 69:21 70:13 113:10 extended 88:1 extending 70:18 184:17 extension 18:14 70:11,14 71:20 113:2,6 115:4,8 147:21 extent 306:15 extra 80:13 311:13 316:10
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[extract - feldewert's]

<p>extract 305:13 extremely 330:18 extremes 281:11 eye 277:7</p>	<p>failure 264:5 fair 87:4 188:11 195:17 198:15 249:11 297:9 fairly 178:9 187:1 fairman 10:10 81:21,21 82:1,3 82:4,7,12,25 83:7,9,22 84:1,5 84:12 86:23,25 87:11,24,25 88:6 faith 219:6 fall 142:14 183:1 331:14 falloff 238:20,21 familiar 145:16 168:23 194:20 216:25 224:24 284:11 family 49:11 far 41:18 82:15 93:21 141:8 185:22 186:1,1,1 189:5 201:10 234:1 254:12 263:4 272:18 282:1 284:22 306:14 311:4 312:19 324:9 327:15 fasken 45:18,21 46:20 faster 243:10 300:15 faulting 98:8 102:19 108:22 131:10 175:10</p>	<p>175:14 fe 2:13 3:9,17,22 4:7,12,19 5:11 5:17 6:6,11,17 6:23 7:13,25 8:6 8:19,25 9:7,13 9:18,25 10:6 23:21 26:5 29:8 32:21 34:2 35:16 36:3,14 44:11 50:15 52:22 65:23 73:1 96:15 100:14 107:2 112:19 116:6 fearful 281:4 feasibility 228:22 feasible 226:12 237:3,6 250:2 276:1 february 27:24 28:13 32:2,10 33:15 35:5 46:13 47:4 48:17 49:20 50:4 51:25 52:6 121:5 fed 91:8 97:15 107:18 112:25 federal 69:16 70:7 101:9 141:3 142:19,21 155:9 161:2,5,10 163:10 221:16 302:11 303:4,17 321:10,13 324:6</p>	<p>fee 85:1 141:2 161:10 221:25 321:8 feedback 85:14 101:20 163:17 320:22 feel 88:1 180:14 255:12 256:24 257:15 329:24 feet 73:16,24 91:24 156:20 172:18,22 174:25 175:25 176:1,1,3 177:17 177:19,19 178:4 178:8,12 183:16 183:21 184:11 184:14 204:4 227:7,19 229:25 240:3 304:9 306:18 307:3,11 311:15,17 312:12,15 feldewert 4:3 6:8 7:22 26:3,4 27:18,19 28:16 29:7,8 30:4,20 30:22 31:15,18 32:5,6,20,21 33:10,12 34:1,2 34:8,9,23 36:2,3 36:13,14,19 44:10,11 46:2,9 46:15 50:14,15 50:19,24 51:3,6 51:11,16,19 52:2 feldewert's 29:25</p>
<p>f</p>			
<p>f 15:24 16:14 17:13 18:9,21 92:25 93:2 96:7 98:16,18 103:1,7 106:10 109:1,4 111:21 114:11 114:12 115:15 145:3 168:10 193:16 face 294:5 305:18 facilitate 332:21 facilities 122:11 155:19 198:13 198:21 203:23 206:8 209:23 facility 197:5 208:11 269:6 271:20 fact 22:17 38:22 39:2 40:16 53:14 140:25 209:10 235:4 252:13 277:15 316:1 319:4 factor 270:19 315:23 factors 123:16 facts 40:4,7 factual 38:17 39:9 40:11</p>			

[fell - flow]

<p>fell 331:18 fellow 192:4 fewer 269:13 field 207:20 288:12 290:6 292:15 293:1 294:12 295:7,9 299:2 301:11 309:17,19 310:2 310:4,14 311:18 311:21,22 320:11 fields 292:16 figure 27:17 51:22 118:19 148:3 231:23 265:13 328:23 figured 93:15 figuring 262:7 file 27:16 43:18 48:13 53:9 64:6 66:16 125:20 137:3,9 256:25 filed 36:24 43:16 51:1 53:7 62:20 62:24 64:16 89:23 90:8 110:1 145:17,25 146:3 168:24 194:21 199:10 216:25 219:3 224:25 filing 36:16 48:2 106:3 fill 196:21,22 291:18 filled 95:8 301:18</p>	<p>filling 244:17 294:15 fills 238:6 final 22:11 215:12 223:25 finally 50:7 60:18 130:25 132:10 143:25 220:7 financially 334:15 335:11 find 125:18 143:3 144:18 212:18 284:8 309:4,7 fine 32:3 46:17 48:14 49:22 52:1 67:15 68:12 87:24 88:4 104:5 120:4 127:6 172:13 305:8 finish 255:3 finished 306:5 firm 4:17 5:9,15 6:15 7:4 45:4 first 23:10 28:23 29:25 30:16 39:14 40:17 56:7,9,23 75:4 115:3 124:2,8 126:9 128:17 141:9 144:13,19 144:20 161:24 162:25,25 167:24 170:2 171:17,19 172:12 173:17</p>	<p>193:7 199:24 202:9 210:13,14 216:3,12 224:4 231:5 239:7 242:14 247:2 254:20 261:20 261:21 263:8 267:3 292:24 325:14 fit 59:6 142:9 143:7 five 138:17 141:24 143:18 144:7 155:5 163:6 200:10 227:2 248:22 250:8 256:12 258:17 266:6,8 271:3 288:9 322:14,15 fix 109:24 116:23 fixing 122:14 flare 148:15 flared 121:5 flaring 120:13 121:4,15 140:2,6 140:8 141:14,20 148:16 149:25 245:4 297:16 flash 242:5 263:24 fleming 11:8 143:21 167:14 167:16,18,19,20 167:23 168:5,8 168:10 169:6,12 170:9,13 174:15</p>	<p>179:4,14 180:4 180:12,20,24 182:10 183:15 184:1,6,9,19 185:6,14,17,20 185:25 186:11 186:24 187:8,20 187:23 188:10 188:13 189:11 189:14,22 190:2 190:13 208:2 254:13 293:8 303:25 304:1,19 305:22,25 306:7 307:16,19 308:5 308:9,16 309:3,6 310:13,21,23 311:10,14,17 320:6,8,10 321:16 323:17 325:8,10 326:5 326:20 327:4,11 330:8 333:12 flex 269:22,24 271:21 flip 128:24 198:9 flood 309:22 flooded 185:1 flow 170:3 183:22 184:2 186:15 196:3 197:17 198:23 206:8 207:23,24 261:10 262:6 267:3 269:17,24 269:24 271:21 280:16,18 281:16 291:5</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[flow - further]

<p>292:8,8 flowing 230:10 231:22 232:10 233:2,5 234:3 278:4,5 288:17 291:3 flows 281:23 fluid 186:13 196:4 204:8 235:11 262:1 284:23 329:12 fluids 173:2 196:19 209:22 330:20 flush 281:15 focus 176:2 focused 194:17 folks 125:17 254:15 follow 29:22 190:10 324:25 328:5,8,22 followed 98:3 102:10 108:14 113:8,20 218:18 following 30:1 30:10 43:16 161:15,22 164:12 202:22 211:5 227:11 281:18 294:8 follows 144:15 168:1 193:9 216:5 224:6 255:6 foot 204:23 force 288:8</p>	<p>forced 293:17 foregoing 334:3 334:4 335:4 foresee 282:17 forgive 198:10 forgot 202:11 form 49:10 63:2 178:13 211:6 formation 59:2 77:20 84:20 85:9 90:24 97:4 100:25 116:18 124:6 127:24 131:22 132:7 134:3,6,11 139:9 147:7 156:10,14 156:21 158:5 160:3 161:15 163:9 169:13,14 169:17 178:9 196:23 198:5 210:24 248:2,2 248:11,13 249:10 257:21 257:21 273:8 290:21 298:6 303:5 311:11 312:12,19 formation's 205:4 formations 207:7,10 316:4,5 formed 122:7 176:6 forth 157:22 199:18 209:23 forward 30:15 37:12 44:2,4</p>	<p>47:20 50:18 65:16 66:14,18 66:22 67:4 73:4 82:11 104:17 135:3 141:21 160:9 191:23 192:12 324:18 325:14 332:14 fort 238:21 found 88:12 118:25 271:15 296:10 four 202:18 207:18,21 289:24 300:22 322:14 fracking 186:7 fraction 291:16 fracture 170:6 229:10 241:24 263:9 280:18 306:21 307:3,5,7 307:8 fractured 186:6 263:6 fractures 184:6 184:17 186:7,9 186:12 262:21 264:6,7 306:16 francis 3:8 5:16 6:16 10:2 115:23,25 116:13,15 117:16,19,22 122:1 123:7 frankly 183:5 free 261:10 329:24</p>	<p>frequency 149:16 276:21 283:10 frequent 245:5 322:1 fresh 255:9 freshwater 176:25 177:13 213:23 front 56:9 160:22 192:22 269:5 281:15 317:18 frozen 150:22 fuel 291:23 full 111:24 140:24 144:24 155:14 168:6 193:13 194:12 195:10 204:8 206:16 210:7 216:9 302:23 319:7,9 323:5 325:19 fully 164:21 211:4 227:2 266:23 275:13 304:6 fulton 2:14 334:2,18 function 83:24 funny 317:23 further 68:15 72:9 83:21 191:19 192:10 195:25 202:3,10 221:6 253:17 259:25 291:9</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[further - gas]

<p>334:12 335:9 furthest 185:22 future 41:18 42:5 160:6</p>	<p>125:6,10 133:6 133:18,19,21 138:24 gas 16:20 20:22 21:15 44:3 101:24 135:16 139:7,22,25 140:3,4,10 141:11,19 142:15,16 146:11,12 147:5 147:6 148:7,20 149:11,14,15,22 149:23,24 151:6 151:12 152:5 153:23 155:3 157:2,13 159:1 159:10,15,20,22 160:2,3,9,11,16 161:6,6,8,13,14 161:15 162:5,7,8 162:10,15,16,19 162:19,20,20,21 162:21 163:5,8,9 170:5,7 173:7 175:13 176:11 178:18 180:15 181:1 185:5 187:13,15 189:20 195:21 195:21,22,23 196:1,3,8,15,17 196:17,18 197:14,16,18,18 197:19,19,22,25 198:4,17 199:6,7 202:24 207:4,4,8 207:17,24,25</p>	<p>208:6,8,16,16,20 208:20 209:2,3,7 209:10,15,15,17 211:12 212:7 226:6,12,16,25 227:2,15,19 228:7,21,23 229:3,24 230:4,6 231:3,9,24 232:3 232:3 235:14,15 237:1,13,13,15 237:16,17,25 238:1,1,2,6,10 238:11,14 239:5 239:8,8,8,9,9,13 239:14,14,15 240:3,13 241:12 241:13,13 242:18,21 243:1 243:15,16,17,21 244:4 245:3 246:2,5,11,14,21 246:24 247:3,4,5 247:5,6,8,10,15 247:16,16,17,19 247:20,21,24 248:2,2,3,6,6,8 248:11,13,16,17 248:22,24 249:7 249:10,11,12,14 250:2,5,7,9,22 251:22 252:5,14 256:4,11,21 257:3,9,10,21,22 257:22,23 259:14,21 260:4 260:4,6,10,11,15 260:16,17,19</p>	<p>261:6,7,7,11,22 261:23,23,23 262:19 263:3 264:13 266:1,13 266:16,22 267:1 267:2,2,3,4,8 268:10 269:9,19 270:13,18,18 271:5,25 272:11 272:19,20 273:8 273:10 274:1,2,4 274:11 275:3,10 275:13 277:24 278:5,11,17,23 279:3,6,18,19 280:10,11,16,17 281:15,16,21,23 284:10 286:8 287:6,11 288:16 288:21,22,23 289:6,8,15,17,18 289:21,25 290:2 290:2,3,3,4,19 290:22 291:2,2,7 291:9,15,20,24 291:25 292:1,4 292:20 294:13 294:14 295:1,1 295:25,25 296:5 296:8 298:5 299:8,21 301:4,5 301:10,22 302:5 302:6 315:15 316:13,18 318:7 322:23 324:2,3 329:12 330:20 331:19</p>
<p>g</p>			
<p>g 22:1 168:10 216:13 224:12 286:13 gain 325:13 gaining 258:19 gallagher 9:11 89:15 gamma 171:21 garcia 3:3 22:6 23:5,6 26:4 54:7 54:9 55:16,17 61:24 62:4,6,10 71:6,7,11,14 72:2,6,25 75:8 75:10 79:10,11 79:18 80:1,10,18 81:2 86:20,21 93:9,10 94:20,24 95:3 96:14 98:25 99:1 100:13 103:22 103:23 104:4,10 106:13,14,18,19 107:1 109:11,12 110:6,11,20 111:4,13,23,24 112:5,14,18 114:21,22 115:19 119:23 119:24 120:11 120:17,19,23 121:2,9,10,16</p>			

[gaspar - going]

<p>gaspar 6:5 gather 254:1 gathering 139:23 140:10 152:3 265:7 269:2 gauge 237:22 238:7,22 242:5 281:2 gauges 295:17 general 58:13 129:3 132:1 177:9 182:13 255:20 295:8,22 316:24 317:11 generalized 171:5 generally 169:19 312:14 geo 188:21 geologic 108:22 131:10 169:2 178:16 235:11 geological 98:9 102:19 173:4 geologically 169:25 183:24 265:11 geologist 57:16 61:1 92:19 97:18 101:14 108:4 128:9 131:7 143:21 158:4,11 168:13 181:3 291:13 310:19 geologist's 13:5 13:7 20:5</p>	<p>geology 15:6,21 78:18 86:1 92:20 158:5 168:20 169:7 170:18 171:13 174:16 176:5 177:4 180:14 235:10 263:9 304:1 geometry 228:16 gesture 265:17 getting 41:6 64:22 85:13 88:8,10 181:10 182:3,18,20 185:4 188:6,7 259:16 268:1 274:23 276:9 279:3 286:21 288:11 294:13 301:17 314:23 317:6 321:14 325:5 gilbertson 57:16 57:18 61:1 62:21 128:10 131:8,25 gilbertson's 61:1 131:9,13,14 gilligan 78:4 give 63:16 86:17 113:13 125:4,19 154:4 170:15 171:12 176:16 190:3 191:16 195:11 198:12 205:22 215:19 215:23 226:1</p>	<p>244:11 270:1 284:2,14 286:25 299:25 312:24 320:22 321:6 given 164:16 165:4 178:2 213:9 242:10 243:14 288:3 323:14 gives 71:18 201:24 249:18 286:15 giving 189:24 220:1,10 glad 38:15 64:21 75:12 99:23 184:23 glaring 118:21 glorieta 57:4 61:9 101:1 127:24 go 30:11 31:19 34:20,21 37:23 41:17 49:15,16 51:9,11 77:11 79:16 89:1 90:5 90:12 103:9 128:12 133:18 135:3 136:6,23 153:5 154:16 158:8,12 163:14 166:8 177:8,9,16 181:13 182:4,9 183:19 185:16 186:1,3 192:12 196:20 197:9 202:10 210:23 218:18 228:2</p>	<p>239:22,22 240:6 249:17 254:20 255:4,25 258:25 260:21 263:4,17 268:7 272:13,21 273:21 274:20 275:8 280:21 281:5 286:2,2 291:8 292:7,11 292:19 296:15 299:7 304:9,10 305:24 306:18 312:1,20 314:12 314:17,20 315:17 316:11 318:19 322:7,16 322:20 324:23 326:6,7,22 327:9 327:12 329:4,6 goal 297:23 goals 141:13 149:7 goes 76:17 150:23 185:22 195:21 196:2,8 207:24 232:5 238:13 272:8 290:2,21 291:24 292:8 going 31:24 36:15 37:12 41:8 43:15 44:25 47:20 50:18 51:4,20,23 58:18 66:13,18 66:22 67:4 73:3 79:23 82:11,19 83:17 86:25</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[going - greenhouse]

87:15 88:9,13,14 89:1 96:22 105:7 121:1 125:18 128:17 129:21 130:1 135:3 138:2 141:20 148:13 149:6 150:4,18 154:4,14 159:8 160:8,20 161:12 165:9 170:9,10 170:13 171:6 172:3,11 173:24 175:3,23 178:22 180:19 181:14 181:25 182:7,13 182:16,22 183:3 183:18 185:12 188:1 189:20 191:23 195:8 196:17,23 198:9 207:4,5,17 208:7 210:5,6 212:25 217:13 222:19 225:19 233:24 240:1 254:6 255:3,19 258:23 259:3 262:25 263:4,5 267:15 267:22,25 268:2 274:14,24 275:3 275:6,8,9,11,12 275:15 276:17 277:5 278:1,6,22 281:5,11,11 283:2 286:19,25 287:21 288:4,8 288:22 289:9,22	290:4,11,12 291:1,7,8 292:16 293:6 294:1,14 294:15,18 296:11 298:4,14 300:15 307:24 311:19 312:8,15 314:10 315:3,20 315:22 316:12 316:23 317:13 317:21,25 320:3 321:18 322:25 323:2,15 324:17 325:17 326:25 327:5,7,13 328:11,11,25 331:20 332:11 good 22:2 23:14 23:19 24:1,12,18 26:3,14 29:17 32:24 34:5 35:10,15,22 44:10 45:11 49:7,8 52:21 54:21 64:3 65:22 66:9 71:21 72:24 77:12 84:10,10 84:10 89:14 96:13 100:12 105:10 106:25 112:17 113:10 116:4 126:13 127:15 138:14 143:14 176:19 176:19 181:17 184:20 186:24 189:14 191:18	191:22 192:20 193:12,15 214:23 216:11 219:6 223:4,9 227:14 235:16 254:1 256:19,23 257:1,16 258:1,6 259:7 266:15 270:20 271:2 272:15 274:13 277:11 279:5 282:8 303:13 306:14 307:1 310:9 gor 246:17,18,21 248:12 256:7,20 256:23,25 257:13,15,15 258:25 270:4,8,9 270:12,22 271:4 271:8,9 272:1,6 272:7,13,17,20 273:11 275:21 292:1,2,4 293:2 293:10 322:11 323:23 gotten 319:15 governs 38:23 grade 200:5 graded 230:5 gradually 272:7 graduated 194:10 grain 172:13 grant 122:12 granting 164:1 179:5 213:16	granularity 190:3 graph 269:3 284:8 285:10,17 285:19,20 286:19 329:11 330:5 graphs 201:4 gravity 230:4 gray 151:2 240:24 241:8 315:11 great 37:5 68:16 151:15 154:14 154:18 155:22 158:24 159:20 168:11 171:11 177:12 185:7 186:15 187:9 190:5 210:25 218:21 283:12 296:25 320:13 320:15 330:16 greater 234:1 244:16 281:11 green 13:13 61:17 63:21 118:15,21 232:14,14 233:9 233:10 236:14 236:14 237:23 240:7 241:11 242:4,4,16,16 244:8,8 246:14 248:5 259:19 greenhouse 149:24
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[grill - hardy]

<p>grill 318:14 ground 141:9 171:6 178:4 groundwater 176:25 177:11 177:12 178:2 213:23 group 8:10 28:23 29:23,25 31:6 56:14 71:15 84:6 127:18 163:20 163:22 172:5 177:14,18,20 181:23 183:18 253:22 254:1 263:10,14 301:11 319:24 319:25 320:21 320:22 332:19 grouped 30:24 grow 307:7 gsi 203:15 guadalupe 4:6 6:10 7:24 8:18 9:17,24 guarantee 294:18 guardrails 298:24 guess 39:13 82:16 90:12 94:21 95:1 109:17 110:11 120:2,4 136:9 138:3 142:8 144:17 146:23 164:17 165:13</p>	<p>180:24 191:22 193:15 222:9 230:23 233:6 262:15 265:24 267:24 268:6 270:1 271:22 272:11 277:13 277:14 278:19 281:25 304:15 314:9 315:11 316:18 317:1 321:23 322:3 324:19 325:23 guessing 122:22 134:22 guest 22:7 guidance 202:23 204:22 211:12 guide 295:19 guidelines 157:1 157:5,18,21 guitar 97:15 gun 13:11 61:11 132:5 gutierrez 11:12 144:1 215:20,22 216:2,8,12,12 217:8,13 220:16 221:6,17,23 222:6,11,14,22 223:4,7 254:14 guys 56:12 128:24 284:8,18 298:24 326:21 333:9</p>	<p style="text-align: center;">h</p> <p>h 12:1 13:1 14:1 15:1 17:1 18:1 19:1 20:1 21:1 57:9,9,9 62:25 85:3 145:2 193:17 half 43:6 57:7 63:1,2 67:12 69:9,10 70:2,3,3 71:21 73:17 74:1 77:21,24 84:23 90:24,25 91:1,2 97:8 99:9 101:4,4 107:15 109:19,19,20,20 109:20,21 110:14,19,22,23 110:24 111:2,3 116:17 117:17 122:9 124:18 128:2 141:1,1,6 141:6 147:14,14 147:15,15 154:6 154:6,6,7,8,9,9 155:6,6,15,15 161:3,3 198:17 198:18 204:4 210:2,19 211:2,4 211:8,16 217:24 218:15 221:17 227:5,6 233:8 269:12 285:21 288:4 295:3 298:21 302:12 302:12 303:2,3 303:15 308:14 327:17,22,25</p>	<p>halite 178:10,12 hand 254:23 255:23 279:17 handle 192:19 244:14 251:9 253:19 handled 268:2 318:17 handling 142:16 hands 144:6 hanger 302:18 hanging 328:20 hanson 5:21 happen 297:3,12 happened 288:11 happening 27:17 183:6 242:2 261:2 290:8 297:5 happens 67:9 134:18 182:9 259:17 266:9,10 266:10 275:14 288:15 happy 38:21 39:2 215:14 253:19 298:23 hard 271:25 278:7 284:14 333:10 hardy 3:14 7:10 9:4 23:14,15 25:2,22 35:15,15 37:19 38:2,3 39:11 40:2,3 41:4,11,19,20,25 43:25 44:4,15,15</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[hardy - hearing]

44:23,24,25 46:9 46:17 47:5 68:21,21 69:3 71:8 72:16,20,20 73:10 75:12,16 75:23 76:2,4,8 76:11,21,25 77:9 harris 4:23 5:4 7:17 hart 4:5 6:9 7:23 8:17 9:16,23 26:5 29:8 32:21 34:2 36:3,15 44:12 50:16 65:24 73:1 96:15 100:14 107:2 112:19 116:7 219:14 hawk 320:20 haws 320:25 he'll 158:14 159:5 head 53:6 137:9 332:13 headed 50:23 header 95:8 heading 330:19 headington 4:15 48:24 49:1,13,22 health 179:11 213:22 hear 37:21 46:23 85:11,15 96:19 127:10 163:2 167:20 227:1 250:11,17 265:21 268:12 295:16 320:8	heard 30:3 40:17 81:24,25 104:14 124:4 144:7 163:23 326:5 hearing 1:5 2:8 2:11 22:2,5,14 23:2,8,17,19,24 24:4,10,16,20,24 25:9,13,17,18,23 26:8,12,16,21,25 27:7,12,15,25 28:3,8,11,17,19 29:6,9,12,14,19 29:21 30:18,20 31:7,10,12,14,16 31:17,20,24,25 32:1,5,7,8,10,11 32:18,22 33:1,5 33:7,10,13,15,24 34:3,7,12,14,20 34:24 35:3,5,6 35:13,19,25 36:5 36:10,17,22 37:3 37:9,17,24 38:1 38:13,14 39:13 39:19,25 40:21 40:25 41:6,7,13 41:14,15,17,19 41:23 42:4,8,13 42:16,20,21,25 43:1,13,20,21,22 44:1,6,13,17,24 45:3,9,16,18,22 45:25 46:7,12,18 47:1,6,12,17,23 47:24,25 48:5,8 48:15,16,17,19 48:20,21 49:2,14	49:19,25 50:3,4 50:6,12,17,22,23 50:25 51:2,3,4,5 51:6,7,14,16,18 51:23,24 52:3,5 52:5,8,15,19,24 53:2,17,24 54:2 54:6,10,18,24 55:2,5,8,15,18 55:25 56:6,18,22 57:23 58:1 60:8 62:3,9,16 63:4,9 63:12,19,25 64:7 64:10,15,19,23 65:4,8,15,19 66:1,4,7,12,23 67:1,3,5,14,20 67:21,22,23,25 68:6,8,11,13,14 68:18,24 69:1 70:13 71:5,8,25 72:4,8,11,17,22 72:24 73:2,6,9 75:3,6,8,14,21 75:24,25 76:3,7 76:10,12,23 77:2 77:4,10,14,16 78:25 79:2,9 80:16,19,22 81:6 81:9,15,19,23 82:2,5,10,20 83:4,8,16 84:2,9 84:13 85:12,16 86:7,19,22 87:3 87:20,23 88:2,16 89:4,8,12,17,19 90:17 92:4 93:1 93:8,13,19 94:13	94:17,25 95:12 95:21 96:1,10,13 96:16,20,24 97:1 97:2 98:24 99:2 99:5,8,11,13,20 100:1,3,8,10,13 100:16,19,22 101:21 103:12 103:16,20,21 104:12,15,21,22 105:9,23 106:7 106:17,20,25 107:4,7,8 109:10 110:25 111:11 111:15 112:1,6,9 112:12,15,17,20 112:22,23 114:20,23 115:6 115:10,12,17,20 116:1,9,12 119:11,16,18,22 120:9 121:13,18 121:22 122:19 122:24 123:6,13 125:3,15,24 126:6,18,22 127:1,5,8,15 130:15 133:1,9 133:14,17,20 134:5,12,15 135:2,6,15,20,24 136:2,9,13,16,25 137:7,13,16,24 137:25 138:8,11 138:22 139:3 142:1,18 144:2 145:22,22 146:21 150:5
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[hearing - holliday]

157:20 159:8 160:25 164:11 165:6,22 166:12 166:16,18 167:1 167:4,8 169:8 178:24 179:22 179:24 180:7,10 188:25 189:9,11 189:19,25 190:5 191:20 192:3,15 192:24 194:1 195:5,5,10 198:11 201:13 203:4 205:17 207:13 208:22 210:8 212:22 213:25 214:8,10 214:20,25 215:4 215:18 217:10 217:16 218:4,7 219:15 220:1,10 220:25 221:1,11 222:23 223:2,8 223:14,18,20 225:8,14 250:15 253:12,13,25 254:3,19 262:23 265:20 293:25 294:7 296:1,18 296:20,25 297:7 297:22 299:22 300:3,9,12,19,24 305:23 318:15 318:17 319:19 328:16,19 329:3 329:6,18,23 330:10,16 331:1 332:1,24	hearings 22:3 23:4 52:9 223:18 hedge 276:11 height 306:21,21 307:3,5,7,12 heir 81:22 82:8 hell 88:13 hello 101:19 help 28:20 94:14 133:22 184:16 186:16 196:4 235:5,11 239:9 279:13 295:10 295:19,22 helped 255:18 helpful 75:13 86:15 87:11 103:11 105:14 105:24 110:5,10 125:4,22 165:3 177:7 181:7 267:17 277:10 293:16 330:18 330:22 333:8 helping 281:20 helps 150:1 hereto 334:14 335:11 hey 260:15 hi 303:25 high 146:8 159:3 170:3,3 178:3 194:8 207:4 228:13 230:8 234:10,13,17 235:3,4,15 237:18 245:16	252:5,7 261:7 271:13 279:13 279:13 281:4 292:1,2 296:8 297:13,18 314:17,19 316:20 higher 93:23 232:7,7,11,15,16 232:25 234:24 235:9 236:11 239:25 243:10 247:17 259:23 260:12 264:1 279:21,23 280:2 280:5 281:10 286:7,12 293:2,9 305:1 307:10 highest 204:15 293:11 highland 92:17 93:20 94:7 highlighted 134:21 135:1,14 136:14 197:8 204:15 210:16 218:15,16 327:16,22 highstands 182:12 hinkle 3:15 7:11 8:23 9:5 23:15 35:16 44:16 68:22 72:21 77:13 historically 268:13 312:18	history 244:13 272:5 283:14 284:10 309:4 322:1 329:13 hit 126:7 154:16 296:3,7,11,13 hobbs 220:8 hold 78:1 250:22 252:10 holders 15:23 92:25 holding 270:5 holds 31:11 159:18 hole 78:6,7 85:2 85:4 91:14,19 182:22 holes 196:20 holiday 63:23 holidays 41:7 holland 4:5 6:9 7:23 8:17 9:16 9:23 26:5 29:8 32:21 34:2 36:3 36:14 44:12 50:15 65:24 73:1 96:15 100:14 107:2 112:19 116:7 219:14 holliday 8:9,10 56:3,6,11,13,14 56:22,25 58:3 62:5,8,12,15,19 63:8,11,18 64:12 64:21 65:7,11,16 65:17,18 67:10 67:18,21 68:1,7
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[holliday - inclined]

68:10,16 126:12 126:13,14,22 127:12,14,17,18 133:25 134:1,7 134:14,24 135:3 135:10,17,23,25 136:3,5,12,15,24 137:2,6,11,23 honing 265:25 honor 66:15 hope 115:7,9 117:10 192:21 hopefully 83:23 89:4,7 248:22 255:21 321:2 hopes 46:25 hoping 49:25 149:7 300:23 horizontal 57:3 61:4 69:8,25 77:21 84:21 85:10 97:7 98:9 101:3 102:20 107:14 108:23 118:7 122:20,25 123:1,13 127:23 131:11,16 156:18 173:20 175:1 198:4 241:24 264:5 horizontally 78:5 85:1 184:17 hour 67:12 153:13 283:5,12 283:18,19 327:4 hours 148:20 152:12 162:11	196:10 283:6,9 283:13 315:20 house 83:15 housekeeping 164:16 huge 175:15 human 179:10 213:22 hundred 231:20 312:15 hydraulic 264:6 307:6 hydraulics 228:21 hydrite 178:11 178:13 hydrocarbon 186:14 305:6,13 309:10 hydrostatic 291:4 hypothesis 264:23 278:8 hypothesizing 123:7 i idea 87:17 88:13 286:15 ideal 169:19,23 ideally 287:22 288:5 identical 221:20 221:23 222:4,19 identification 53:23 58:16,24 59:8,22 60:4,11 60:17,23 61:6,14	61:23 74:13 75:2,20 78:17,23 79:5 85:25 86:5 86:11 92:13,23 93:3 98:2,12,19 102:9,17,25 103:8 108:13,20 109:5 113:12 114:2,13 117:6 117:14 118:4,18 119:6 128:20 129:2,7,12,17,25 130:6,11,18,24 131:5,20 132:4,9 132:16 133:4 146:6 150:9 154:21 156:8 159:13 161:19 171:16 173:14 174:22 175:21 179:2 189:8 194:5 195:16 199:21 201:18 203:7 205:19 208:24 210:10 217:19 218:9 219:22 220:14 225:17 identified 140:25 159:10 181:8 197:23 207:13 208:3 210:23 211:15,20 219:1 219:11,20 233:25 329:9 identify 140:24 143:15 155:13 166:2 176:23	219:6 249:19 296:20 298:7,11 298:17,24 identifying 131:15 218:2 ii 8:8 56:5,15 57:2 65:10,18 126:14 127:20 illite 171:25 immediately 239:6 261:14 impact 178:18 194:24 227:24 252:22 322:17 impacts 209:16 213:2 245:12 326:21 impede 175:11 impediment 105:25 impediments 98:9 102:20 108:23 131:11 imperfect 188:9 implement 235:19 implying 324:10 important 94:19 104:23 140:1 141:12,18 181:15 295:6 importantly 112:2 imposed 147:17 improve 149:23 inch 204:23 inclined 254:25
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[include - injection]

<p>include 43:2 78:13 85:21 139:19 140:20 146:16 198:19 199:10 211:10 220:22 264:19 285:12 302:24 included 57:19 59:2,4 60:12 61:2,11,16 156:2 156:5 202:4 208:7,21 211:23 219:25 312:23 includes 74:19 78:19 86:2 92:8 92:19 97:22 98:5 101:18 102:12 108:8,16 128:5 129:23 130:15,21 161:2 161:4 189:17 205:8 218:17 including 143:9 179:11 213:22 214:1 229:6 inconclusive 213:6 incorporated 140:5 incorrect 279:11 incorrectly 175:6 increase 121:8 236:10,18,19 238:9 261:23 271:10 272:11 272:12 281:3</p>	<p>increased 229:1 229:2 232:9,10 239:13 241:12 241:13,15 243:10 262:15 276:21 297:17 index 310:8 indicate 187:2 321:3 indicated 25:7 91:4 107:21 311:2 indicating 22:16 indication 120:22 321:24 indicative 241:8 individual 164:25 257:24 296:3 317:5 individuals 301:12 induced 186:7 industry 149:20 inference 283:4 infiltrating 263:14 infinite 323:3,19 influence 148:21 influx 256:7,13 323:8 324:1 info 118:24 information 15:19 19:21,22 23:1 31:5 53:13 59:18,24 84:11 88:10,18 90:13 92:10 109:16 111:25 114:5</p>	<p>117:11 118:6 120:18 125:4 129:19 130:3 137:19 157:16 157:20 158:13 177:3,22 199:16 199:17,17 204:6 205:8 206:14 211:6,10 285:11 286:21 311:6 330:21,21 informed 30:25 46:3 51:2 332:7 332:10 infrastructure 203:22 infrastructures 299:13 initial 113:3 158:20 163:19 234:8 239:24 241:17 264:9 284:9 310:19 initially 97:13 101:7 107:17 115:2 156:22 166:2,7,9 230:6 234:12 236:3,23 265:1 272:6,6 294:10 331:10 331:21 inject 141:11 149:21 152:4 196:15 200:9 227:19 228:24 229:3 231:24 237:3 239:8 245:1,3 250:22</p>	<p>251:3,9 266:9,10 266:11 267:2 274:2 280:10 282:2 287:23 288:22 290:19 291:17 295:5 298:18 injected 159:2 159:22 160:9,12 161:7,9,13,14 162:20 173:2 176:12,14 178:18 207:5,9 207:17 208:17 209:2,10 212:7 227:5 235:5,13 240:3 248:3 249:2,11 251:19 252:15 256:4 267:1,4 275:7,10 275:13 278:17 280:23 289:16 291:17 injecting 181:17 206:14 229:23 266:23 279:24 291:1 295:25 315:9 316:4 injection 20:25 21:14 139:8,13 139:20,21,21,25 142:4,20 146:11 146:12,15,18 147:5,6 148:20 149:10,12,13 151:22 153:22 154:12 155:24 156:6,16 157:2</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[injection - interests]

157:13 158:22 159:11,15 160:2 160:3 161:23 162:8,12 163:7 169:13,14,20,24 170:18 171:10 171:14 175:13 175:17,17 176:8 176:11,20,21 178:1,5 180:25 181:18 184:8,10 184:18 187:18 188:3 189:21 190:16 194:25 195:14 197:20 198:7 199:11 200:21 202:15 202:24 203:17 204:1,1,11,24 206:3,12,18,25 208:8 209:4,13 210:18,18 211:12,18 212:8 212:9 213:3,21 218:22 226:3,12 226:13,14,18,19 227:1,9,15,23 228:7,17,20 229:4,15,16,24 229:25 230:2,6 230:16 231:9,24 232:2,10,17,19 232:22 233:22 233:23 235:2,7 235:15 236:20 236:21 237:11 237:13,25 238:6 238:10,11,14,14	238:19 242:1,22 243:1 244:17,25 245:8,19 246:11 246:18,25 247:2 247:4,5,5,10,11 247:18,19 248:17 250:2,4 251:10 252:8,9,9 252:19 257:3,23 260:5,7,17 261:6 261:23 264:14 268:2,3 274:4 277:1,24 278:23 279:3,18 280:11 283:24 284:10 291:8 294:23 295:2,10,20 296:16 299:9,10 299:16,19,20,21 315:9,19 316:6 316:24 318:7 319:10 329:13 331:13 332:6 injections 139:16 149:16 205:13 247:8 injectivity 226:23 229:6 injector 162:13 233:21 injectors 232:9 319:11 injects 275:2 290:22 input 163:22 242:11 243:1,25 264:12,13,13	inputs 229:21 inputted 234:12 ins 139:23 206:22 245:5 inside 296:4 insignificant 260:22 inspection 238:16 install 237:21 instructed 27:22 integral 226:10 228:19 231:4 integrity 200:23 200:24 201:2 316:21 318:23 intend 38:5 140:25 171:9 intended 91:18 intending 87:17 intent 34:18 309:1 317:6 interaction 246:1 interbedded 172:23 304:21 304:24 305:16 intercubic 204:4 interest 14:5,6 14:19 15:17,20 15:23 38:24 39:4,6,24 40:5 43:5 45:2 69:14 73:12,14,22,23 74:9,10,11 77:18 78:21 79:14,19 80:5,7,9,17,23 80:24,25 81:1	82:22 84:19 85:21 86:3,14 90:23 92:9,10,15 92:25 93:23 94:6,10 96:5 97:4 100:20,24 104:25 105:8,11 105:25 106:2 117:8,11,21 123:18,18 134:20,22 135:19 136:20 136:21 159:18 160:19 164:2 176:3,4 179:5 200:14 213:16 219:1 221:21 222:7,18 253:5 314:18,20 interested 45:23 52:25 64:1 67:2 68:25 70:22 72:10 73:7 77:15 81:7,20 89:18 95:24 96:25 100:17 107:5 112:21 115:11 134:17 135:13 139:1 323:13 334:15 335:12 interesting 121:14 interestingly 120:11 interests 78:14 93:17,24 95:20 95:23 107:10
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[interests - jalapeno]

<p>127:22 221:25 222:1,1 interfacing 245:20 interjection 170:23 intermediate 314:23 317:2 intermittent 139:21 146:12 146:18 147:6 148:19 149:10 153:22 154:12 157:13 182:18 227:14 245:4 318:7 319:9 intermittently 141:11 149:21 international 194:18 interplay 182:16 182:20 interpretation 181:11 183:4,7 interpreted 171:24 172:2,16 interrupted 277:9 interruption 196:9 288:15 interruptions 148:6,22 282:18 interval 14:18 20:25 78:20 132:1 147:7 156:11,21 170:23 171:9,14 171:19 172:13</p>	<p>172:17 174:12 176:19 178:5 181:18 184:8,10 184:12,15 185:1 187:22 211:18 245:3 251:20 279:4 283:5 305:10 307:21 interval's 184:14 intervals 172:2 174:24 176:1 182:13 184:18 200:14 227:25 introduce 56:7 57:14 65:15 introduced 170:6 introduction 90:11 introductory 138:20 intruded 190:16 intrusion 213:3 236:18 243:9 244:10,14,15 263:19 267:11 271:13 272:9,10 277:22 278:2,21 279:6,9,12 280:14 investigating 213:8 invitation 192:5 invited 192:5 involve 50:20 involved 27:20 117:4 198:13 214:17 318:12</p>	<p>involves 70:18 involving 147:5 ion 265:9 iron 30:10 irregular 77:24 78:2,6,8 97:9 99:9,15,17,18,22 irrespective 235:10 irvin 11:12 143:25 216:2,11 isaac 113:9 isir 226:9 228:19 231:4,4 island 30:10 isochore 21:6 175:22 isolated 29:23 232:20 252:8 279:18 316:7 318:24 isopach 19:8 118:1 issue 22:21 25:20 28:14 32:11 43:21 48:19 52:6 58:18 78:1 86:18 120:6 129:9 143:5,6,8 143:12 148:2 160:5 191:2 297:12 300:17 316:21 332:11 issued 75:25 89:22 90:3,6 94:23 105:4 120:8 146:19</p>	<p>157:1,4 issues 42:3 163:24 165:5 194:24 201:8 209:8,12 215:14 269:6 298:14 issuing 42:6 it'd 29:24 223:4 254:1 294:17 327:17 it'll 294:19 300:15 item 10:10,11 12:8,13 13:3 14:12 15:3,11 16:2,18 17:3,17 18:3,13 19:15 20:3,17 21:3 32:12 44:7 50:8 56:1 65:9 89:13 96:11 106:23 112:16 127:10 138:12 301:17 items 12:3 13:19 14:3 19:3 25:24 33:16 35:7 47:8 48:23 52:10 54:19 68:19 72:18 77:11 81:16 115:21</p>
			j
			<p>j 286:13 jackie 8:22 77:12 81:17 jackson's 71:15 jalapeno 5:19 24:17,19 29:11</p>

[jalapeno - know]

<p>29:13 33:2,4 36:6,9 66:7,10 66:13 129:23 133:15 135:25 136:4,7,20 james 3:20 6:3 10:4 26:15 29:17 54:22 jamesbruc 3:23 10:7 january 25:6,20 27:23 38:6,11 40:18 41:7 42:21 43:20 67:6,16 68:15 88:3 89:10 jason 310:21,23 jessica 81:21 82:24,25 jim 3:19 10:3 29:4 32:16 33:22 47:10 52:13 115:24 joa 117:19,23 job 2:15 258:11 john 3:3 22:6 joining 138:25 jump 317:10 jumping 304:1 junction 317:5 june 69:22 113:15 153:16 243:21,22 junked 180:15 justifies 157:12 justify 281:6</p>	<p style="text-align: center;">k</p> <p>k 193:17 kaiser 10:2 115:22,25 116:13,15 117:16,19,22 122:1 123:7 keegan 97:18 keep 30:24 170:4 183:23 235:13 267:22 277:7 286:13 287:23 288:21 291:1,3 293:3,6,12,12 294:1 296:16 317:13 332:7,10 keeping 162:17 181:1 275:22 kennedy 9:11 89:16 kept 236:10 257:20 key 155:11 174:7 228:21 236:23 239:20 244:10 248:23 249:22 249:22 256:20 260:9,9 kicks 260:19 kids 326:22 327:5 kill 206:10 296:7 kills 206:10,22 kind 53:10 125:15 143:9 181:10 186:5 202:22 208:13 249:18 256:8</p>	<p>259:15,18 262:19,23 264:24 265:24 269:2 271:7,9 272:1 273:2 291:24 300:15 300:17 304:16 305:11,15 306:3 306:5,24 307:25 308:13,20 309:11 311:7 315:11 321:8 324:18 325:6,18 325:19 328:1 knew 306:24 know 24:5 27:5 28:22 30:4 31:8 35:3 39:8 41:22 42:4,6,18 43:14 44:18 46:10 48:8 51:20 53:7 56:8 71:11,16,22 72:1 74:20 76:4 79:23 83:12,21 84:7 88:14,16 105:10 114:14 121:14 122:25 123:7,9 124:25 134:16 135:17 143:4,6 150:6 153:8,25 154:15 160:14 162:20 164:12,24 165:11,11,14 166:7 170:10 180:11,18 181:5 181:24,25 182:1 182:10,12</p>	<p>184:19,24 186:2 186:7,19 187:11 188:17 189:15 191:6 192:7 195:24 196:5,21 197:6 198:3 200:2,14 204:5 204:15 206:8,21 207:2 209:5,6,21 209:22 213:7,12 214:14 215:18 223:4 225:20 230:10 234:15 234:18 243:7 245:14 249:12 253:18 254:21 255:5 256:15 257:3 259:16,24 262:5,16,17,18 263:2,20 264:19 264:20 265:6,9 265:11,12,14,25 266:2,3,6,16,16 266:19 269:9 270:17,21 271:5 272:4 273:6 274:3 275:2,7 276:12,24,25 277:3,6 278:5,8 278:9,14,23 279:2,14 280:3,4 280:5 281:6,19 283:1,8 284:3,18 287:23 288:5 291:13,14 293:5 294:25 295:16 296:4,11,13 297:17,22 298:4</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[know - lattimer]

<p>298:5,6,7,8,9,11 298:15,20,21 299:10,23 300:20 304:22 305:3 306:8,25 307:1,4,24 308:23 309:10 309:13,22 311:24 312:9,16 312:25 313:3,14 313:17 314:15 314:15,17 315:6 315:19,20,21 316:13,25 318:2 321:25 322:2,3 322:10 323:13 324:16,20 325:12,15,24 326:20 328:24 329:20 330:11 330:19 331:6,24 332:14,21 knowledge 219:10 334:9 335:6 knowledgeable 309:8 known 64:6 309:10,16 knows 84:7 kosho 57:15,17 58:5 60:18 128:9,13 130:25 kosho's 58:9,20 59:9 128:16,23 129:13 134:24 kristina 10:10 81:21 82:2</p>	<p>kristopher 193:16 kushner 117:2 kyle 320:4,20</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>I 5:14 6:14 24:7 26:10 50:10 145:3 168:9,9,9 168:10,10 193:17 200:5 224:11 286:13 308:4 lab 21:16 label 247:22 labeled 248:5 laboratory 208:21 lack 236:6 laid 181:11,12 lake 100:25 116:22 117:24 121:4 122:2,3,3 122:4 land 14:13,14 15:4,14,16 16:4 16:22 17:19 19:4 49:18 53:3 78:12,13 85:20 88:24 92:7,8 97:23 102:4 108:3,9 111:9 117:4 122:7 123:16 208:3 215:13,15 216:17,22 217:9 218:23</p>	<p>landed 184:11 304:4 landing 304:2,13 305:9,17 landings 304:8,8 landman 10:11 57:14 58:6 70:9 74:6 80:12 84:5 84:11 88:20 97:18 101:13 103:14 113:9 114:4 117:2 128:9,14 144:1 landman's 12:14 12:16 18:16 19:16 53:9 55:12 lands 113:19 125:1 217:3 lapsing 162:11 large 250:13 259:21 282:25 larger 107:25 140:19 146:16 149:4 150:14,16 150:17 161:7 315:23 larry 57:15 128:9 lasted 241:1 lasting 152:13 250:23 lastly 98:13 102:6,21 108:24 114:7 late 30:3 64:16 66:4,17 125:21 331:7</p>	<p>lateral 196:20 199:18 228:25 264:5 290:20 291:10 laterals 122:9 lattimer 11:10 143:22 160:7 167:13 190:20 193:3,6,12,16,18 195:3,8 197:2 205:21 206:21 208:1 212:25 213:15,25 214:15,18,22 254:11 265:3,3 268:11,13 269:4 269:21,25 276:18,23 281:1 281:2 282:10,11 282:22,24 283:11,20 284:13,17,20 285:16,21,24 287:8,9,20 288:18 289:23 290:9,14,18 292:18 293:10 294:17 296:6,19 296:22 297:6,9 301:9 302:3,14 302:17,22 303:7 303:12,19 312:7 312:14 313:2,12 313:16,20,25 314:14,25 315:16,18 316:9 316:12,16 317:8 321:23 326:19</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[lattimer - list]

<p>327:21 lattimer's 21:9 law 3:20 4:17 5:9,15 6:15 7:4 8:10 10:4 40:9 56:14 71:14 82:18 127:18 lawyer 297:1 318:15 lawyer's 84:6 layer 172:18 174:11,14 182:5 182:6 308:23 309:10 312:5 313:8,11 314:21 316:3 layers 173:1 211:17 lead 23:13 49:11 leading 324:18 leads 120:15 learned 204:6 262:4 learning 255:21 lease 155:11 208:10 leases 155:4,5,9 161:2,5 198:19 221:16 321:8 324:6 leasing 82:15 leave 65:1 181:18 leaves 88:25 133:21 301:13 leaving 62:10 141:2 301:7</p>	<p>led 328:2 lee 19:6 69:12 78:3 84:24 91:3 107:16 117:25 147:16 left 96:4 111:18 137:18 170:20 195:18 231:7 233:7 254:9 258:3 293:16 321:10 327:5 333:1 lefthand 174:7 330:5 legal 55:4 218:20 length 196:22 199:18 lesser 113:14 letter 12:24 16:6 16:19,24 17:21 19:25 63:15 65:3 74:14,19 76:15,15 78:15 78:25 85:22 86:7,13 97:24 101:23 102:6 103:18 105:16 105:21 108:10 130:20 132:19 134:9 136:23 137:4 219:25 326:15 331:17 letters 16:13 17:12 18:8,20 60:13 63:16,20 88:23 98:14 102:22 108:25 114:8,15 130:22</p>	<p>220:5 letting 43:14 153:7 level 146:8 159:3 182:16,25 183:3 194:8 207:4 229:18 264:18 levels 206:21 lho 135:16,17 lift 195:23,24 196:3,16,17,18 197:14,16,18,19 207:25 209:15 209:17 239:2,8,9 241:12,13 247:3 261:7 287:6,11 288:23 289:1,8 290:3,22 291:2,9 295:1,2,25 296:8 316:13,18 lifts 269:9 light 40:16 141:13 155:5 lighten 196:4 291:4 lighter 210:21 likewise 30:25 lime 172:5,17,25 174:10,13 182:14 183:8 188:9 312:5 313:8 328:7 limestone 172:19 183:13 185:12 263:11 308:7 limit 140:2 147:17,19</p>	<p>limitations 113:18 limited 140:13 limiting 136:19 limits 203:22 316:19 lindman 117:25 lindman's 19:6 line 22:22 44:21 60:8 124:11 181:20 189:13 196:2,16 201:5,8 231:14 242:23 242:25 244:3 247:10 251:8 255:7 268:24 269:24,24 271:21 298:2 324:19 lined 264:1 lines 22:21 63:7 198:16 206:8 210:22 237:23 251:9 255:13 283:22 linked 228:13 liquid 231:9,13 231:14 330:4,6 list 18:17 20:22 21:20 28:21 59:23,25 75:11 96:6 113:21 129:22 130:3 135:9 136:19 159:9,14 168:4 219:13 255:14 328:25</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[listed - low]

<p>listed 24:21 37:4 93:16 94:1,8 104:18 147:8 listening 324:22 listing 22:9 lists 58:17 134:17,19 literally 134:5 lithologies 187:2 lithology 171:6 171:21,24 172:7 172:16 177:8 185:24 little 39:15 81:24 96:17,18,20 126:8 160:18,21 192:9 196:24 199:8 203:10 204:19,20 235:18 248:20 254:8 256:16 261:13 263:13 264:25 265:4 268:6 270:2 278:20,25 284:6 292:17 299:23 299:25 302:8 304:10 316:10 333:1 live 83:15 lizzy 70:9 llc 7:15 8:8,14 9:21 16:20 35:24 64:5 65:10 77:11 100:11,15 101:24</p>	<p>llp 3:15 7:11 8:23 9:5 local 189:3 locate 61:18 219:6 located 170:20 217:25 218:22 220:12 327:16 location 2:12 12:18 14:16 19:18 20:24 58:12,13 78:6,8 78:19 85:2,5 86:2 91:16,19 107:21 116:19 124:7,18,22 129:3,4 132:1,6 170:16,19 171:2 189:3 327:19 locations 91:14 109:21 111:1 112:4 124:12 locator 16:9 17:5 17:24 98:5 102:12 108:16 loffer 70:9,10,15 log 171:2,18,21 174:9 187:13 200:8 304:22 305:14,23 309:9 logging 265:10 long 28:21 37:20 40:21 53:7 71:11 149:5 162:12 184:16 192:12 200:19 215:14 250:24 275:25 291:17</p>	<p>293:21 299:10 300:19 longer 45:15 183:8 207:6 283:8 look 27:15 44:2 44:4 62:19 93:21 95:17 134:16 139:7 152:11 174:19 183:5 186:16 187:12 191:6,12 228:2 240:7 241:20 247:25 256:9,22 257:24 260:25 265:11 266:5 273:3 278:10 284:3 288:12 295:17 295:21 304:22 305:14 312:1,20 looked 186:1 187:17 looking 34:9 94:15 124:17 136:17 142:2 148:18 155:24 160:22,25 163:22 170:2,4 174:4 191:3 205:21 210:17 213:5 217:15 264:8 268:22 272:20,20 275:21 276:2 277:2 297:1,2 303:2 305:11,25 310:7 315:14</p>	<p>332:5 looks 40:17 50:24 55:4 79:13 104:24 268:23 301:23 310:2 313:24 314:1 loop 146:11 157:2 180:15 202:24 264:4,4 315:15 losing 279:3 297:18 losses 314:11 lost 149:17 151:4 151:7 276:10 lot 67:13 78:6,8 82:13 99:23 134:19 194:17 206:6 209:6 239:1 247:24 252:5 257:7 260:15 269:6,10 269:12 273:23 273:25 274:3 280:10 301:10 302:6 309:25 313:4 316:1 328:21 lots 77:23 97:8 loud 259:2 274:19 louder 265:19 low 186:22 231:19 235:14 245:20 247:21 252:8 257:9,10 257:10 260:6,6</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[low - matador]

<p>262:1 267:11 269:19 271:14 277:22 291:3 292:2,4 lower 172:11 183:10 186:14 189:12 228:12 233:7,7 236:14 247:14 257:8 269:7 279:8 289:8 292:25 293:2 306:11 308:8,9,12 lowest 293:10 lowstands 182:12 lp 52:23 92:16 lpo 151:5,7 lunch 180:18,19 192:1,10</p>	<p>main 123:20 maintain 197:17 282:2,8 maintained 299:19,20 major 175:14,15 260:25 majority 117:23 193:22 194:16 250:9 260:16 278:9 making 35:1 62:25 64:6 110:12 157:12 162:3 198:10 316:2 325:21 328:6 makings 165:24 manage 142:16 309:4 management 145:7 163:21 218:23 319:25 320:21 manager 216:17 map 12:18,20 13:8,9 14:16,16 16:4,10,22 17:5 17:6,8,9,19,24 18:4,5 19:18 20:6,7,20,24 21:5,6,19 58:12 59:4 61:3,7 78:19,19 86:2,2 97:23 98:5,6,6 102:5,12,13,14 102:14 108:9,16 108:17,17 111:9</p>	<p>117:25 129:3 131:14,21 161:1 170:19,25 171:11 174:23 175:7,7,9,22 189:3,12 210:1,2 217:20 218:12 218:14 302:9,11 310:8 maps 16:9 19:8,8 21:17 118:1 173:22 301:23 mar 309:19 311:18,21 marathon 7:15 35:20,24 36:24 36:25 42:15,19 42:22 43:5,7,11 march 42:7,23 43:22 margarita 69:16 70:7 margin 163:6 marked 53:23 58:15,23 59:7,21 60:3,10,16,22 61:5,13,22 74:12 75:1,19 78:16,22 79:4 85:24 86:4 86:10 92:12,22 93:2 98:2,11,18 102:9,17,24 103:7 108:12,20 109:4 113:11 114:1,12 117:5 117:13 118:3,17 119:5 128:19 129:1,6,11,16,24</p>	<p>130:5,10,17,23 131:4,19 132:3,8 132:15 133:3 146:2,3,5 150:5 150:8 154:20 156:7 159:12 161:17,18 171:12,15 173:12,13 174:21 175:20 178:23 179:1 189:7 194:4 195:10,15 198:24 199:20 201:12,17 202:2 203:4,6 205:16 205:18 208:23 210:7,9 212:22 217:16,18 218:7 218:8 219:21 220:13 225:14 225:16 302:10 303:4,16 marker 184:24 186:1 maroon 155:10 mashon 57:4 mass 162:18,25 249:9 267:1 276:3 323:18 324:2 matador 4:2 23:22 25:10 26:2,6 28:21 29:6 30:6,14 32:19 33:25 34:21 44:9 45:25 50:13,17</p>
m			
<p>m 168:10 193:17 ma'am 320:9 321:18 324:23 326:9,25 maelstrom 174:6 magnitude 272:18 282:14 magnitudes 273:19 mail 53:18 74:19 118:22 119:2 mailed 98:15 102:22 108:25 114:9,15 mailing 20:13 132:14 220:4</p>			

[matador - meaning]

73:1,3 74:17,20 75:16 112:16,19 112:22,24 113:16 115:4 matador's 30:12 50:19 51:13 76:5 match 109:24 226:22 233:15 241:25 242:14 242:16,17 243:2 243:6,14,15 244:5,13,19 250:6 263:23,25 matched 242:15 242:18 244:2,11 matches 244:3,8 244:8 matching 270:14 material 120:19 228:8 materials 158:15 mates 192:4 math 93:21 105:10 matric 235:12 matrix 229:14 229:15 232:14 232:18,25 233:5 233:13,25 234:9 234:22,24,24 235:3,4,8 252:2 252:4 262:19 264:6 matt 24:19 29:12 33:3 36:8 66:10 matter 1:5 56:15 58:6,11 60:1,2	60:21,25 61:18 61:21 62:1 65:11 67:13 97:21 101:16 108:6 118:16 126:17 127:19 128:8,14,23 130:8,9,21 131:3 132:12,23 133:7 133:11 135:13 136:8 142:2 145:14 164:16 168:21 216:23 224:22 235:1 279:7 matters 22:19 26:7 31:6 46:6 53:20 93:12 119:9 216:22 217:9 333:1 matthew 5:20 max 204:5 maximize 149:25 maximum 152:14 158:16 203:16,19,25 204:9,21 205:2 226:15 227:6,8 228:18 mc 85:17 mcclean 81:17 mcclure 3:5 138:25 165:9,20 167:3 180:8,9 192:16,18 214:21,23 221:12,13,19	222:3,9,12,16 250:11 254:20 254:21 259:6,10 265:19 267:19 268:4,8,22 270:1 270:12,21 271:7 271:22 272:18 273:5,13,19,21 274:6,9,14,20 277:11,25 278:19 279:22 280:20 281:7,25 282:20,23 283:17,21 284:2 284:6,18,22 285:9,15 286:5 286:18,23 287:12 293:20 294:2 300:10,11 300:14,21 301:1 301:16 302:4,15 302:20,25 303:9 303:13,21 304:15 305:19 305:24 306:14 306:22,24 307:9 307:15,17,22 308:6,13,19 310:7,17,22,24 311:12,15,20 312:11,23 313:6 313:13,18,21 314:1,19 315:7 315:17,22 316:10,15,22 317:9,14 318:21 319:6,13 320:3,9 321:6,18 322:7	322:19,25 324:10,22 325:4 325:9,17 326:9 326:25 327:7,13 327:24 328:12 328:18,24 329:4 329:8 333:9 mckenzie 4:11 6:22 8:5 mclean 8:22 77:12,13,17 79:16,21 80:2,20 80:21 81:5,14,17 82:21,23 83:2,18 83:25 84:4,14,16 85:15,17 89:11 meade 30:7,18 mean 38:7 82:13 82:14 87:14,22 88:10,12 89:2 94:4 117:18 122:24 165:23 186:11,13 222:2 252:12 255:2 260:4 262:4 268:25 271:23 273:13 278:25 281:9 292:21 298:2 300:14,21 300:23 304:20 306:25 311:5 314:9 315:1 316:16 321:23 321:24 322:22 323:1 325:18,20 meaning 146:11 151:9
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[means - minerals]

<p>means 226:11 235:12 241:5 279:12 meant 146:24 164:15 175:7 276:8 measure 204:23 246:20 256:20 270:8 307:8 measured 257:1 measurement 242:12,24 244:4 248:25 270:25 271:2,4,6 272:17 283:10 301:10 301:18 measurements 258:25 mechanical 200:23,24 201:2 318:22 meet 238:2 meeting 163:18 192:6,19 223:10 319:21 320:7,8 325:1 meeting's 192:25 member 309:7 members 102:1 memorized 71:15 memory 79:18 80:10,11 123:4 237:22 238:6,21 242:4 281:2 295:17 mention 164:15 233:7</p>	<p>mentioned 58:6 76:14 99:18 102:3 142:5 158:11 201:21 206:5 227:4 228:8 230:20 261:4 271:19 276:16 277:20 299:1 317:17 319:15 merely 287:6 message 174:7 228:21 239:20 244:10 248:23 249:22 260:9 messages 236:23 messaging 323:8 met 153:4 163:10,12 metallurgy 209:23 meter 226:18 260:4 301:6,6,20 307:5 metered 160:10 160:14 195:21 247:6 method 95:11 140:7 149:11 162:6 163:11,15 164:4 320:12,23 321:5 329:10 332:6 methods 162:9 metrics 228:12 231:15 280:9 mewbourne 3:13 23:13,15 24:24</p>	<p>25:5 28:21 29:3 29:5 30:5,14 32:15,17 33:21 33:23 34:20 35:13,17 36:20 38:22 39:4,5,17 39:19,21,23 41:12,20 42:1 43:18 47:8,11 48:4 52:11,14 mewbourne's 30:13 34:17,18 mexico 1:1 22:4 56:10 60:8 78:3 84:24 97:12 99:19 101:6 106:1 107:16 147:16 153:19 154:3 168:15 170:21 216:17 223:19 327:18 327:23 334:20 michael 4:3 6:8 7:22 26:4 29:7 32:20 34:1 36:2 36:13 44:11 50:15 micro 323:6 microphone 267:16 microsite 307:5 microsites 307:23 midcontinent 92:16 middle 122:9 145:2 171:23 184:14 243:11</p>	<p>243:17 246:24 247:13 248:14 254:10 300:17 midstream 139:22 140:9 146:13 148:5 149:2 152:3 173:7 195:14 245:4 250:23 migrate 251:19 migration 173:1 mile 122:8 177:15 187:7 210:1,2,19,22 211:2,4,8,16 218:15 309:20 million 204:4,5 226:14,16 227:6 227:6,19 229:3 229:24 232:3 240:2 249:2 250:5 267:2,2 295:3 298:20,21 299:21 mimosa 30:13 34:10,17 mind 180:21 201:13 255:9 275:23 276:2 291:13 mine 83:14 mineral 1:2 79:14,19 80:5,7 80:17,23 82:9 90:23 minerals 3:6 321:13</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[minimize - move]

<p>minimize 122:10 150:1</p> <p>minors 204:13</p> <p>minus 305:17</p> <p>minute 79:24 138:2 288:9</p> <p>minutes 138:7 288:9,10 293:16 300:6 326:21</p> <p>miscibility 246:1 246:4</p> <p>miscommunic... 66:20</p> <p>misheard 87:23</p> <p>mispronounce 320:4</p> <p>misread 287:4</p> <p>missed 37:10 329:1,16</p> <p>missing 53:4 109:13,16</p> <p>misstated 146:23</p> <p>misunderstood 287:4</p> <p>mit 202:14,17 302:19</p> <p>mits 312:4,6 314:3 319:3</p> <p>mix 161:8,10</p> <p>mixes 196:3</p> <p>mixing 196:18</p> <p>mode 195:11 210:7</p> <p>model 152:7,18 215:9,11 226:7,8 226:9,13,22 227:17,20,21,22 228:4,5,8,9,13</p>	<p>228:14,17,19,20 228:22 229:20 229:22,23 230:10,19,24 231:1,4,4,4,5 232:2,19,22 233:1,8,8,23 234:6,11,12,20 235:17 236:16 236:23 241:18 241:24 242:6,10 242:25 243:7,10 243:12,16,17,24 244:3,6,11,20 249:20,25 250:6 259:2 262:10 264:1,2,3,4 280:8</p> <p>model's 250:1</p> <p>modeled 226:2 230:21</p> <p>modeling 226:10 227:13 244:12 258:20 262:10 262:10,22,23 296:10,12 307:6</p> <p>models 158:21 256:1 295:8,22</p> <p>modrall 4:23 5:4 7:17 24:2 35:23 45:12</p> <p>module 247:11</p> <p>moellenberg 9:10 89:14,15,19 89:25 90:20 93:14,18 94:3,16 95:14,15 96:9</p>	<p>moment 150:20 188:21 190:8 196:13 293:19</p> <p>momentarily 217:14</p> <p>money 26:23 27:6</p> <p>monitor 206:3 206:17,20 209:21 277:3 307:5</p> <p>monitored 206:9</p> <p>monitoring 24:8 24:14 28:6 209:24 298:13 299:4 316:2</p> <p>montgomery 4:17 5:9 24:13 35:11 45:21</p> <p>month 72:1 83:20 118:10,10 230:17 268:14 268:17 269:1,1 271:17 274:16 277:5 322:14</p> <p>monthly 275:23</p> <p>months 163:6 201:1 227:2 248:21,22 249:13,13 250:8 250:9 256:12 258:12,17 260:25 261:15 266:6,8,17 271:17 322:14 322:14,14,15</p> <p>morning 22:2 23:14,19 24:1,12</p>	<p>24:18 26:3,14 29:17 32:24 34:5 35:2,10,15 35:22 37:2 44:10 45:11 52:21 54:21 64:3 65:22 66:9 72:24 77:12 79:24 89:14 96:13 100:12 106:25 112:17 116:4 126:13 127:15 128:11 138:14 193:12</p> <p>mother 82:7</p> <p>mother's 83:10</p> <p>motion 37:13,17 38:5,16,19,23 40:14,16,23 41:1 41:15,22 43:16 43:18,20 198:10</p> <p>motions 37:21 40:10 42:7</p> <p>mountain 172:5 183:18 263:10 263:14</p> <p>mouse 259:9,11</p> <p>move 22:13 30:15 33:16 35:6 53:19 65:16 92:1 106:22 109:24 119:8 124:19 164:8 179:20 214:6 220:21 253:10 267:19 268:4 279:19 324:12 325:14</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[moving - ninety]

<p>moving 58:4 60:24 124:13 131:6 319:9 mrc 8:14 35:25 36:1,4 64:4,7 65:21,24 72:23 116:3,6 117:7,12 117:16,18,19 118:8,15 119:2 119:12,17 123:17 133:13 msa 237:17 238:15 239:23 241:14 247:9,12 257:2 mud 236:6 mudstone 172:8 172:23 181:7 305:4,7,16 mullins 5:21 multi 238:9 multicolor 75:11 multiple 120:13 122:15 251:2 264:5 282:25,25 292:23 mustafa 320:20 mute 85:13 muting 77:25</p>	<p>name 83:10,12 83:14 95:8 110:4 144:24 145:2,3 165:18 168:6 193:13 216:9,10,11,12 216:12 224:9,11 254:15 320:4 name's 56:12 127:17 names 135:11 155:2,11 328:1 nanodarcy 172:10 nate 57:16 60:25 128:9 native 161:15 162:21 163:8 248:2 271:25 272:23 273:14 273:15 275:4,8 275:14 276:5,10 276:14 285:4 321:15,19 324:3 natural 1:2 3:6 140:3 150:1 170:6 172:9 186:9,12 307:8 nature 102:1 105:25 164:16 165:4 178:2 182:25 214:16 234:19 331:19 ncf 273:15,16,17 295:1 near 174:5 186:3 252:3,16 262:22 291:11</p>	<p>nearer 235:13 nearly 139:18 140:20 necessarily 43:4 124:1 208:12 307:20 necessary 39:10 40:11 49:9 57:24 83:21 122:18 need 28:20 38:7 38:9 51:20 67:5 82:16 83:11 88:20 95:4 106:18 125:17 125:20 129:21 132:18 143:12 165:17 166:1,2 192:8 259:9 266:13 273:7 288:9 289:9 299:7,25 305:20 323:3 326:22 328:22 needed 202:10 283:8 needs 202:3 221:8 negative 238:11 252:20,23 negotiating 25:4 negotiator 92:7 108:3 negotiator's 15:14 neither 57:17 334:10 335:7</p>	<p>net 252:19 netherlands 64:14 128:4 129:4 131:15,16 network 170:6 229:10 263:9 neutral 252:20 252:22 never 278:6 new 1:1 22:4,17 30:21 56:10 60:8 75:15 76:18,19,24 78:3 84:24 89:22,23 95:5,7,17 97:11 99:19 101:5 106:1 107:16 140:6 141:9 147:16 153:19 154:2 157:1,5 168:15 170:21 216:17 223:19 327:18,22 330:19,19,20 334:20 newer 47:7 320:19 news 49:8,8 143:14 220:9 newspaper 220:11 nice 255:8 nicely 177:11 night 36:25 66:17 nine 23:10 122:7 ninety 156:19,20</p>
<p>n</p>			
<p>n 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 22:1 145:2 145:3 168:9,9,10 168:10 193:16 216:12 224:12 286:13</p>			

<p>nm 2:13 3:9,17 3:22 4:7,12,19 4:25 5:6,11,17 5:23 6:6,11,17 6:23 7:7,13,19 7:25 8:6,19,25 9:7,13,18,25 10:6 noise 250:14 non 72:4 123:3 nonstandard 22:20 107:21 123:10 nope 33:12 48:18 norm 268:19 normal 124:5 162:8 196:5 203:13 206:17 247:3 279:23 287:11 288:25 290:18 291:6 292:12,20 295:13 306:21 307:2 314:24 316:6,13,18 normally 63:13 71:16 122:17 165:23 169:21 195:13 228:18 230:17 236:6 270:19 283:5 307:13 north 4:6 6:10 7:24 8:18 9:17 9:24 43:6 57:4 61:8 63:1 73:17 74:1 101:4,4</p>	<p>122:2,4,6,10,13 198:18 226:11 northeast 69:9 69:11 70:1,3 77:22 85:3 91:17 northern 49:8 49:12 northwest 91:17 91:19,20 97:10 nos 1:9 notary 2:14 334:19 notated 204:17 note 91:23 92:14 99:17 107:20 114:3 115:2 121:4 140:22 172:12 178:7 236:4 295:6 noted 59:9 184:25 notes 202:3 284:3 300:22 notice 12:17,22 13:12,15 14:8,20 15:7 16:13,14 17:12,13 18:8,9 18:17,20,21 19:10,17,23,24 20:11,14 21:21 21:22 22:22 53:16,18 55:3 57:12 58:11 59:10,25 60:6 61:15,19,20 63:13,15,20,21 65:3 66:17</p>	<p>70:12,22 74:8,18 74:19,21 76:15 78:24,25 79:2 83:7 86:6,7,9 98:14,16 102:22 103:1,12,16 108:25 109:2 113:21 114:6,8 114:10 117:1 118:12 119:3,13 119:17 128:6,22 130:7,13,15 132:11,11,19,19 132:24,25 134:9 136:23 148:12 215:13 218:3,25 219:8,15,18 220:1,5,10 270:21 321:3 noticed 55:5 103:18 113:24 113:25 222:2 notices 15:23 65:12 92:24 notification 218:16 notified 53:17 222:7 notify 67:23 70:22 noting 286:10 november 98:15 98:17 102:23 103:2,17 105:18 109:1,3 114:9,11 114:15 153:7 163:12 220:5 259:25 268:23</p>	<p>271:18,18 319:22 320:12 nuanced 40:9 nuances 44:2 number 32:12 56:1 58:7 60:1 68:2 69:3,4,7,20 69:21 73:10,12 73:21,23 77:17 79:7 84:18 85:19 91:8 97:15 101:9,9,10 107:20,24 109:14 112:24 113:1,1,1 114:18 127:10,24 128:14 138:1,12 146:22 150:5 175:18 178:24 194:1,13,19 198:12 203:5 208:22 210:8 211:5 217:16 220:22 225:14 248:6,9,10,18,18 272:15 291:22 296:21 numbered 218:18 numbers 59:3,16 120:21 129:15 147:9 314:10 numerical 104:5 226:21,21 264:4 nurse 82:14 nw 4:24 5:5 7:18</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[o - officer]

<p>o</p> <p>o 22:1 168:10 193:17</p> <p>o'clock 223:11</p> <p>object 66:18</p> <p>objected 47:19</p> <p>objecting 50:18 66:21</p> <p>objection 37:12 48:20 54:1 59:13 66:13 67:4 126:20,24</p> <p>objections 33:11 33:14 35:5 42:12 47:7 48:17 57:25 73:3 82:11 126:16 145:23 166:17 179:23 195:6 214:9 220:25 253:12</p> <p>observe 98:8 102:19 108:22 131:10 245:12</p> <p>observed 228:25</p> <p>obviously 27:10 51:4 65:14 88:17 105:24 143:7 278:1 281:10 306:25 311:6 316:7 323:6 330:22</p> <p>occasionally 148:5 257:6</p> <p>occupation 239:9</p> <p>occupy 263:7</p>	<p>occur 323:10</p> <p>occurred 49:10 117:20 237:10 277:16</p> <p>occurring 156:17</p> <p>occurs 293:17</p> <p>ocd 23:4 122:12 192:4 223:9 317:24</p> <p>october 110:1 139:15 151:19 256:2 258:18 264:23 271:18 271:18</p> <p>offer 180:5</p> <p>offered 82:15</p> <p>office 23:21 26:5 29:8 30:5 32:21 34:2 35:16 36:3 36:14 44:11 49:18 50:15 52:22 56:13 65:24 73:1 96:15 100:14 107:2 112:19 116:6 127:18 320:11</p> <p>officer 2:11 22:2 23:8,17,24 24:4 24:10,16,20 25:9 25:13,17,23 26:8 26:12,16,21,25 27:7,12,15,25 28:3,8,11,17,19 29:6,9,14,19 30:20 31:10,16 31:25 32:5,7,18</p>	<p>32:22 33:1,5,10 33:13,24 34:3,7 34:12,20,24 35:3 35:13,19,25 36:5 36:10,17,22 37:3 37:9 38:1,14 39:13,19,25 40:21,25 41:6,13 41:19,23 42:4,16 43:1,13 44:1,6 44:13,17,24 45:3 45:9,16,18,22 46:7,12,18 47:1 47:6,12,17,23 48:5,16,19 49:2 49:19,25 50:3,6 50:12,17,22,25 51:6,16,24 52:3 52:8,15,19,24 53:24 54:2,6,10 54:18,24 55:8,15 55:18,25 56:6,18 57:23 62:3,9,16 63:4,9,12,19,25 64:10,15,19,23 65:8,15,19 66:1 66:4,7,12 67:1 67:14,20 68:6,8 68:11,13,18,24 71:5,8,25 72:4,8 72:17,22 73:2,6 75:3,8,14,21,24 76:3,7,10,12,23 77:2,10,14 79:9 80:16,19,22 81:6 81:15,19,23 82:2 82:5,10,20 83:4 83:16 84:2,9,13</p>	<p>85:12,16 86:19 86:22 87:3,20,23 88:2,16 89:4,8 89:12,17 90:17 93:8,13,19 94:13 94:17,25 95:12 95:21 96:10,16 96:20,24 98:24 99:2,5,8,13,20 100:1,10,16 101:21 103:21 104:12,22 105:9 105:23 106:17 106:20 107:4 109:10 110:25 111:11,15 112:1 112:6,9,15,20 114:20,23 115:6 115:10,20 116:1 116:9 119:11,16 119:22 120:9 121:13,18,22 122:19,24 123:6 123:13 125:3,15 125:24 126:6,18 127:1,5,8 133:9 133:14,17,20 134:5,12,15 135:2,6,15,20,24 136:2,9,13,16,25 137:7,13,24 138:8,11,22 142:1,18 144:2 145:22 164:11 165:6,22 166:12 166:16 167:1,4,8 169:8 179:22 180:7,10 188:25</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[officer - okay]

189:9,11,19,25 190:5 191:20 192:3,15,24 195:5 214:8,20 214:25 215:4,18 217:10 220:25 221:11 222:23 223:2,8,14,18 225:8 250:15 253:12,25 254:3 254:19 265:20 293:25 294:7 296:1,18,20,25 297:7,22 299:22 300:3,9,12,19,24 328:16,19 329:3 329:6,18,23 330:10,16 332:1 332:24 334:1,2 offs 205:23 offset 151:4 offsetting 200:21 212:14,14 227:24,25 245:13 253:2 oftentimes 123:22 oh 42:14 136:12 146:23 150:20 150:22 167:15 170:11 177:18 222:11 239:20 257:7 259:23 265:22 277:11 285:7 298:8 305:24 310:24 313:18 322:20 329:4	oil 1:3,6 3:2,7,13 4:14 7:15 10:2 16:19 22:4 23:13,16 24:24 29:3 32:15 33:21 35:13,17 35:20,24 44:2 45:19 47:8 49:3 52:11 56:9 101:24 107:10 107:17 115:23 135:16 142:14 151:13 161:25 162:3 187:13,15 195:20 223:19 229:1 235:2 237:19 239:5,13 239:13,16,17 240:8 242:16,17 243:15 244:3,7,8 244:8 246:14,21 246:22 248:11 248:12 257:2,8,9 257:10,17,18,19 257:20 260:20 261:11,22 269:19 270:25 271:1,3,10,13,14 271:15,24 272:7 273:10 274:3,5 277:19,24 279:15 280:16 280:17 284:23 285:3,3,3,18 286:14 292:2 293:9,11 295:7 297:18 299:2 309:17,23	331:18 oil's 188:7 oils 222:12 okay 24:10 25:13 26:21,25 28:3 34:3,12,14 35:19 36:10,22 38:14 39:25 40:21 45:3,16 47:6 48:16 50:22 52:3 54:6 54:10 56:11 58:4 62:9 63:4 63:18,23 67:1,18 67:19 68:1,6,18 75:24 76:7,21,25 78:1 80:2,3,10 81:2,3,7,23 82:20 83:16,19 84:9,12 85:17,17 87:3,20 88:2,6 93:13,18 94:16 95:21 96:21 105:9 106:20 112:1,6 127:8 133:10,20 134:12,12,14 135:2,20,24 136:2,16 138:23 150:23 152:21 153:4,11,24 155:22 157:7 158:11 159:25 160:14 161:11 163:8,25 166:12 167:8,16,21 170:12 175:5 181:8 183:12,25	184:5,7,13,22 185:10 186:5,18 187:16,25 188:17 189:19 189:25 190:5,24 191:5,18,20 192:13,23 198:9 204:7 207:12 208:15 212:11 213:15 214:25 215:24 221:19 222:3,16,16,19 225:22 227:22 228:2 229:19 230:20 231:2,3 235:10 236:5 237:9,12 241:1,2 246:5 250:15,19 251:13 252:24 254:19 255:5 258:22 259:12 259:19 262:3 264:22 265:16 265:22 266:8 267:13 268:7 269:23,23 277:8 283:21 284:5,17 285:15 287:12 287:15 288:7 289:13 292:13 293:15 294:2 296:1,18,25 297:23 302:4,8 302:14,20 303:9 303:13,21 304:15 306:14 308:14,19,24 310:17 314:2,3
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[okay - origination]

<p>317:9,14 318:9 318:19 319:13 325:9 326:24 327:13 328:12 329:8,21 old 292:15,21 older 199:24 204:20 292:25 307:4 once 62:23 64:1 94:21 105:3 117:10 121:24 162:19 195:10 217:14 239:12 261:9 268:18 274:16 276:3,13 277:5 295:4,16 295:24 323:13 ones 30:2 148:9 ongoing 46:4 121:7 332:8 online 190:4 277:1 282:4 287:23 293:3,6 293:12,13 303:20 open 65:2 79:23 96:4 111:6,7,18 137:18 234:16 238:24 289:7 292:10,11 333:1 opening 11:3 operate 140:13 195:12 205:24 245:7 operated 59:11 159:17 179:10 213:21</p>	<p>operates 59:12 operating 4:21 5:2 7:9 8:8 9:20 24:11 32:23,25 34:4,6 35:18 37:7 44:14,16 45:10,13 46:24 47:14 52:16,18 56:2,4,15 57:2 65:10,18 100:11 100:15 126:11 126:14 127:20 143:10 158:16 279:24 operation 195:19 196:6 260:4,8 273:24 273:25 282:13 291:6 299:15 316:13 operational 21:13 203:1 206:1 245:8 251:14 276:19 283:1 295:13 316:18 operationally 287:18 288:2 296:6 operations 21:10 21:14 69:6,22 105:19 123:20 145:8 197:15,17 197:19 200:12 203:13,18 205:12 206:18 206:18 209:17 283:17 287:11</p>	<p>289:1 290:18 331:13 operator 49:9 50:20 69:14 141:10 291:24 operator's 218:19 operators 140:7 140:12 205:9 opinion 153:20 163:25 164:2 172:24 173:5 174:15 176:6,10 177:23 179:4 184:2 185:12 188:12 200:16 209:2 212:4 213:15,20 219:5 244:21 249:9 250:20 251:18 252:1,24 319:17 opinions 25:18 opportunity 151:5,8 164:20 188:23 oppose 64:8 116:7 opposing 191:23 opposite 300:16 optimal 70:19 optimize 295:10 295:22 option 323:24 options 87:2 88:21 89:6 148:15 orange 151:4 198:25 218:16</p>	<p>orchestrated 284:1 287:19 order 22:10 25:21 28:15 32:11 43:21 48:20 52:6 59:3 69:4,4,7,13,15 69:21,21,24 70:6 70:13 71:18 73:11,12,14,19 73:22,23 74:3 75:25 89:22 90:2,6,9,15 91:4 91:7 94:23 95:2 96:4 97:3 100:24 105:3,20 107:9 120:8 124:7 125:12 139:6,10,20 146:19,22 147:2 147:12,18 151:15 156:24 168:5 188:20 297:4 298:11 orders 18:15 42:7 70:16 74:8 100:24 112:25 113:4,7,10 122:13,13,14 original 18:15 18:17 76:2 113:7,21 230:7 237:9 originally 124:4 124:6 origination 331:24</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[outages - parizek]

<p>outages 150:3 outcome 42:20 334:15 335:12 outlier 208:14 outline 59:5 189:16 310:1,3 outlined 155:1 outreach 236:7 outs 98:8 102:19 108:22 131:10 175:11,16 outset 164:15 outside 142:12 244:15 300:18 316:4 outstanding 202:18 overall 123:18 230:3 244:9 272:5 277:23 326:2 overcome 296:9 296:17 overlap 58:19 165:5 242:13 270:10,17 overlapping 73:16,25 164:17 overlying 213:10 overseeing 193:22 overview 21:10 154:4 158:24 170:16 171:13 177:1 195:12 198:13 205:22 207:3 226:1 249:18</p>	<p>overwrapping 55:13 owner 10:10 80:9 96:6 100:20 117:23 136:21 218:21 owners 15:20 79:14,19 80:5,8 92:11 117:22 134:20,23 135:13,19,22 136:20 161:10 162:7,17 164:5 212:14 221:22 253:1 ownership 14:4 15:16 16:4,22 17:19 19:21 59:18 74:10 78:14 85:21 92:9 97:24 102:5 108:9 117:12 123:18 129:18 160:19 160:24 161:8 217:4 221:20 222:5 owns 104:24 105:11 117:7 oxy 9:9 89:13,16 90:22 91:11 92:1,15,18,24 106:24 107:3,7,9 107:16,22 110:16</p>	<p>p p 3:1,1 4:1,1 5:1 5:1 6:1,1 7:1,1 8:1,1 9:1,1 10:1 10:1 22:1 85:6 168:10,10 193:17 200:6 286:12 p.a. 5:15,21 6:15 p.c. 6:4 7:4 p.m. 333:13 p.o. 3:16,21 5:22 7:6,12 8:24 9:6 10:5 pa 4:23 5:4 7:17 pacific 49:8,12 package 57:10 85:11 119:8 128:5 packages 53:7 116:25 packer 312:22 312:25 313:22 packers 200:4 312:3,7,16,18 packet 78:11 85:18 92:4 113:5 256:10 packets 74:5 274:22 padilla 5:14,15 6:14,15 24:7,8 24:14 26:10,11 27:1,3,9,13 28:1 28:2,18 50:10,11 50:25 51:1,7,8 51:10 52:1,7</p>	<p>pads 197:7,8,9 198:21,25 199:1 199:2 page 11:2 80:5 89:24 93:15,16 109:17 111:1 135:7 173:17,17 174:1 197:1,3 218:18 269:3 285:22 313:17 313:22 330:4 pages 218:12 219:24 263:22 300:22 paid 160:11,15 162:1 275:13 pandemic 147:20 panel 165:1 166:11,24 167:6 180:6 190:25 191:13 214:17 221:8 panner 295:4 paper 27:16 paradis 320:4,5 320:21 paragraph 55:3 104:6,7 114:3 parameter 228:14 parameters 21:13 203:1 229:21 245:9 251:14 264:8 273:25 parizek 310:21 310:23</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[parrot - period]

<p>parrot 6:3 26:14 26:15 28:8,9 29:17,18 54:21 54:22 55:2,7,10 55:24</p> <p>part 40:17 120:4 124:24 135:21 153:14 158:24 160:1 180:5 182:24 183:7 189:15 195:22 208:12,17 211:11 221:8 238:10 247:2 252:12 260:4 270:11 275:22 299:10 306:11 308:10 312:9 315:25</p> <p>partially 211:3</p> <p>participants 46:19</p> <p>participate 42:19</p> <p>participating 42:25 43:2</p> <p>particular 65:13 82:16 84:6 135:4 169:24 202:5 205:22 208:7 301:7 317:5 326:10</p> <p>particularly 198:22</p> <p>parties 21:20 25:3,7 27:20 28:4,20 31:1 32:8 33:14 41:8</p>	<p>42:12 46:10 53:14 56:16 59:10,14,24 60:1 60:1,14,20 61:18 61:21 64:2 66:19,23 67:23 70:23,25 75:15 78:14 79:1 85:22 86:8 114:5 129:22 130:4,8,9,20 131:2 132:12,20 132:23 133:11 134:17,21,25 135:12,14,18 137:1 139:2 199:5 217:4 218:3,19,25 219:7,8,13,20 220:1 334:11,14 335:8,11</p> <p>parting 205:5</p> <p>partner 298:24</p> <p>partners 9:2,3 68:20,23 72:19 72:21 222:7</p> <p>parts 59:17</p> <p>party 45:15 70:24 74:16 88:18 148:21,22 149:18 150:2 151:6,7 195:21 196:8 199:7 288:15 289:6 290:1,16 292:5 297:20</p> <p>paseo 4:18 5:10 9:12</p>	<p>pasken 4:14</p> <p>pass 121:10 180:4 214:18 267:15,23</p> <p>passed 123:2 201:11 202:17</p> <p>paswap 91:8</p> <p>path 80:14</p> <p>pathway 141:18</p> <p>paula 4:4 9:15 9:22 72:25 96:14 100:13 107:1 112:18</p> <p>pay 162:17</p> <p>payment 162:7</p> <p>pdf 79:22 80:6 109:17 256:24</p> <p>peak 243:4,5</p> <p>pecos 16:19 101:24 102:2 105:5,8,10</p> <p>peifer 5:21</p> <p>pending 68:15</p> <p>penetrate 210:24 211:16</p> <p>penetrates 211:7</p> <p>penny 26:23 27:5,6,6</p> <p>people 22:18 82:16 83:12 135:7 137:8 258:3 307:4 332:9</p> <p>people's 125:16</p> <p>peralta 4:18 5:10 9:12</p> <p>percent 88:11 94:7,8,10,11</p>	<p>104:24 105:11 117:7 118:8 159:18 163:5,10 204:11,15,16,17 205:4 221:18 226:25 227:3 236:5,5,7,10,11 248:19,25 249:5 249:5,6 250:7 256:5 266:4,4 277:15 293:13 293:13 319:22 321:12 322:23 323:1,2</p> <p>percentage 93:24 106:2</p> <p>percentages 95:19 111:19</p> <p>perfect 56:11 58:3 65:7 68:10 85:17 127:14 262:14</p> <p>perfectly 295:23</p> <p>perforation 199:18 204:10 204:24 205:4 312:8</p> <p>perform 139:21 302:19</p> <p>performance 299:5</p> <p>period 139:13 149:14 151:22 151:25 152:8 183:8 227:8 233:18,22 235:2 235:2 238:1,21 239:2,7,15</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[period - place]

<p>241:11 242:8,9 246:17,24 247:3 251:4 281:6 285:4 292:9 296:12 periodic 146:17 170:23 171:9 227:14 periodically 139:22 149:21 permanent 139:7 141:10 142:3 146:17 149:4 153:21,25 154:13 155:16 157:10,13 176:20 332:5 permeability 170:3 172:9 264:6,9 280:16 permian 7:15 9:20 35:20,24 96:12 116:3,6 117:7,18,20 118:15 152:15 152:17 permian's 119:2 123:17 permit 142:21 297:4 permits 62:24 permitted 142:6 149:21 permitting 76:16 318:7 person 49:11 139:1 257:24 315:24</p>	<p>personally 255:3 persons 45:23 47:18 52:4,25 64:2 67:2 68:25 72:10 73:7 77:15 81:8,20 89:18 95:24 96:25 100:2,17 107:5 112:21 115:11 petroleum 143:20,21,24 144:1 145:6,13 145:21 158:1 160:5 168:20 169:7 194:11 195:4 216:17,22 217:9 224:16,21 225:7 231:21 ph 57:5,8,15,17 58:5,10,13,20 59:9 60:18 61:3 70:9,15 71:15 91:8 117:2 124:4 128:9,13 128:16,23 129:10,13 130:25 132:17 134:24 320:20 320:25 phase 246:12 291:8 phillips 7:2 45:6 45:8 47:13,16 48:9 phone 318:17 phrased 287:17</p>	<p>pick 183:16,17 326:22 picked 327:6 picking 259:2 picture 303:1 pictures 190:1 piece 262:15 pieces 27:16 pilot 139:10,11 139:16 140:14 146:11,14,20 147:2,4,5,21,24 148:3,18,24 149:4,6,8 151:16 151:20,21,23 152:1,19 153:2,6 153:11,15,17,18 154:5 156:11,23 156:25 157:2,5,8 157:9,12,22 158:22,23 159:22 160:1 163:4,9,13,21 171:3,20 176:24 177:10 184:25 185:8 191:8,10 203:2 204:6 209:11,13 211:12 215:9,11 225:3 226:3,13 226:14,14 227:5 227:23 230:21 230:22 235:19 235:20 236:24 237:4,7 239:20 240:1,17 241:17 244:11,23 245:11 246:6</p>	<p>249:15,20,21,24 268:15,16 275:22 277:18 277:19 278:15 280:23 284:10 287:5,10 295:14 295:15 296:10 296:14 298:17 299:17,18 318:6 318:12 319:7,9 320:14,15,16,18 321:9 323:22 324:9 325:22 329:13 330:22 331:11,20 332:2 332:3 pilots 153:14 267:7 pinch 98:8 102:19 108:22 131:10 175:11 175:16 pink 155:10 pinks 198:20 pipe 269:22,24 271:21 pipeline 289:16 pipelines 140:9 199:3 pipes 288:14 piping 288:19 289:11 pivot 283:24 317:13 place 105:17 113:15 149:1 205:13,23 209:20 283:18</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[placement - prairie]

<p>placement 110:22</p> <p>places 140:5</p> <p>placing 143:3</p> <p>plan 21:14 40:12 122:5,8 123:25 124:5,11,23 148:13 205:12 209:20,24 276:19,25 283:24 287:18 287:20 294:20 298:14 317:15</p> <p>planes 199:4</p> <p>planned 152:2 298:10</p> <p>planning 152:4</p> <p>plans 118:7 205:24 206:2</p> <p>plat 12:21 14:4 15:16 19:4,20 59:15 74:10 78:13 85:21 92:8 117:4,9 129:14 152:10</p> <p>platform 186:2</p> <p>play 256:14</p> <p>please 56:7 76:15 138:15,19 144:9,23 167:10 168:5 191:20 193:12 216:8,9 223:24 224:9 254:15 286:19 321:17</p> <p>pleasure 57:18</p> <p>plenty 40:19 86:17</p>	<p>plot 20:19 151:1 286:3</p> <p>plug 49:17 302:19</p> <p>plugged 211:18 211:21</p> <p>plumbed 288:14</p> <p>plumbing 289:12</p> <p>plus 290:5 299:24 305:17</p> <p>pockets 305:2</p> <p>point 31:21,22 31:23 34:17 37:25 38:12 57:11 66:21 86:24 105:12,12 116:20 117:17 141:4 143:12 144:17 192:9 213:9 223:3,6 256:6 259:23 260:8 271:3 278:1 281:3,13 283:12 299:8 301:10,18 310:1 312:6 313:9 333:2</p> <p>pointed 104:3</p> <p>pointing 259:11</p> <p>points 207:2 209:7 256:3 259:2 296:7 312:3</p> <p>ponder 142:24 142:25</p> <p>pool 56:5 57:2 74:9,17 75:11</p>	<p>77:18,19 84:19 84:20 90:22 91:13 92:15 95:8,8 97:5,13 100:25 101:1,7 107:11,12,17 109:16 110:3 116:16,18,19,22 122:1,21 127:22 127:24 136:7 156:14</p> <p>pooled 14:6 53:13,14,17 69:14 73:14,23 74:11 78:14 79:1 85:22 94:18 115:2 117:12 118:8,14 129:22 135:12</p> <p>pooling 15:12 19:11 73:11,22 79:12,14 80:4,6 92:5 93:20 95:5 97:3,16 100:24 101:12 105:4,20 106:3 107:9,10 107:22 108:2 118:13 119:4 120:8 125:12 128:5 135:8</p> <p>pop 294:6</p> <p>porosity 170:3 172:1,2 236:6 264:9</p> <p>porter 199:23 204:18</p> <p>portion 124:19 124:22 137:25</p>	<p>198:4 290:1</p> <p>portions 198:5</p> <p>position 17:6 28:5,9 49:17 102:13 191:24 193:19 277:14</p> <p>positions 48:9</p> <p>positive 163:19 252:19,22</p> <p>possibility 43:2 322:4 323:24</p> <p>possible 67:11 68:7,8 86:15 283:15</p> <p>possibly 159:15 212:7</p> <p>post 275:22</p> <p>postal 220:3</p> <p>postponed 167:6</p> <p>potential 139:20 148:16,19 151:1 190:15 213:2</p> <p>potentially 164:21 196:21 207:16 213:11 213:12 266:8 274:16 280:2 290:20 291:10 323:8</p> <p>pound 204:23</p> <p>pounds 281:9,10 281:12</p> <p>poured 54:7</p> <p>powerfully 243:9</p> <p>practice 165:24</p> <p>prairie 113:14</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[praxis - prior]

<p>praxis 306:15 pre 32:11 43:21 48:20 67:22 122:20 238:6 275:21 predict 273:15 prefer 41:17,21 86:15 87:16 104:5 255:25 325:13 preference 29:25 51:17 preliminary 141:4 142:2 prepare 178:14 191:17 210:1 212:16 218:2 225:11 249:19 prepared 152:22 173:9 179:15 187:10,17,23 188:14 191:12 202:25 210:4 212:21 214:2 219:18 220:17 223:13 225:2,23 270:8 335:3 preparing 255:17 present 10:9 51:20 120:6 141:24 156:22 161:12 164:19 165:1 205:9 208:1 223:25 241:22 261:5 320:16</p>	<p>presentation 21:18 166:25 180:23 202:20 225:12,22 255:6 255:18 319:21 320:1 presented 139:14 176:24 177:22 196:13 201:23 202:8 215:9 226:3 256:10 291:13 320:18 presenting 83:19 138:18 153:1 179:10 202:25 213:21 215:7 preserve 28:7 preserving 64:9 pressure 21:12 201:15,19 203:12,17,19,21 204:9,10,12,22 205:3,3,5 206:10 228:7,12,13 229:1,2,3,4 230:2,2,3,4,6,7 230:10,11,15 231:7,15,18,19 231:21,22,23 232:7,8,11,12,14 232:14,16,17,17 232:18 233:1,2,4 233:25 234:3,7,7 234:9,12,17,24 235:3,5,8,9,12 235:14,15 236:16,19,22</p>	<p>237:2,2,21,22,24 238:3,8,22 239:1 239:10,11,12 242:5,14,15 243:2,4,9,13,14 243:24,25 244:16 245:15 245:16 249:25 252:3,4,6,8,9,12 261:10 262:12 264:10 279:9,10 279:13,13,20,21 279:23 280:4,5,9 280:9 281:3,8 291:4 292:25 296:4,7,9,15,16 297:11,13 299:16 315:23 316:19,20 pressures 158:16 205:25 206:1,13 206:15 233:5,14 237:6 245:20 252:11 280:1 294:20 316:17 pretty 30:7,17 67:15 89:25 104:23 119:3 120:19 183:1 282:3 302:7 308:17 310:8 322:1 prevent 164:4 245:4 275:25 280:11 297:5 prevention 164:2 179:6 209:20 213:17</p>	<p>253:5 previous 18:18 113:21 175:6 215:9 previously 93:7 97:19 101:14 108:5 113:24 139:9 145:9 168:16 176:23 177:1,22 191:7 193:23 197:24 216:18,21 224:17 226:4,8 248:3 292:5 price 257:16 pride 4:14 35:9 35:12 37:14 39:3,15,22,23 41:9,16 43:7,17 43:17 pride's 40:10 42:1 prime 131:24 173:23 174:5 principal 251:25 252:2 principally 245:19 principles 30:1 33:9 printed 220:9 prior 74:8 87:11 89:20 90:1 91:6 92:21 94:5 131:24 135:21 202:14 255:3 281:24 334:5</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[prioritize - productive]

<p>prioritize 269:8 prioritizing 293:8 priority 201:9 private 155:5,14 198:19 222:1 prize 150:16,25 probably 29:24 68:3 71:21 83:11 120:22 132:21 165:3 181:3 188:4 189:5 268:18 269:19 296:2 301:14 306:1 311:12 312:11 317:23 probated 83:12 problem 55:3 76:13 80:1 142:18 148:3,9 148:25 149:1,3 150:20 222:22 223:7 272:2 281:7 315:7 324:1 problematic 316:24 problems 79:22 255:22 procedural 93:11 procedures 67:22,24 proceed 37:15 37:17 56:23 66:24 69:2 73:9 77:16 83:18</p>	<p>84:14 90:8,18 97:1 100:21 107:7 112:22 116:13 121:3 126:16,25 127:12 138:21 139:4 140:23 144:9,18 167:10 191:21,25 192:9 192:13 193:2 237:6 295:17 318:11 319:5,12 324:17 proceeding 2:12 64:8 116:8 333:14 335:4 proceedings 23:10 66:3 137:2 334:3,4,6 334:8 335:6 process 34:15 197:5 260:2 264:25 265:7 272:5 281:16 308:15 314:22 315:13 325:7,12 produce 120:7 148:23 151:9 196:5 274:5 289:24 292:4 297:19 produced 139:25 142:16 146:12 147:6 148:20 149:10 151:12 151:12 153:23 159:1 161:14 162:7 190:4</p>	<p>208:6,12 222:13 227:15 240:8,10 263:12 272:21 276:4,22 producer 231:12 303:10 producers 151:14 162:5 269:7 292:3 293:9,11 297:19 produces 207:11 264:25 producing 71:23 118:11 120:5,12 120:16 121:15 151:11 159:10 162:3 195:13 206:24 227:25 245:1 292:15,17 303:10,20 product 226:10 production 4:2 8:2 20:19 23:22 32:19 33:25 44:9 46:1 50:13 52:20,23 72:4 112:16 120:12 120:15 121:6,17 125:11 143:22 149:17 151:1,5,8 155:18 158:12 159:4 161:22,25 162:5,8,14,15,22 163:7,16 187:6 188:4 191:5,14 193:4,21 194:9 194:15,17 195:4 195:18,25</p>	<p>204:12,12 206:25 208:13 224:16 227:24 228:20 229:11 231:5,10 233:15 233:18,19 234:19 235:1 237:16 238:1,25 239:3 241:6,9 242:8 243:17 245:12,13 247:3 248:7 252:20 257:4 260:11,19 260:23 261:6 263:23 264:10 266:20 269:17 269:19 271:10 271:11,24,25 272:23,23 273:10,14,23 275:5,8,15 279:15 280:14 281:23 287:6,11 287:24 288:25 289:8 291:23 292:8,12 293:1 293:14 295:13 297:18 299:4 302:21 305:10 308:23 309:4 312:19 315:8,13 321:15,19 324:3 production's 238:2 productions 26:2 productive 188:2 238:2</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[professional's - protect]

<p>professional's 15:4 85:20</p> <p>professionals 14:13 78:12</p> <p>profile 295:21</p> <p>program 22:8</p> <p>progress 206:20 226:23 247:17 265:13</p> <p>progressing 27:21</p> <p>project 17:7 20:20 21:4,17,19 70:17 102:13 139:8,9,10,11,12 139:16,17,18 140:14,19 141:3 141:7 146:11,16 146:17,20 147:2 147:11,13,21,24 148:3,18,24 149:6,8,12,13 151:16,18,20,21 151:23 152:2,19 153:2,12,20 154:2,3,8,13,19 154:25 155:16 155:23 156:2,5 156:12,23,25 157:5,8,9,12,17 158:2,17 159:11 159:22 160:1,19 160:24 161:1,4 163:4,9,13,14 165:4 169:3 170:16,18 173:10 174:17 174:25 175:12</p>	<p>176:24 177:16 179:9 180:16 181:19 191:8,10 197:25 198:14 199:9,12 203:1 203:12 208:8,17 209:11,13 210:3 215:10,11 217:21 218:14 220:12 221:20 222:8,10,15 225:3 226:3 227:5 230:21,22 235:19,21 237:7 240:1,17 241:18 244:23 245:11 245:24,25 246:6 246:12 249:20 260:10 277:19 289:20 297:23 298:1 303:14 307:21 317:18 318:12 319:7,15 321:9 325:19,22 326:3 331:11,18 332:12</p> <p>project's 265:12</p> <p>projected 272:11</p> <p>projects 140:13 140:13 142:12 153:18 157:2,22 202:24 203:2 211:13 255:20 298:1 326:2 330:22 331:20 332:2,3</p> <p>prominent 140:1</p>	<p>promote 70:19</p> <p>prompt 105:5</p> <p>proof 12:22,23 15:24 19:23,24 59:25 60:6 92:25 130:7,15</p> <p>proper 95:19 129:10</p> <p>properties 221:24</p> <p>proposal 12:24 14:7 15:18 16:6 16:24 17:21 19:25 20:23 25:8 60:13 74:14 75:17 78:15 85:22 92:9 97:24 102:6 108:10 130:20,22 158:17 161:11 163:22 164:16 326:14</p> <p>proposals 75:15</p> <p>propose 25:5 40:14 125:6 164:18</p> <p>proposed 12:20 38:25 43:6 46:24 57:6,14 58:13,18 59:5,16 61:3,12 63:3 70:12 74:8 91:5 91:24,25 97:14 101:8 107:18 117:1 128:1 129:4,14,22 131:11,15,17</p>	<p>132:6,7 141:17 154:3 155:2,8,16 158:13 159:2,16 160:2,24 161:1 162:10 163:11 163:14,15 164:13 169:3 170:16,23 172:6 177:11 178:1,5 181:18,19 190:16 191:8 194:25 199:11 203:25 204:4,9 204:21 205:2 208:17 211:17 213:3,20 220:11 227:23 244:23 245:8 250:21 251:15 268:3 320:14 331:13</p> <p>proposes 49:13 156:5 161:12,22 195:12 200:8</p> <p>proposing 92:1 154:2 161:2 162:17 176:8 194:25 196:12 198:17 210:17 275:2,18 276:3 323:18 324:5 331:14</p> <p>proposition 317:7</p> <p>propulsion 257:18</p> <p>protect 164:5 252:25</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[protected - questioning]

<p>protected 177:25 protection 164:3 179:6 213:17 316:3 protective 200:20 212:13 prove 278:15 provide 61:20 86:13 88:17 89:5 95:18 103:16 132:19 134:8 137:19 138:18 141:17 159:15 202:13 211:6 215:8 219:13,15 318:6 319:3 325:2 provided 58:11 59:10 70:8,21 74:5 75:17 97:16 101:11 103:12 108:1 113:6,22 114:6 115:7 128:22 132:12 202:21 219:18 308:1 315:2 330:21 providers 121:7 provides 57:11 58:7 60:5 70:11 74:7,14 114:4 128:14 131:8,25 165:17 170:1 313:20 providing 132:11 159:1 proving 277:15</p>	<p>provisions 105:21 proximity 63:2 78:10 85:8 107:25 116:21 122:17 123:24 124:1,8,20 psi 230:2,5,8,14 231:16,20,21 232:15,15 235:8 235:9,9 236:17 236:20,22,25 238:5,7 243:5 245:9 252:4,7,9 299:16,19,20 public 2:14 219:2 334:19 publication 12:23 13:15 15:24 16:14 17:13 18:9,21 19:24 20:14 21:22 60:6 61:20 93:1 98:16 103:2 109:2 114:10 130:13,16 132:24,25 220:8 220:9,23 published 79:2 86:9 98:17 103:2 109:2 114:11 pulespon 168:8 168:9 pull 63:1 160:20 189:4 195:8 210:5 225:19</p>	<p>pulled 195:22 201:22 207:25 290:2 pulling 71:17 284:13 purple 97:5 99:3 99:14 232:4 248:13 purpose 1:7 purposefully 161:4 purposes 169:20 218:16 pursue 153:21 pursuing 153:9 323:7 324:21,25 push 280:10 pushing 281:22 put 42:8 90:13 128:18 132:13 157:19,20 170:22 186:8 189:16 202:8,11 202:20 233:21 236:22 241:23 297:3 298:2 304:3 309:9,22 312:18 325:11 putting 296:5</p>	<p>quarter 69:9,10 69:11 70:1,1,2,4 77:22,22 84:22 85:3,3,5,5 91:17 91:17,20,20,21 97:10 116:16 117:8,8 quarters 77:23 quartz 171:25 query 165:16 question 61:11 79:11 80:3 103:23 109:17 110:25 119:24 120:1 165:12 166:5,5 180:22 184:20,24 185:3 185:7,11 186:16 186:25 187:9 188:14,16 189:1 189:15 190:17 208:2 233:24 251:21,23 255:23,23 256:14,19 258:1 263:9 266:15 267:25 269:15 271:23 272:3 279:6 281:25 286:3 287:1,8 294:10 300:13 308:20 309:2 311:8 317:22 327:8,14 questionable 257:11 questioning 164:20 165:8</p>
		q	
		<p>qualifications 57:22 qualified 57:18 58:1,2 128:10 334:7 quality 143:11 270:11</p>	

[questioning - rate]

<p>254:23 255:4,7 294:5 324:19 questionings 255:13 questions 53:12 53:25 54:4,9 55:16,17 60:15 62:6,11 71:2,6,7 72:9 74:22 75:4 75:9,10 77:3 79:10 81:3 86:20,21,23 93:10 98:20,25 99:1 103:3,10 104:11 106:6 109:6 111:14 113:23 114:16 114:21,22,24 119:12,23 133:10,12,15,19 137:14 164:21 164:24 165:13 166:3,11,23 167:2,5 180:4,8 180:13,19 186:6 188:21 190:9,25 191:19 213:1 214:15,16,21 215:2 221:6,7,10 221:12,14 222:20 223:1 253:9,17,20,21 253:24 254:4 255:6,8 256:1 267:14,21 293:18 294:8,9 297:8 300:16 301:2 304:3</p>	<p>326:23 328:4,15 328:21 329:22 quick 42:17 68:4 198:12 287:1 301:2 quickly 62:13 67:15 127:9 158:25 215:16 259:17 277:21 323:22 324:2 quiet 96:17 quite 123:19 143:6 174:12 183:5 231:19 237:16 244:5,5 244:16 249:6 258:6 261:7 270:19,20 271:2 271:2 283:6,7 quotes 186:8</p> <hr/> <p style="text-align: center;">r</p> <hr/> <p>r 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 22:1 145:2,3 168:9 193:17,17 193:17 216:12 216:13,13 286:12 r21336 146:22 r2136 139:11 r21852 69:21 r21949 69:5,7 r22273 73:13 r22274 73:23 r22399 90:3 91:4 radius 210:1,19 210:22 211:2,8</p>	<p>212:3 218:15 railroad 317:17 318:3,5 raise 144:5 280:1,2 281:10 raised 57:8 ramp 294:24 295:3,5,20 ran 60:6 61:20 130:13 153:18 312:6 ranch 4:14 45:19 random 300:22 300:25 range 69:12 70:4 73:18 74:2 78:3 78:7,9 84:24 85:4,6 91:1,2,18 91:21 97:11 101:5 107:16 128:3 147:15 154:10 156:19 172:10 203:21 218:1 307:2 ranges 175:25 203:14 285:4 286:11 ranging 194:13 rankin 8:16 11:3 11:7,9,11,13,15 64:3,4,11,13,18 64:20 65:22,23 66:3,6 116:4,5 119:12,14,19 133:12 138:4,6 138:14,15 139:3 139:5 142:3,7 143:17 144:9,16</p>	<p>144:22 145:19 145:24 164:7,14 165:10 166:4,15 166:21 167:10 167:11,15,17 168:3 169:5,10 169:11 179:19 180:3,12 189:2,4 189:10 190:7,8 190:12 191:18 191:22 192:11 193:1,11 195:2,7 214:5,13 215:4,6 215:20 216:7 217:7,11,12 220:20 221:5 223:3,12,16,23 224:8 225:5,10 250:12,18 253:8 253:16 254:2,6 262:17 284:15 328:25 329:3 330:13,15 331:3 331:4 332:17 333:4 rarely 152:13 rate 149:13,24 221:25 227:8 228:15 229:24 231:9,10,13,14 232:3 234:8 237:13,15,16,17 237:18,19 239:3 239:13 241:14 242:9,16,17,18 242:22 243:15 243:15,16 244:1 244:7 246:14,14</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[rate - record's]

<p>246:15,22 247:4 247:5,5,16,16,21 248:8,11 249:4 260:5,7,11 261:24 264:1,14 270:18,19 271:3 271:13,13,15,16 271:21 272:19 274:1 285:3,4 288:24 289:2 292:2,4 293:2 295:20 297:19 298:20 299:9,20 330:4,6 rates 79:13,15 79:20 80:4,8 103:25 162:2 195:25 204:1 206:12 231:10 264:13 285:5 289:9 294:19 295:10 rating 297:11 ratio 246:22 257:2 272:13 273:7 rattle 184:16 rays 171:21 razz 56:23 razzed 64:22 rcx 11:5 rdx 11:5 reach 110:15 125:17 178:18 198:4 238:15 247:12 299:18 330:8</p>	<p>reached 30:6 119:20 126:23 243:4 247:9 reaching 125:16 reaction 163:19 read 104:23 248:6 reading 44:2 286:13 ready 23:9 51:8 51:11 124:12 138:7 141:25 191:25 215:24 258:18 287:13 real 42:17 158:25 206:13 243:19 299:3,3 realistic 282:13 reality 266:18 realize 67:13 149:20,20 realizing 175:5 really 27:16 39:8 40:1 82:12,14 87:1 123:20 142:25 148:9 150:18 170:2,5 172:15 174:12 175:3 176:2 182:21 184:20 188:14 256:14 258:19 261:9 277:21 278:7 279:18 294:9 297:3 304:7,13 304:20 305:6 306:25 307:24 309:13,14,23</p>	<p>328:20 reason 27:14 53:5 70:14 76:5 181:14 211:23 251:23,25 252:2 257:6 264:16 302:15 307:9 321:7 323:9 324:7,8 reasonable 248:25 249:11 reasoning 113:14 reasons 70:10 120:14 recalibrate 266:12 recall 183:5 190:17 269:11 receipts 20:13 70:23 74:20 132:14 receive 23:3 53:18 75:16 83:7 118:22 119:3,17 162:7 received 22:16 54:16 55:23 59:13 65:5 72:15 74:20 77:8 81:12 87:7 88:22,24 89:3 96:7 100:6 106:10 111:21 115:15 126:3 137:21 166:19 180:1 214:11 221:3 253:14</p>	<p>receiving 160:3 209:4 recharging 234:25 reclassify 319:11 recognize 132:18 187:14 288:2 recommence 223:11,21 recommend 324:12 record 40:1 54:12 55:20 63:10 64:25 65:1 72:12 77:5 79:7 81:10 87:6 96:2,4 97:21 98:22 100:4 101:16 103:5 106:8 108:6 109:8 110:5 111:17,18 114:17 115:13 126:1 136:4,6,6 137:17,18 138:10 145:14 164:9,10 168:21 179:21 193:13 197:13 214:7 216:9,23 219:1,2 220:24 223:17 224:22 232:24 240:16 241:3 253:11 300:8 331:2,6 333:1 334:9 335:5 record's 240:6</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[recorded - relatively]

<p>recorded 334:6 recording 334:8 335:4 records 45:4 179:17 219:2,2 recover 163:5 257:14,14 266:1 278:6 323:19 324:1 recovered 162:20,21 227:2 248:3,23,24 249:7 250:7,9 252:15 256:11 259:14,22 266:4 266:13 270:13 272:23 273:17 275:5,7 276:11 277:21 323:22 recovering 181:2 268:10 recovery 149:14 173:7 226:25 246:6,11 250:8 256:4,21 257:18 257:19 259:18 267:8 309:23 321:12 322:13 red 63:6 91:12 100:25 196:1 198:24 210:16 218:15 233:20 233:20 237:13 238:12,13 239:14 240:13 242:22,25 244:6 246:13 247:10 247:15 260:10</p>	<p>redirect 190:11 reduce 140:2,8 148:21 149:16 149:24 reduced 261:9 302:17 334:6 reducing 141:14 141:14 reductivity 171:22 redwood 9:20 100:11,15,19,23 101:7 102:2 103:11 105:8,16 reel 265:22 refer 139:11 225:25 reference 133:23 195:9 241:5 292:20 referenced 91:7 104:1 140:21 313:4 references 104:7 referencing 285:16 referred 175:6 197:24 referring 201:12 284:9,11 286:5 301:5,19 303:24 308:22 310:11 311:21,22 314:21,23 325:22 refile 110:10 reflect 120:21 134:4</p>	<p>reflected 95:5 133:2 reflecting 95:18 194:2 219:18 220:4,9 reflects 111:10 150:12 regard 83:13 regarding 53:14 90:1 103:12 105:2,15 110:1 199:1 322:12,17 329:10 regardless 42:2 325:20,22 regards 93:10 221:15 281:14 312:3 318:22 319:14 region 291:11 regional 20:24 170:19 183:16 184:24 189:3 regionally 183:19 307:20 309:11 registered 82:13 regular 238:15 280:16 regulate 331:18 regulation 218:5 regulations 142:20,22 315:4 331:15 regulatory 168:14 255:23 reincluded 61:19</p>	<p>reinject 151:12 reinjecte 149:14 226:25 281:21 reinjection 140:4 151:7 158:14 159:17 162:15,16 173:6 198:17 226:7 228:21,23 235:15 245:15 248:24 250:4 257:4 274:1 279:19 284:10 286:8 292:9,20 299:11 329:13 reinjectors 151:13 155:3 162:11 reiterate 46:21 135:4 262:17 297:15 relate 269:13 related 14:14 15:5 78:13 85:20 248:19 255:13 334:11 335:7 relates 150:12 relation 58:14 59:6 relationship 102:2 relative 334:13 335:10 relatively 249:9 292:14,21 323:5 323:20</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[relevant - restricted]

<p>relevant 328:22 reliability 121:8 reliable 257:5 relief 206:11 remain 37:25 remains 149:1 161:25 162:6 remarks 138:20 remediated 315:5,12 remember 53:8 121:25 285:5 310:18,20 311:4 311:25 remembered 320:13 remind 226:2 228:3 reminder 169:12 227:17 254:14 331:8 remote 2:12 remove 126:19 removed 126:15 136:1,4 repair 271:20 repaired 139:14 repairs 269:8 repeat 30:9 251:21 306:19 report 121:4 139:14 140:16 146:14 151:17 152:22 153:5 220:3 256:2,4 258:13,16 263:15 264:23 287:3,3</p>	<p>reported 2:14 reporter 127:3,4 127:7 144:3,25 165:16 168:7 186:8 192:1,4 193:14 216:10 224:10 254:16 299:25 reports 120:12 120:13 121:17 125:21 repossess 269:16 representative 174:16 represented 40:10 representing 54:23 56:14 151:3 represents 183:8 reproduce 170:7 176:22 request 27:22 115:3 118:8 119:20 requested 30:17 46:5 137:19 147:20 203:2 211:11 requesting 113:2 139:17 requests 329:25 require 63:13 151:16 289:1 318:6 required 22:25 70:17 124:6 203:2 205:9</p>	<p>268:14 319:10 requirement 314:24 326:2 requirements 141:19 218:5 315:4,8 318:22 requires 111:8 research 187:10 reserving 95:4 reservoir 143:24 145:7 152:25 158:19,20,21 162:21,24 163:2 163:21 172:9 180:25 181:17 184:3 194:14,14 196:4,19 204:8 209:3 215:8 224:21 225:7 226:6,11 227:25 229:1,2,7,16,17 231:17,17,23,25 232:21 233:1,25 234:18 235:25 237:3 242:1,1 243:2 244:16 246:2 251:22,24 255:19 261:10 262:2,20,22 272:13 299:11 299:21 305:12 315:10 319:24 320:21 reservoir's 260:20 reservoirs 304:16,20 305:5</p>	<p>resets 293:23 resolution 261:2 317:19 resolutions 319:16 resolve 148:4 resolved 148:25 297:21 329:21 resources 1:2 3:6 5:13 6:2,13 7:2 8:14 24:6,8 26:9,11,13 29:16 34:8,11 50:9,11 54:20 64:5 65:25 72:23 99:25 150:1 respect 30:12,16 respectfully 113:2 respond 38:5 39:12,14 43:19 89:1 respondent 135:8 response 40:6,12 41:2 158:22 250:10 264:15 responses 37:19 responsible 88:11 rest 95:7 180:15 204:20 303:5 restart 288:8 294:5 restate 272:2 restricted 113:18</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[restrictions - right]

<p>restrictions 113:15 result 148:16 209:13 232:14 237:11 249:6 resulted 186:23 resulting 148:22 results 21:16 140:17 148:14 148:17 152:21 153:2,16 158:23 163:3,14,21 185:9 201:3,5,25 202:13 208:21 209:12 215:11 225:3 226:23 228:24 230:23 230:25 241:16 249:21 250:7 256:9,9,15 266:7 320:17,18 324:9 resume 12:16 13:7 19:16 20:5 21:9 58:10 61:2 128:16 131:14 194:2 resumes 57:20 128:18 resuming 163:7 retained 12:5,10 13:16,21 14:9,21 15:8,25 16:15 17:14 18:10,22 19:12 retender 145:20 169:6 217:8 225:6</p>	<p>rett 74:6 return 74:20 162:14 238:25 239:3,14 241:5 243:16,21 244:4 249:14 257:22 260:11,22 261:5 261:8 263:23,25 263:25 266:19 266:23 280:14 280:15 281:23 287:10 289:8 324:3 returned 70:23 119:1 241:9 261:20 278:11 287:5 322:23 returns 261:21 280:15 314:15 review 154:23 158:5,14,18,20 158:22 160:23 161:21 163:11 163:13 170:14 173:4,16 177:4,7 178:15 182:11 186:25 188:20 191:9,14 194:23 197:2 203:10 210:2,12 211:16 212:1,2,4,12 215:8 217:17 218:11 225:20 226:1 228:3 246:10 314:2 321:4 reviewed 39:3 157:17 191:8</p>	<p>212:17 reviewing 163:20 revise 134:13 revised 63:5 65:2 95:18 96:5 106:12 110:4 111:19,19 112:2 136:10,18,19 137:3 revision 122:21 rfie 172:1 rfit 172:1 rich 172:23 272:9 rid 136:13 ridge 30:13 34:10,17 rig 124:19 right 25:23 26:16 27:12 28:3,12,19 29:9 31:18,25 32:7 37:11 40:25 41:3,14,23 43:14 44:17 46:12 47:2 49:19 50:3 51:24 52:24 54:11 55:25 56:3 62:25 64:10,19 66:6 67:10 76:1 80:14 83:5,25 89:23 93:22 94:20 95:12 100:10 103:25 111:5 114:25 115:20 121:18</p>	<p>122:9 126:7,21 127:1 136:2,16 137:13 144:2,5,5 144:7 150:14 152:5,9,16,23 155:12,20 157:10,19,23 158:2 159:6 160:17,18 167:2 167:9 170:8,20 172:16 176:14 177:17 180:8 185:22 188:10 190:2 196:7 197:15,20 198:7 198:25 204:3 205:10,16 207:14,19 210:5 212:23 213:4,13 223:3 227:10,20 229:12,17 230:24 233:6 234:25 240:18 241:12 245:22 246:3 247:14 253:25 254:8,12 255:16 260:21 262:9,18 269:21 269:24 273:20 273:22 275:3 277:2 280:7 285:1,18 286:6 289:19 290:23 291:17 293:18 297:25 300:1,9 311:3 319:7 326:19</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[righthand - sample]

<p>righthand 171:4 189:12 202:2 231:5,8 284:24 285:2 329:12,14 rights 28:7 64:9 82:9 164:3,5 179:7 212:13 213:18 253:1 rigs 124:13 rise 183:1 risk 67:7 103:25 109:14 118:9 179:10 180:17 213:21 rivers 57:4 61:8 rmg 320:21 326:6 road 30:19 48:11 332:22 rob 71:15 robust 178:9 180:24 209:24 rock 170:1,4 181:19 182:7,8 184:8 185:4 188:9 228:11 229:9 236:13,15 262:20 263:6,11 276:10 rocks 181:8 roehl 4:23 5:4 7:17 role 168:14 room 258:24 rose 3:4 138:25 165:14 167:4,5 180:10,11 183:12,25 184:5</p>	<p>184:7,13,22 185:10,15,18,21 186:5,18 187:5 187:16,21,25 188:11,17 190:13 192:16 192:21 215:1,2 222:24,25 250:13 254:20 254:22,25 255:2 255:5 258:22 259:8,12 260:18 261:13,17 262:3 262:7,14 263:17 264:22 265:16 265:22 267:13 267:21,24 268:7 274:18,21 276:7 277:8 279:1 283:23 284:5 287:13,15 288:7 289:13 290:7,10 290:16 291:12 292:13 293:15 293:23 294:4,8 299:24 317:10 317:12,21 318:9 318:14,19 327:2 328:10 329:18 329:20 333:7 roswell 7:7 rough 306:16 roundtable 180:17 188:22 route 272:24 row 254:10 royalties 162:18 221:15,21 222:4</p>	<p>275:4,9,16 321:10,20,22 323:10,16 royalty 4:15 48:24 49:1 80:24 160:10 162:6 221:25 322:18 royalty's 160:15 rta 228:15 234:8 rtp 241:5 243:16 rule 123:2 140:6 165:24 rules 71:23 116:22 122:2 123:14 141:20 217:5 219:8,19 run 57:21 132:24 133:1 151:21 195:22 199:3 255:10 307:23 312:4 315:8 running 180:17 255:16 264:24 runs 195:23 ryan 7:3,4 34:5,6 37:6,6 45:7,7 47:15,15,19,21 48:1,14 52:17,17 54:1 97:18</p>	<p>22:1 145:2,3 168:10 193:16 193:17 sadler 101:14 102:18 sadler's 102:10 safe 142:19,21 299:15 safely 179:10 206:20 213:21 safety 205:23 206:6 299:16 saga 24:25 25:2 sage 97:5 99:3 99:14 salado 151:2,24 153:16 170:22 171:2 173:20 174:6 178:9 189:16,17 193:22 207:10 210:15 217:22 226:5 230:7 289:24 302:11 304:7 308:3 sale 292:6 sales 196:8 199:6 199:7 207:24 208:11 246:20 290:2 291:2,24 sample 12:24 16:6,13,24 17:12 17:21 18:8,20 19:25 60:13 97:24 98:14 102:5,22 108:9 108:25 114:8 130:19 132:19</p>
		s	
		<p>s 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 12:1 13:1 14:1 15:1 17:1 18:1 19:1 20:1 21:1</p>	

[sample - section]

<p>301:5,10,22 302:6,7 samples 209:5,8 209:22 301:4 sampling 265:9 san 8:12 56:13 77:19,19 84:19 84:20 127:18 sand 305:3 sandier 304:24 sandstone 172:14 177:14 182:19 sandy 172:15 santa 2:13 3:9 3:17,22 4:7,12 4:19 5:11,17 6:6 6:11,17,23 7:13 7:25 8:6,19,25 9:7,13,18,25 10:6 23:21 26:5 29:8 32:21 34:2 35:16 36:3,14 44:11 50:15 52:22 65:23 72:25 96:14 100:14 107:1 112:18 116:6 satisfied 249:6 328:9,10 saturation 263:22 264:9 savage 4:9 6:20 8:3 23:19,20 25:11 26:18,18 26:23 28:5,6 52:21,22 54:4</p>	<p>save 215:16 saved 247:8 saving 95:10 saw 174:8 265:17 267:8 saying 39:14 88:23,25 109:22 234:21 259:13 262:18 263:2 265:19 274:7 275:4 279:1 292:22 306:6 314:19 says 39:3 135:8 142:20 202:3 285:18 scada 206:9,13 206:16 249:1 scalability 275:23 scale 140:18 154:2 203:9 205:16 206:16 240:21 244:22 260:24,25 275:24 284:22 285:2,3 286:10 286:15,17,20 329:11,14 330:3 330:4,6,9 scaling 209:12 scenario 31:11 143:7 297:2 scenes 27:17 schedule 16:5,23 17:20 43:16 97:24 102:5 108:9 282:3,8,10</p>	<p>282:11 scheduled 223:10 scheduling 25:21 28:14 schematic 14:17 78:20 86:3 109:18 197:4 schematics 211:24 schill 4:10 6:21 8:4 23:21 52:22 school 291:14 326:22 scratched 53:6 scratching 137:9 screen 78:1 79:24 150:5,7,7 154:14 170:9 195:9,11 207:7 210:7 215:23 217:13 254:9 259:5 screensharing 254:7 scroll 170:14 302:8 305:21 scrolling 263:3 305:20 sdea 303:4 sdwe 303:17 sea 182:16,25 183:3 seal 181:17 seat 144:18 sec 284:14 second 64:17 78:1 114:25</p>	<p>147:9 167:12 197:1 215:23 260:21 263:1 267:15 269:12 274:19 285:17 294:6 313:16,22 secondary 228:6 seconds 284:2 section 13:10 14:18 16:10,11 17:9,10 18:5,6 19:9 20:8 21:4 43:6 57:7 61:10 69:10,11,11 70:2 70:3,4 73:17 74:1 77:24 78:2 78:6,8,20 84:23 84:23 85:3,6 86:3 91:2,17,21 97:8,9 98:6,7 99:9 101:4 102:14,15 108:17,18 111:3 116:16,17 117:9 118:1 128:2 131:23 139:18 140:20,24 141:1 141:6 147:15 154:7,9,9 155:6 155:15 161:3 171:5 173:10,24 173:25 175:7 176:3,4 178:8 185:18 189:13 189:17 190:1 196:20 198:18 208:3,7 211:3,4 217:24,25</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[section - set]

<p>230:13 251:6 302:12 303:3,15 303:15 308:3 310:5,8,11 sections 90:25 107:15 122:7 140:24 155:14 170:25 171:1 176:2 183:10 217:23 309:20 327:17,22 see 43:12 46:25 57:10 61:2 64:21 71:22 76:24 79:16,22 94:3 109:22 110:1,3 111:7 121:17 131:24 132:13 149:9,15 150:6,7 151:1 152:13 154:15 154:17 155:1,3 157:16 161:1 170:10,11,12 171:6,7,24 172:4 172:15 173:22 173:23 174:10 174:25 175:10 175:14,25 178:20 180:21 182:21,24 183:10 185:16 186:14 188:13 189:6 191:3,16 192:22 195:17 196:1 199:16 201:11 202:6 204:14 209:5,16</p>	<p>217:15 218:19 225:20,21 226:22 231:16 231:22 232:4,13 233:9 236:1 237:25 238:1,9 238:12 239:2,11 239:14 240:21 242:3,13 243:16 243:20,20,22 244:2,4,7 246:16 247:1,4,15,16,22 248:18 254:6,7 257:8,19 258:6 259:10,11 260:15 262:3,11 262:11,11 263:21,24 264:14 271:14 272:5 274:6,9 277:25 280:24 284:8,19 285:3,6 287:2 289:20 299:23 300:5,7 305:11,15,25 306:9,10 307:7 307:19 310:1 313:18,19,21 314:2 317:4 320:19,22 322:5 323:2 332:8 seeing 173:19 258:13 259:5,8 274:10 276:22 278:17 285:9 308:14 seek 31:2 46:5 136:7</p>	<p>seeking 70:13 74:9,16 92:15 141:10 146:9,15 154:1,7 seeks 50:21 56:5 57:2 69:4,20 73:11,21 77:18 84:18 90:22 97:3,13 100:23 101:7 107:9,17 112:24 116:15 127:21 139:6 seen 185:25 186:3 198:16 227:2 248:24 316:17 seeping 262:19 select 226:17 selected 226:5 249:23 291:21 self 12:14 13:5 16:12 17:11 18:7,19 20:10 58:5 60:25 74:6 97:17,22 98:4,14 101:13,17,24 102:11,21 108:3 108:7,15,24 114:8 128:13 131:7 132:10 sell 275:9 selling 151:13 290:12 send 75:15 269:9 289:6 sending 83:10 189:20</p>	<p>senior 158:20 193:20 224:15 sense 30:23 32:6 46:15 165:15 221:24 324:2 sent 60:13 63:15 79:1 86:8,14 130:20 132:19 219:25 220:4 292:5 331:16 separate 180:16 195:20 208:14 301:22 separates 172:19 separating 182:5 separation 186:21 separators 282:8 282:17 september 145:11 sequences 206:10 sequentially 282:12 294:17 serious 76:12 serve 173:6 175:12 212:7 serving 158:1 207:13 235:12 set 25:5,19 28:13 30:17,24 31:5,12 31:17,19,20,20 32:1,10 33:14 35:6 37:24 38:4 38:6,12 41:14,17 42:5,7 43:15 46:13 47:3 48:7</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[set - shutting]

<p>48:10,15 49:14 50:4 51:5 52:5 67:5,8,16,21 68:14 124:4 146:1 157:1,5,21 206:16,22 207:2 226:7 228:4,5 230:19 251:15 284:16 288:19 299:8 302:7,19 312:3,6,7 325:25 sets 78:25 86:7 setting 35:5 41:22 47:24 215:24 313:23 319:20 320:1 321:1 seven 57:4 61:8 80:24 81:1 139:13 140:15 151:25 152:7,13 227:8 238:17,18 239:23 240:3 241:1 246:24 250:4 280:24,24 281:6 298:18 seven's 275:10 severance 133:24,25 134:2 136:19 severances 134:10 shading 210:19 shaheen 4:16 5:8 24:12,13 35:10 35:11 37:16 38:18,20 39:14 39:17,21 40:13</p>	<p>40:22,24 41:9,16 43:24 45:20,20 46:20 48:25 49:1,5,7,21 50:2 50:5 shake 43:10 shale 139:8 147:7 156:11,13 156:21 169:15 169:19,23 170:1 176:7 180:25 181:5 194:18,18 209:3 227:13 245:13 252:5 shallow 183:2 shallowest 304:8 shonor 3:15 7:11 8:23 9:5 23:15 35:16 44:16 68:22 72:21 77:13 shape 243:6 share 150:4 154:14,16 170:9 217:13 258:24 shared 153:6 210:4 276:18 301:15 322:3 sharing 207:6 287:2 sharon 4:16 5:8 24:13 35:11 45:20 48:25 sharp 187:1 271:9 sheet 27:13 34:9 shift 215:15 271:8,9</p>	<p>shirt 254:13 shocked 71:22 short 138:20 146:12 148:19 149:10 153:22 154:12 157:13 213:1 290:24,24 290:25 292:9 315:19 322:13 331:13 shorted 321:14 323:12 324:6 shorter 22:23 183:9 239:7 283:16 307:12 shot 191:16 show 45:4 63:6 109:19 117:16 159:8 174:3,20 175:19 190:1 210:14 211:1 223:13 227:10 228:25 232:20 270:11,18 275:18,20 277:19 285:14 292:19 297:11 323:6 330:3,5 showed 152:11 170:24 227:17 250:7 260:2 280:8 299:17 showing 58:12 117:4,25 118:1 150:15,24 151:1 201:14 231:10 320:12</p>	<p>shown 86:9 118:23 258:21 263:6 273:11 shows 62:17 80:6 105:10 109:18 111:2 154:24 171:21 173:18 185:21 197:3 217:17,20 218:12,14 226:12 231:6,7,9 234:9 238:22 241:21,22 243:16,17 246:10,13 249:25 250:1 252:17 278:11 286:13 313:3 326:11,13 330:6 shut 120:15 121:6 139:23 148:7,14 151:9 152:3 196:14 205:23 206:22 230:13,15 236:9 238:7,8,19,19 240:15,17 244:17 245:5 246:23 247:7,8 269:8,12 288:20 289:2,3 292:1,3 293:7 294:21 295:24 297:20 309:25 shutdowns 149:17 shutting 150:2 297:17</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[sick - sorry]

<p>sick 198:11 side 170:20 171:4 172:16 174:7 198:18 202:2 206:25,25 231:6,8 247:14 279:17 284:24 285:2,18 297:24 329:12,15 330:5 sideboards 298:3 signature 214:1 334:17 335:14 signed 105:17 118:22 significance 232:25 233:4 significant 141:18 234:4 significantly 241:14 283:14 signing 46:21 49:9 siliceous 172:8 181:7,24,24 182:1,1,4 305:3 305:15 silico 172:23 silly 81:6 silver 112:25 silverback 8:8 56:2,4,15 57:2 59:12 60:20 65:10,18 126:10 126:14 127:13 127:20,21 silverback's 128:8 131:2</p>	<p>similar 91:14 153:11,16 199:19 200:3 304:13 305:11 317:18 similarly 105:15 simon 30:13,15 34:21 simple 266:15,25 267:4 322:11 326:15 simplified 249:9 264:2 simplistic 276:2 simply 152:3 simulated 228:11 simulation 194:14,15 simultaneously 113:19 294:18 294:23 single 208:10 268:24 302:7 singular 295:15 sir 28:16 34:23 45:7 55:7 62:15 63:8,23 67:19 82:4 136:24 137:6,12 222:21 306:18 314:1,13 322:8 sisk 4:23 5:4 7:17 sit 71:12 328:23 site 234:20 sitting 71:10</p>	<p>situation 89:20 235:25 237:5 245:18 251:6 324:4 six 43:22 size 99:6 121:20 140:19 150:15 150:25 229:7 skewed 256:8,15 skills 334:10 335:6 slack 292:16 slide 21:18 170:14,15 171:4 177:8 210:13,14 210:25 211:5 225:11,22,25 227:11,11 228:3 228:25 229:21 230:25 235:16 239:25 241:20 241:21,22 246:8 246:10 247:25 248:4 249:18 261:5 262:16 269:3 284:9,15 slides 201:3 225:19 slightly 124:19 140:19 199:23 231:16 238:9 278:20 slip 201:8 sliva 11:6 144:12 145:2,2 slot 68:2 slow 39:15 134:16 332:12</p>	<p>slowly 150:18 234:17 295:2 small 163:6 234:17 237:16 240:24 322:18 323:19,20 smith 101:13 103:14,15 104:17 105:2,15 smith's 101:17 smooth 273:23 273:24 soft 81:24 96:17 software 285:13 sold 290:1 sole 162:13 solely 142:15 242:11 solid 322:1 solution 148:19 149:5 151:1 258:2 272:12 somebody 322:20 327:9 329:16 332:14 somewhat 180:15 311:8 son 82:18,18 87:15 soon 46:25 51:12 67:15 87:19 88:1 sooner 51:7,14 sorry 34:21 35:8 36:19 37:9 39:17 66:16 77:25 79:24 82:1 85:19</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[sorry - spring]

<p>87:25 91:20 101:19 110:17 112:3 146:2,23 150:16,17,23 167:15 189:10 232:6 239:21 262:25 273:21 275:19 280:21 281:20 283:4 306:18 310:22 322:9,21 327:9 329:4 sort 38:17 75:25 76:19 93:24 94:22 122:20 123:7 126:7 137:3,8 164:15 164:17 223:5 300:23 304:10 304:17 306:9,16 310:18 320:25 324:13 sound 46:14 122:20 sounded 101:19 311:23,23 sounds 31:4 51:8 66:23 320:15 source 20:22 21:15 158:25 159:10,20,21 160:9 161:6 190:15,21 197:25 207:4,8 207:13,17 208:8 208:20 289:22 302:7 304:17 327:15,20</p>	<p>sourced 188:5 sources 176:24 177:12,24 178:18,21 179:11 212:19 213:7,22 south 3:8 5:16 6:16 57:7,7 63:2 69:9,12 70:4 73:18 74:2 77:19 78:3,7,9 84:20,24 85:4,6 91:1,2,18 97:11 101:5 107:16 116:17,21 117:23 122:2,4 122:10,14 128:2 128:2 147:15 154:10 218:1 309:20 southeast 58:22 59:11 69:10 70:1,2 77:22 84:22 85:2,5,5 116:16 117:8,8 southwest 58:22 59:13 77:22 110:14 310:10 space 59:3 172:3 spacing 12:20 22:20 38:24 39:5,7,24 40:5 50:20 55:13 57:3,6 58:14,18 58:19,21,25 59:5 59:16,20 61:4 62:13,17,18 63:3 63:6 69:8,25</p>	<p>73:16,25 77:21 78:4 84:22,25 85:10 89:21 90:2,4,23 91:5,7 91:11 97:7,14 99:14,14 101:3,8 104:25 105:12 107:14,18,25 110:18 113:18 122:14,15,16 123:1 127:23 128:1 129:5,14 131:12,16 sparkplug 101:9 speak 65:13 254:15 256:16 265:19 267:20 324:24 speaker 87:14 87:22 88:4,7,22 89:7 96:18 254:5 speaking 22:24 99:18 165:18 166:1 169:25 183:24 262:18 267:7 275:19 292:21 322:21 323:20 special 22:7 116:22 122:1 326:3 specific 166:5,22 171:13 190:25 199:9 214:21 217:23 317:13 324:15</p>	<p>specifically 191:7 193:21 307:23 specificity 229:5 speculating 277:16 speed 305:9 spell 144:24 168:6 193:13 216:9 224:10 spelled 168:9 276:24 sperling 4:23 5:4 7:17 24:2 35:23 45:12 spike 243:18 259:21 spoken 49:23 84:5 spot 169:20 spread 300:22 spreadsheet 53:16 118:13 spring 69:8 91:13 116:18,23 123:22 139:9 147:7 156:14,14 156:21 169:16 171:8,19 172:5 172:12,17,24 174:10,13 181:20,22 182:14,14 183:8 183:11,18 188:5 188:8 312:5 313:8 314:22 328:7</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[springs - stimulation]

<p>springs 90:24 spudded 70:16 spur 9:2 59:12 72:18,21 73:9,11 73:21 square 122:7 204:23 squeaking 309:24 srv 228:11 229:1 231:17,18,23 232:8,8,11,16,20 233:1,5,12 234:1 234:6,12,17,18 234:22,25 235:3 sstvd 174:23 175:2 st 5:16 6:16 stabilization 258:19 stabilize 283:9 stabilized 246:17 257:15 257:16 258:14 270:23 stable 270:25 272:17 283:6,7,7 stack 182:1,4 stacked 107:18 staff 125:17 143:5 stages 140:14 stamina 192:12 stamped 58:10 128:21 standard 57:3 67:25 69:8,24 77:20 84:21</p>	<p>85:10 97:7 101:2 107:13 116:24 122:25 123:3 124:7,18 124:21 127:22 127:23 227:7,19 240:3 300:3 325:25 standardized 118:7 standpoint 302:5 stands 151:5 star 33:20 170:22 171:7 238:12,13 staring 121:4 start 23:9,10 24:24 26:1 27:18 28:23 29:3 35:9 37:14 45:25 52:9 171:17 232:2 233:16 244:2 275:4 276:14 288:16 293:20 294:4,23 297:3 300:15 started 151:23 201:2 226:7 300:17 starting 30:24 52:10 161:24 233:22 242:20 242:20 286:12 state 1:1 49:18 57:9 58:13 61:3 73:19 74:4 83:22 99:22,24</p>	<p>128:4 129:5 131:15,16 136:6 143:7 144:23 161:10 165:18 168:6 193:13 216:9 222:1 224:9 242:4 254:15 260:20 327:18 334:20 state.nm.us 3:10 3:11 stated 40:16 114:14 233:18 274:22 statement 11:3 12:15 13:6 16:12 17:11 18:7,19 19:7 20:10 58:5 60:25 70:22 74:6 97:17,22 98:4,14 101:13 101:17,25 102:11,21 108:3 108:7,15,24 114:8 117:24 128:13 131:7 132:11 141:5 178:15,23 212:16,21 222:17 314:4 statements 21:8 70:12 131:9 states 40:15 134:25 stating 120:14 station 195:23</p>	<p>stations 196:15 status 22:13 23:11 25:1,6,16 25:20,25 27:21 27:23 28:14 31:3,7,16 46:3,5 47:3 49:5,6,7 50:7 51:12 125:8 126:2 211:10 212:5 220:4 239:24 stay 247:14 252:15 268:5 299:8 stayed 226:24 staying 198:3 262:21 steel 97:15 stefan 11:10 21:9 143:22 160:6 167:13,14 184:21 185:7 186:16 189:22 190:3 193:3,6,16 265:3 268:11,13 269:15 271:19 281:2 282:11 287:9 295:23 step 167:16 235:18 253:23 stepping 168:14 steward 8:21 77:11,13,16,18 81:16,17 84:18 stick 155:2 stimulated 229:9 stimulation 264:11</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[stood - support]

<p>stood 120:2,4 121:11 stop 287:2 298:8 stopped 299:19 storage 172:6 stored 263:5 story 255:11 straining 217:15 strand 42:2 stranded 43:9,12 strat 181:4 strategic 93:25 strategy 140:2,4 stratigraphic 17:10 18:6 20:8 102:15 108:18 131:23 171:5 178:8 182:22 310:3 stratigraphy 170:17 174:8 176:25 177:10 178:3,4,7 stream 196:3 streams 195:20 street 3:8 4:11 4:24 5:5 6:22 7:18 8:5 strictly 290:21 stripes 65:17 strong 239:6 stronger 306:10 structural 13:10 18:5 61:9 108:17 173:22 175:2,3 structure 13:9 14:16 16:9 17:8</p>	<p>18:4 19:7 20:7 21:5 61:7,8 78:19 86:2 98:5 102:14 108:17 117:25 131:21 174:23 175:7,8 stuck 121:19 124:23 233:21 study 169:2 176:5 184:25 217:3 225:2 stuff 201:22 262:4 314:12 sub 97:23 98:5 98:21 101:18 102:12 103:4 108:8,16 109:7 230:12,13 subject 79:14,19 80:8 117:23 197:14 259:1 subjects 284:7 submission 55:14 submit 38:18 39:3 40:14,22 63:5,14,24 80:12 94:11 95:17 103:24 136:10 137:2 151:16 258:18 270:8 286:19 325:13 326:7,16 329:11 submittal 65:2,3 96:5 submittals 55:9 submitted 23:1 40:20 53:13</p>	<p>55:11 78:11 85:11,18 92:4 140:16 146:14 151:18 152:22 256:2 258:13,16 324:14 333:2 submitting 37:19 40:6 43:3 137:5 157:5 subsea 17:7 18:4 102:14 108:16 subsequent 218:12 219:24 subsequently 161:14 substantial 117:22 successfully 140:15 227:5 244:22 250:5 successor 23:22 sudden 192:5 suddenly 257:8 sufficient 41:5 200:13,17 245:2 315:6 suggest 31:5 32:1 37:17,23 67:6 90:12 188:8 221:9 suggestions 32:8 suggests 165:10 suitable 173:6 175:12,16 176:7 suite 4:6,24 5:5 6:10 7:5,18,24 8:11,18 9:17,24</p>	<p>sum 258:10 summarize 194:7 199:15 201:3,20 205:16 summarized 205:15 296:23 summary 57:21 78:15 85:22 117:15 139:14 146:14 151:17 151:18 176:16 177:12 195:12 199:16 201:5,24 202:1 205:20 208:19 249:17 249:17 263:15 287:3 summing 258:12 sun 220:9 sundry 321:3 324:13 325:2,12 326:16 supervision 79:13,19 80:4,8 103:25 109:14 179:16 214:3 220:18 supplement 53:9 129:21 132:18 supplemental 12:9 13:20 55:11 286:21 supply 196:16 296:8 316:19 support 70:9 146:1 156:23 281:20,20</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[supported - tang]

<p>supported 252:13</p> <p>supports 141:16</p> <p>suppose 42:20 184:23 187:17 271:23</p> <p>supposed 167:17 284:24</p> <p>sure 27:3 31:2 39:13 42:23 48:10 54:7 57:1 62:25 76:25 96:22 110:8,12 111:6,9 119:3 128:16 148:5 154:5 161:24 186:18 187:5,25 191:24 216:11 217:20 218:14 226:5 232:24 235:22 237:12 241:2 246:13 254:17 256:18 256:18 268:12 273:5 276:7,21 301:3 303:1 314:9 316:2,25 318:4 328:6 332:23</p> <p>surely 281:17</p> <p>surface 59:1 78:6 85:2 91:14 91:16 113:18 122:10 124:12 172:25 196:14 196:19 203:12 203:17 204:9,22 205:2 218:21</p>	<p>226:18 247:7 269:23 292:11 314:15</p> <p>sustain 158:16 201:15</p> <p>swd 174:6</p> <p>swd13 174:6</p> <p>swear 110:21 144:3,4</p> <p>switch 284:7</p> <p>switched 288:16</p> <p>sworn 138:21 141:25 143:15 144:13 167:24 193:7 216:3 224:4 334:5</p> <p>synopsis 113:13</p> <p>system 182:15 195:23 244:21 295:2 297:12</p> <p>systems 140:10</p> <hr/> <p style="text-align: center;">t</p> <hr/> <p>t 12:1 13:1 14:1 15:1 17:1 18:1 19:1 20:1 21:1 145:2 193:16,17 193:17,17 201:14 216:13 224:12 286:12</p> <p>ta 211:25,25</p> <p>table 20:12 132:13 184:16 201:5,24 202:1,8 205:7</p> <p>tables 296:23</p> <p>tabs 128:25</p>	<p>tabular 211:6</p> <p>tabulated 211:9</p> <p>tad 277:13</p> <p>tail 278:25 323:21 325:21</p> <p>take 37:20,21 40:22 62:7 65:1 95:17 115:21 126:9 127:10 133:7 138:2 191:12,25 192:8 192:10 207:6 209:21 223:9 254:7 256:21,22 257:24 273:3 288:1 299:23 321:8</p> <p>takeaway 121:8 148:7,15 149:18 151:6 208:11 238:20 261:14 297:20</p> <p>taken 27:11 53:20 54:13 55:21 62:1 71:3 72:13 74:23 77:5 79:8 81:11 93:5 96:2 98:22 100:4 103:5 106:8,21 109:8 111:17 112:11 114:18 115:13 119:9 137:17 209:8 281:14 332:25 334:3,12 335:9</p> <p>takes 266:5,8 322:24</p>	<p>talk 158:25 160:18 172:7 183:23 199:8 209:25 229:9,14 231:2 235:16 254:16 326:6</p> <p>talked 196:9 263:14</p> <p>talking 37:2 80:17,19 159:3 181:15 188:24 278:21 282:5 327:10</p> <p>talks 93:22</p> <p>tall 306:18</p> <p>tan 155:10</p> <p>tang 11:14 143:23 153:3 163:3 190:19 214:17 215:7,16 224:1,3,9,11 225:6,11 229:8 230:24 232:23 233:24 235:17 241:16 244:19 249:8,16 250:17 250:19 251:18 251:24 252:18 253:9,20 254:10 255:15,15 256:18 260:1,23 263:16,18 266:14 267:10 267:18 269:14 269:14,23 270:7 270:16,24 271:12 272:4 273:2,6,18,20,22</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[tang - tests]

274:8,11 277:17 277:17 278:7 279:5 280:7 283:3,3 284:21 285:1,7,12,20,25 286:4,7 291:19 291:20 298:25 298:25 300:7 306:19,23 307:2 307:13 322:9,9 322:22 330:1,1,2 333:5,11 tang's 255:6 tank 91:12 197:6 197:11 207:18 207:21 228:4,9 228:10,13 229:7 229:15 232:9,11 233:9,12 234:6 264:15 278:3,4 289:25 301:7,12 301:13,14,21,24 302:1 328:1 tanker 226:8 228:5 tanks 233:10 278:3 tapers 259:17,18 target 19:8 20:25 118:1 156:10 158:5 169:13,14,20,22 169:23 171:14 174:11 227:24 245:3 249:19 251:20 303:5 312:12	targeted 131:22 132:7 134:2,10 173:5 176:7,11 229:25 targeting 132:2 150:25 team 72:7 309:7 teammates 227:1 teams 145:8 technical 22:6,7 23:20 86:21 127:15 138:23 143:5 165:7 167:2 188:18 255:23 technically 315:9 tell 144:14 148:2 149:6 154:3 167:25 182:6 183:13 193:8 216:4 224:5 235:17 236:16 237:10 248:16 261:2 263:12 289:18 310:25 312:21 332:15 telling 306:6 tells 296:14 temperature 230:1 temporarily 141:10 148:7 176:12 198:10 211:19,21 227:18 245:1,3 250:22	temporary 139:21,25 147:5 149:22 151:13 155:3 156:6 162:10,11 173:6 175:13,17 176:8 176:21 195:14 202:24 210:18 211:12 251:10 277:1 ten 60:7 130:14 133:1 138:2,7 239:17 271:1 275:7 284:2 285:7,18 288:8,9 322:16 326:21 tend 180:24 tender 195:3 tentatively 68:14 term 146:12 148:19 149:5,10 153:22 154:12 157:13 181:6 183:9 275:25 290:24,25 315:19 319:7,9 331:13 terminology 325:21 terms 30:6 59:1 73:12,22 188:20 206:14 terrible 42:6 terrific 111:12 297:23 test 162:2 201:3 201:16 226:13 235:23,23	238:20,21 246:16,16 258:5 260:2,3 268:13 268:18,25 269:1 269:20 270:14 270:17 273:23 274:16 282:3,8 282:14,15,16,16 283:4,5,6 tested 268:9 313:9 tester 271:5 testers 268:21 282:25 testified 97:19 101:15 108:5 144:15 145:9 168:1,16 193:9 193:23 216:5,18 224:6,17 testifying 334:5 testimony 14:14 14:20 15:4,6,7 78:12,18,24 85:20 86:1,6 138:18 153:1 180:6 197:23 223:20,22 276:18 296:23 319:19 testing 123:4 151:22 260:3 268:15 271:17 276:17 277:2 282:1,6 304:8 305:17 tests 162:3 200:23,24
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[tests - think]

<p>202:14 260:20 269:13 276:21 282:18 283:12 283:15,16,18,19 321:25 texas 92:17 99:19,23 153:12 153:19 170:21 180:18 189:13 194:11 208:4 267:8 277:21 317:25 318:3 text 285:23,25 286:1,11,11 thank 23:8,17 25:22 26:8,12 27:25 28:9,11,16 28:17,18 29:14 32:18 33:1,5,15 33:24 36:5 37:4 37:5,10 38:1 39:20 40:1 43:1 43:13,24,25 44:1 44:6 45:3,9,16 45:17,22 46:7 47:1,5,12,17 48:22 50:5,6,12 52:3,7,8,15 53:24 54:2,5,10 54:17,18,24 55:15,18,24 56:3 56:12 57:1 58:3 62:3,8 63:25 64:23 65:8,19 66:12 68:10,11 68:12,16 69:3 71:3,5 72:8,16 72:22 73:2,6,10</p>	<p>74:24 75:3,6,12 75:14 76:21 77:1,9,17 79:9 81:14 82:10 83:2 84:12,13,16 85:14 86:19,22 87:20 89:8,11,12 90:17,20 93:8 94:17 95:15 96:9,10,16,21 97:2 98:24 100:8,16,23 101:22 103:21 104:12,13,22 105:23 106:20 107:4,8 109:10 111:15 112:10 112:12,14,20,23 114:20,23 115:6 115:17,19 116:1 116:9 119:11,14 119:22 121:9 125:3 126:5,6,18 127:10,14 133:9 133:14,17 137:20,23 138:8 138:9 139:5 142:1 143:17 144:16 155:22 164:11 166:21 167:8,11 168:4 169:9,10,12 180:7 188:25 190:8 193:1 199:8 214:8,20 215:3 216:8 217:11 221:5,11 222:21,23 223:2</p>	<p>223:14,22,23,23 225:8 255:15 267:18 277:9 285:24 286:23 287:12 299:22 302:4 309:1 319:13 328:12 330:10,16 332:1 332:19,24 333:3 333:4,5,6,7,9,11 333:12 thanks 105:9 188:24 190:6 223:16 258:22 262:7 267:16 287:16 293:16 thee 313:7 theory 281:14,19 300:18 313:7 thick 175:25 176:4 183:13,16 183:21 184:11 184:14 308:17 309:14 thicken 185:16 thickness 21:7 174:12 175:23 183:19 thin 185:15 thing 30:10 31:1 33:8 63:17 91:23 118:20 120:2 121:19 123:20 129:21 140:22 141:12 164:14 265:24 286:20,24 288:20 318:18</p>	<p>329:11 331:7 things 31:8,22 43:10 103:10 109:12 110:20 125:21 134:16 184:23 269:7 283:14 297:3,4,5 297:8,12,13 298:12,14 329:1 329:2,9,15 330:11 332:16 think 24:20 25:2 26:13 28:20 30:23 31:11,19 37:20,20 38:7,7 38:12 40:3,7,8,9 40:10,19 41:4,20 48:8 49:21 51:19 64:15 66:19 67:12 70:24 75:17 76:14,16 81:25 83:13 86:17 87:3,18 90:8 93:15,25 94:4,13 94:21 95:4,21 99:17 104:2,4,6 106:12 111:8 113:23 119:7 123:9 126:21,23 134:17 142:4,23 143:2 160:21 164:4 165:3 166:8,10 175:5 175:16 178:11 180:12 181:16 183:8,22 184:2 184:20 185:6</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[think - today]

186:12,15 191:7 192:6,12,12 197:12 212:9 214:14,15 215:14,16 221:8 232:24 233:3 240:15 245:2,7 249:17 250:14 250:15 252:22 253:18,19,23 255:20 260:9 267:25 269:15 269:15 271:16 271:19 272:14 273:1 274:5,18 277:10 278:11 278:13 279:6,25 281:17 286:25 292:22 294:9 298:16 299:12 300:15 301:14 305:20 310:15 310:17 323:2 324:12,21 326:10,17 328:3 328:7,10 329:21 332:4,4,8 thinking 251:24 259:2 292:13 297:25 298:1 314:3 317:4 329:1 thinks 81:3 184:25 thinner 185:23 third 148:21,22 149:18 150:2 151:6,7 195:21	196:7 199:5,7 278:3,4 288:15 289:6 290:1,16 292:5 297:20 thoroughly 87:2 thought 76:22 87:24 95:1 106:4 121:20 272:15 281:15 288:12 308:15 314:22 315:13 318:10 324:17 325:7 thoughts 28:1 48:6 188:1 thousand 311:15 thousands 124:25 three 58:17 59:17 124:5 140:11 173:24 174:4,16 197:8 198:25 199:1 202:19 230:18 250:9 255:12 266:20 275:8 282:18 293:16 301:20 322:14 threshold 106:2 throw 137:8 294:8 thunder 27:5 thursday 2:9 tie 254:14 tight 170:1,4 172:18,22 194:19 305:3	time 2:10 34:19 37:21 39:22 40:19 48:3,3,10 54:4,9 65:23 70:16 86:17 87:1,16 90:7 92:16 98:23 103:6 109:9 113:3,23 114:19 125:20 131:18 135:7 145:19 147:17,19 153:8 155:19 164:8 165:19 169:5 179:19 180:13 181:12 186:15 186:21 187:3 194:12 195:3 196:22,25 201:16,22 206:14 207:2 214:6,13,24 215:3 217:7 219:3 220:20 221:6,10 223:9 225:5 230:9,18 230:18 235:20 235:22 238:17 250:8 253:17 265:5 266:12,18 266:19 271:15 271:15,18 282:23 283:2,24 288:3,17 289:15 292:9 294:22 299:3,3 300:4 322:13,24 323:3 323:19 325:19	331:9 332:20 timeframe 200:2 timeline 147:21 295:11 timely 70:15 98:15,17 102:22 103:2 108:25 109:2 114:9,11 114:15 132:11 times 51:17 139:22 176:21 234:14 248:12 273:24 307:4 timing 201:9 322:13 title 39:4 76:6 titles 319:23 tlc 265:10 today 22:5,8,10 22:15 24:22 36:16 51:2,4,11 52:9 56:21 66:19 67:12 68:3,15 83:19 84:15 99:21 104:21 106:24 126:25 130:2 132:21 137:25 138:17,23,24 141:15,24 143:18 149:1 153:1,10,24 157:25 161:12 225:12 258:21 262:5 270:6 275:18,20 327:6 330:25
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[today's - tvd]

<p>today's 23:9 55:5 138:12 told 84:7 317:24 ton 231:6 tone 297:8 tool 295:9 tools 295:7 302:18 top 73:15 76:24 155:2 161:24 172:3 174:24 175:23 183:17 200:13,16 204:10,18,24 232:13 236:1 237:12 238:13 239:2,15 240:7 242:22 247:1 248:5 279:7 304:9,10 306:3 312:8 314:5 315:2 topic 268:1,5 278:20,21 287:14 topics 267:20 topmost 205:3 total 139:19 156:1 162:19 172:1 175:23 233:15 248:6,6,9 248:9 250:8,8 257:21,22 273:9 273:10 totally 31:15 totals 94:8 touch 332:22</p>	<p>touched 197:12 town 51:11 township 57:7 69:12 70:4 73:18 74:2 78:2 78:7,8 84:23 85:4,6 90:25 91:2,18,21 97:11 101:5 107:15 128:2 140:25 147:15 154:10 218:1 track 59:16 162:19 171:22 171:23 172:1 206:3,13,19 257:20 310:3 tracks 63:2 171:20 218:17 tract 16:4,22 17:19 59:19 78:10 85:8 94:6 94:9 97:23 99:5 99:10,15,17,19 102:5 108:9 111:9 116:21 117:9 122:17 123:24 124:6,20 129:15,19 218:12 tracts 14:4 74:10 78:14 99:23 107:25 117:4 123:17,19 124:1 129:19 trade 27:20 46:4 traditional 310:3</p>	<p>train 288:11 trains 282:25 301:13,22,24 302:1 trajectory 131:17 transcriber 335:1 transcript 335:3 335:5 transcriptionist 334:7 transform 95:1 transient 228:15 234:9 transit 103:18 transition 181:21 transmissibility 234:14,15,23 traveling 263:8 treated 96:3 treaters 282:7 tremaine 49:4 49:23 triangle 233:17 233:20 tried 118:23 275:18,20 trigger 298:13 true 38:20 270:5 278:12 334:9 335:5 trust 81:4,5 85:21 256:23 258:8 273:12 truth 144:14,14 144:15 167:25</p>	<p>167:25 168:1 193:8,8,9 216:4 216:4,5 224:5,5 224:6 try 41:14 82:17 89:1 115:21 137:1 203:9 215:19 217:14 223:11 254:16 259:13 265:10 265:13 268:19 268:20 269:18 274:12 275:6 277:6 284:11 312:16 326:24 332:21 trying 31:17 48:2 51:22 88:9 118:19 143:2 148:3 213:6 241:24,25 264:14 265:7 270:3 272:22 293:3,3 298:7,17 304:21 305:8,19 306:19 322:10 325:25 tubing 200:5 290:23 302:18 tuesday 145:25 turbidite 182:15 turn 254:18 turned 48:21 320:17 turns 94:22 264:24 tvd 229:25 230:5 312:21</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[twice - unit]

<p>twice 268:18 two 22:20 23:2 38:24,25 39:24 41:2,4,24 50:20 57:14 58:19,20 59:6 63:5,24 65:2 70:25 112:10 115:21 120:3 122:13,14 123:22 124:7,16 129:9,22 131:17 137:18 139:18 140:20,24 147:7 147:22 153:13 153:15 155:23 171:1 177:15 178:9 182:5 187:2 200:2 202:19 207:10 210:1,22 215:6,7 223:11,11,13 227:20 229:3,19 229:24 231:10 232:2 233:10,14 233:21,22 234:14,23 236:14,15 237:20 247:20 248:21 255:12 266:20 267:7 275:11 277:20 278:3 279:18 295:3 300:13 301:22,24 302:1 311:24 328:25 329:2,8,15 330:11 333:1</p>	<p>tx 8:12 type 143:1 169:24 171:2,18 171:20 174:9 187:12 304:22 305:14,23 309:9 318:18 331:18 332:6 types 142:11 157:22 205:9 typewriting 334:7 typical 180:25 195:18 typically 325:15 typo 121:22</p>	<p>107:10 123:17 127:22 134:22 134:25 135:14 135:22 136:20 unconformable 186:21 uncontested 30:18 31:24 48:21 unconventional 172:8 234:19 304:20 underestimate 321:14 underestimated 321:20 underestimating 321:25 324:5 underground 177:24 178:18 178:21 212:19 underlying 69:9 69:25 73:16,25 77:20 84:21 90:24 97:6 101:2 174:13 213:12 underlying 107:13 underpaid 321:21 understand 37:18 49:10 82:13,19,21 134:17 142:15 157:15 160:4,8 181:4 197:3 228:20 229:19</p>	<p>232:23 234:21 235:24 241:25 243:8 244:9,21 259:4 262:12 307:22 308:1 331:22 understanding 27:19 62:23 104:17 105:3,6,7 142:8 157:3 190:19 191:1 255:19 262:16 274:22,23 275:1 289:14 301:4 306:6 311:9 understands 152:1 understood 125:23 137:11 141:5 313:12 315:16 317:8 332:17 undertake 219:5 undertaken 178:15 unfortunately 243:19 273:23 285:13 unidentified 87:14,22 88:4,7 88:22 89:7 254:5 uniform 123:19 222:15 unintelligible 250:10 unit 12:20 22:20 40:5 57:3,6</p>
	<p>u</p>		
	<p>u 168:10 210:1 216:13 224:11 286:12 uh 298:8 uic 142:10,12 143:8 181:16 331:14 uncertainty 229:6 unchanged 162:1,4,6 uncles 332:15 uncommitted 14:5 69:14 73:12,14,22,23 74:11 77:18 84:19 90:23 92:15 93:23,24 94:1,6,9 95:20 97:4 100:24</p>		

[unit - vance]

<p>58:14,18 59:5,16 59:20 61:4 62:13,17 63:3,6 69:8,14,15,25 70:6 73:17,19 74:1,3 77:21 78:4 84:22,25 85:3,6,10 89:21 90:2,4,23 91:5,7 91:11,16,19 97:7 97:14 101:3,8 104:25 107:14 107:18,25 116:22,24 117:24 121:20 122:2,3,10,10,13 122:14,16,21 123:1,3,23 124:22 127:23 128:1 129:5,14 129:20 131:12 131:16 184:10 276:10 308:18 309:15,16,18,23 311:11 unitized 59:20 123:16 units 38:24 39:5 39:7,24 50:20 55:13 58:19,21 58:25 59:4 62:18 116:21 124:14 125:2 275:3,5,7,8 276:4 university 194:10</p>	<p>unleased 80:17 80:23 unload 287:7 unloaded 261:22 unlocatable 60:2 61:21 130:9 132:22 unopposed 30:8 30:11,15 unstable 238:2 unstimulated 229:16 unsure 125:11 untested 313:10 update 87:12 130:2 updated 53:10 94:4 134:8 201:2 202:23 updating 111:9 upload 197:10 upper 107:11 155:12 169:15 171:8 172:6,11 172:20,21,21,25 173:5 174:10,14 177:13,20 178:5 178:22,22 181:19 185:1 195:18 279:8 303:18 304:5,5,9 304:11,14,14,23 305:1,18,18 306:2,4,8,12 308:6,11,11,18 308:22 311:19 314:21 316:5</p>	<p>uppermost 204:24 309:18 311:11 upset 146:13 148:11 149:22 152:3,14 153:14 159:16 161:15 162:14 206:3 251:3,10 291:7 292:10 294:11 297:21 299:6 upsets 139:22 140:9 141:11 148:6 149:2,5,18 151:6 152:10,13 173:7 176:21 195:14 245:4 250:23 293:4 upstream 162:8 upward 173:1 usa 8:14 9:9 89:13,16 106:24 138:13,17 223:20 use 62:24 83:24 183:16 197:16 199:5 209:15 226:7 228:9 236:15 242:9,13 242:21 243:1,13 243:13,13,24,24 246:20 248:11 257:12,17 258:5 258:7,7 261:6 264:3 266:25 272:14,16,17 273:4,17 282:20 283:8,16,25</p>	<p>287:21,24 288:5 291:2 294:11 usps 118:24 usual 117:3 118:5 usually 206:23 312:10 utilize 162:18 287:18 295:9,21 utilized 142:5 295:13 utilizing 295:1</p>
v			
<p>v 145:3 216:12 308:4 valid 219:7,11 226:24 value 104:5 109:14 valve 196:3,8 288:16 289:3 290:22 291:9 valves 196:18 289:7 294:21 vance 4:4 9:15 9:22 72:24,25 73:5 75:4,6 96:13,14,17,19 96:22 97:2 99:4 99:7,11,16,25 100:8,12,13,22 101:23 104:2,8 104:13,16 105:1 105:13 106:15 106:25 107:1,8 109:22 110:8,15 111:5 112:7,8,12</p>			

[vance - water's]

<p>112:17,18,23 115:1,9,17 variable 185:24 259:24 306:9 various 140:14 198:13 202:25 249:13 vary 156:19 183:19 venting 120:13 140:2,6,8 141:14 141:20 verb 198:3 verbiage 88:13 verified 19:6 117:24 135:21 verify 120:18 269:5 versa 124:10 versus 272:23 vertical 58:19,25 173:21 231:8 236:2 306:15 310:9,16 311:7 312:9 330:6 vertically 184:16 312:19 viable 148:21 149:11 153:20 153:23 vice 124:10 videoconference 2:8 vie 107:22 view 177:21 217:20 virgin 248:11</p>	<p>virtually 153:7 visiting 139:24 voice 81:24 96:17 volume 151:3 162:19 228:11 229:9,10,16 234:25 240:3 247:12 248:9 249:2 250:22 259:14,20 287:25 291:15 298:18 322:18 volumes 198:6 235:5,13 251:19 276:5,22 314:16 323:20</p> <hr/> <p style="text-align: center;">w</p> <hr/> <p>wait 41:15,21 150:20 170:11 243:12 276:8 325:15 waiting 46:23 323:19 walk 170:17 walking 215:23 walls 320:11 wandering 263:1 want 22:25 41:13 42:18 43:11 45:13 48:12 84:14 87:1 88:19,23 89:21 95:14 96:18 103:9 111:5 121:3</p>	<p>126:8 136:3,10 140:22 144:3 157:16 158:8 160:18 191:23 191:25 192:20 209:25 232:24 233:6 253:18 255:14,15 267:14,20,22,23 268:4,5 272:2 287:14,24 293:22 297:24 298:25 312:18 317:9 319:2 326:16 328:5,8 332:11,13 wanted 51:3 103:19 106:12 149:9,15 192:19 241:2 254:22,23 294:3 320:19 328:2 330:2 wanting 149:3 154:11 327:25 wants 46:21 326:17 warn 329:23 washout 314:12 waste 140:2,8 141:14,20 142:17 148:16 148:17 150:1 164:3,4 179:6 213:17 253:6 275:25 wasted 99:25 wasteful 297:16</p>	<p>water 142:19,22 143:11 177:19 177:24 178:4,19 178:21 179:12 183:1,2,2 185:4 190:15,21 195:20 204:8 212:20 213:2 231:6 236:2,3,4 236:5,10,11,17 236:18 237:5,18 238:3 239:3,6,13 240:1,10 241:25 242:1,9,12,19 243:8,9 244:1,10 244:14,15 246:15,15 256:7 256:13 257:7 260:19 261:11 261:20,21,22 262:9 263:12,14 263:19,20,25,25 264:13,14,21,25 265:4,8,8 267:11 269:17,18 271:10,12,13 272:8,10 277:22 278:2,21 279:9 279:10,12,14,15 279:20 280:10 280:11,13,15,15 280:16,21 281:14,17,19,20 281:24 284:23 285:2,5,8 286:14 309:22 323:8,25 water's 188:6 278:24 280:4</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[water's - wells]

<p>281:8 waters 330:19 way 39:9 42:5 90:8,11 123:24 148:4,21 165:23 166:9 178:22 180:22 186:2 199:14 230:16 232:17,21 238:19 249:12 255:1,10 266:16 266:25 267:4 268:8 274:12 278:5 283:9 300:16,24 305:20 316:2,20 317:2 333:10 wc 107:11 we've 34:10 37:7 37:11 49:17 59:2,4 60:12 61:2 65:12 67:7 70:21 71:20 77:1 88:24 89:3 92:4 93:6 94:21 94:23 126:15 155:7 181:8,8 201:10 202:19 213:5 227:2 236:1 248:24 254:9 258:13,19 258:21 259:20 269:6 276:3 278:16 304:6 324:24 332:15 webpage 23:4 website 22:10 118:24</p>	<p>week 40:24 90:2 112:10 233:21 268:18 279:25 281:6 282:15,18 319:21 320:2 321:2 325:1 weeks 22:25 23:2 41:3,4 63:5 63:24 65:2 129:22 132:21 137:18 227:20 232:2 233:22 266:20,21 268:15 315:21 325:6 weigh 93:12 welcome 62:4 wellbore 170:5 176:15 181:2 196:2,22 198:3,5 199:10,15 200:12 204:10 211:24 226:11 233:10 235:6,13 241:23 252:3,16 261:11,12 262:2 263:4,5 279:20 280:18 290:21 291:11,15,18,20 296:9 312:20 313:14,17 wellbores 171:1 209:16 wellhead 230:1,4 230:4 237:2 238:24 288:21 289:3,4 294:22</p>	<p>wellheads 289:7 289:8 wells 20:22 46:22 53:11 57:9 58:17 59:11,12 60:14 61:10 69:17,18 70:7,15,17,18 71:9,19 73:20 74:4 95:6 102:20 108:23 109:18 110:12 110:23 111:2 112:4,25 113:3,4 115:2,4 116:21 120:3,12,16,21 122:15,17 123:22 124:5,7 125:1,8 126:2 128:4 129:9 131:17 132:2,6,7 139:20 140:20 142:5,5 143:1,8 146:16 147:8 148:8,14,23 150:2 151:8,24 153:15 155:8,23 155:24 156:4,17 156:18 158:13 158:18,25 159:2 159:9,15,17,19 159:21 160:10 162:2,4 170:7 171:20,20 173:20,21,24 174:4,16 184:4 184:11 185:2 187:18 189:20</p>	<p>195:13,14,24 196:13,14 197:9 197:14,22 198:16,23 199:1 199:9,11,22,25 200:8,18,25 201:6 202:15,18 203:12,17,22 204:1,11,20 205:24 206:7,24 207:5,9,12,13,16 207:22 210:17 210:20,23 211:3 211:10,11,15,20 211:24 212:5,6 212:12 218:22 229:11 230:12 230:15 233:16 244:25,25 245:1 249:23,23 250:20 251:2,8 257:19 268:3,14 268:21 276:25 277:21 282:2,4 282:19 283:25 287:19 288:19 288:21,23,25 289:1,10,15,21 289:21,22,23,24 290:5,5,6,19,25 291:3,21,21,22 291:23 292:1,4,9 292:11 293:6,12 294:11,15,21 295:9,17 296:16 297:18 299:4 302:8 303:14,20 303:22 304:2,12</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[wells - yeah]

<p>307:24 309:24 310:4,10,11,16 311:7 312:17 317:5 319:11 321:21 323:25 327:15,20 went 65:3 128:17 170:11 west 77:21 90:24 90:25 91:1,1,21 97:8 107:15 109:19,19,20,20 109:20 110:14 110:18,22,23,24 111:2,3 124:18 147:14,14,14 154:6,6,6,8,9 185:23 302:12 302:12 303:14 309:20 wexler 85:1 whatnot 314:16 whereabout 238:17 white 254:13 william 104:19 withdraw 126:24 withdrawn 45:14 witness 38:21 143:24 144:13 144:19,20 145:13,21 160:6 164:25 165:11 166:7 167:12,24 168:4,20 169:7 191:21 192:14</p>	<p>193:2,3,7 215:12 215:15 216:3 217:9 223:25 224:4,21 253:17 300:25 334:4 witnesses 11:5 51:21 57:14 58:1 128:8 138:17,21 141:24 143:15 143:19 144:8,17 157:25 164:19 164:22 165:5,25 166:25 215:5 wolfcamp 16:10 16:11 69:25 97:4,5,14 98:6,7 99:3,14 107:10 107:12,17 116:19,23 123:23 171:7 207:11,22 279:8 293:1 wonder 255:9 wondered 222:17 wonderful 258:11 wondering 38:15 137:9 186:22 192:18 265:25 307:25 308:25 314:8 326:4 words 144:7 164:23 286:12 294:11</p>	<p>work 31:9 41:8,9 41:11 48:3 49:22 52:2 84:11 86:17 181:16 184:6,21 187:1 188:15 194:3,8 201:9 224:15 238:11 247:15 262:1 269:11,22 270:18 274:24 292:2 298:7 302:23 333:10 workable 125:9 worked 50:1 300:15 workers 271:16 working 25:4 66:19 80:9,25 117:7,21 134:19 135:18 159:18 194:12 199:14 201:7 221:21 222:7,18 270:9 298:18 works 42:23 76:19 84:6 125:10 181:1 294:2 327:3 worksheet 22:9 22:11 106:23 138:12 worry 134:18 135:6 worse 297:25 worst 297:2 worthwhile 332:4</p>	<p>wozniak 6:4 29:18 54:23 wpx 9:20 96:12 96:15 97:1,3,13 wrap 130:2 writing 44:5 written 330:11 330:14 wrong 272:2 305:20 332:16 wrote 308:4</p> <p style="text-align: center;">x</p> <p>x 11:1 12:1 13:1 14:1 15:1 17:1 18:1 19:1 20:1 21:1 168:9 232:1 243:22 247:22 xto 7:21 26:7 36:15 103:12,13 103:15,19 104:14,18,24 105:5</p> <p style="text-align: center;">y</p> <p>y 168:9 224:11 y'all 192:21 yang 261:16,19 262:6,9 yates 5:19 36:6,8 66:11,13 133:16 yeah 26:6 44:24 51:10 71:25 72:6 76:3,8,10 76:11 80:10 94:13 95:3 110:6,11,15 115:5 121:2,16</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[yeah - zoomed]

121:21,25 123:6 123:12 125:10 126:21 135:20 135:25 158:10 165:21,22 167:14 169:25 171:17 175:14 177:9 178:2 182:10 183:15 183:22 185:6,20 186:11,24 187:8 187:10,20,24 189:14 190:2 192:18,19,21,24 192:24 193:15 194:10 195:17 197:5 198:15 201:1,19 202:6 202:16,20 206:5 207:20 213:5 216:16 232:7 233:11,13 234:2 234:5 235:7,22 237:23 240:21 240:23,24,25 245:24 250:13 250:17 251:7 254:2 256:18 259:6,6,10 260:1 261:3,4,16 262:6 262:9 263:16,18 266:14 267:10 269:14,15,25 270:7 271:7 272:4 273:2,18 273:18,22 274:6 274:8,9 276:23 278:7 279:6,22	280:7 283:11 284:20,21 285:1 285:7,12,20,25 286:7,18 287:16 293:10,20 297:6 298:23 300:14 300:14 302:25 303:25 306:1,7 306:12,23 307:2 307:4,13,13,15 307:22 308:9,17 308:21 309:6 310:7,13,21 311:12 312:11 312:14 313:2,6 313:16,20 314:22 315:16 316:22 317:16 317:21 320:3,6 321:6 322:19 325:4,10 326:9 330:10 year 71:18,18,21 117:17 147:19 147:20,24 163:13 200:2 226:15 235:22 236:21 250:3 256:2 258:13 270:15,23 271:18 years 122:1 123:11 147:22 194:19 311:25 322:16,16 yellow 134:22 135:1,14,22 197:8 210:15	242:5,23,23 243:3 244:5 246:23 247:13 248:18,18 259:14 260:12 260:13,24 261:4 327:22 yellows 198:20 yep 33:9 137:23 306:22 320:13 320:15 327:24 yeso 57:4 61:9 73:15,25 100:25 101:1,8 127:24 131:22 132:1 yesterday 30:3 31:5 51:14 yula 11:14 143:23 153:3 163:3 185:7 186:16 223:25 224:3,11 269:14 277:17 278:13 281:22 283:3,11 291:19 293:11 298:25 322:2,9 yula's 284:16 296:10	212:8,10 213:3 213:11,12,13 249:13 308:8,10 308:12 314:17 314:20 315:11 zones 19:9 118:2 200:21 212:14 245:13 253:2 zoom 171:18 174:8 203:10 211:2 zoomed 170:24 217:20
		z	
		z 216:13 zero 185:16 186:1,4 zone 172:6 173:2 173:6 176:12 177:13 178:22 187:13,15 190:16 200:21	