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

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

Case Nos. 22912, 22971, 22988,	Docket No.
22989, 22991, 23408, 23446,	13-23
23506, 23532, 23551, 23572,	
23573, 23575, 23576, 23577,	
23578, 23579, 23591, 23592,	
23593, 23602, 23603, 23605,	
23606, 23607, 23608, 23609,	
23610, 23611, 23612, 23613,	
23614, 23615, 23616, 23617,	
23618, 23633, 23635, 23636,	
23637, 23638, 23639.	

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VIDEOCONFERENCE HEARING

DATE: Thursday, July 6, 2023  
TIME: 9:15 a.m.  
BEFORE: Hearing Examiner Rip Harwood  
LOCATION: Remote Proceeding  
Santa Fe, New Mexico 87501  
REPORTED BY: Dana Fulton, Notary Public  
JOB NO.: 5528918

A P P E A R A N C E S

List of Attendees:

John A. Garcia, Examiner (by videoconference)

Million Gebremichael, Examiner (by videoconference)

Phillip R. Goetze, Examiner (by videoconference)

John Harrison, Examiner (by videoconference)

Dean McClure, Examiner (by videoconference)

Marlene Salvidrez, Host (by videoconference)

Deana Bennett, Esq., Panel (by videoconference)

James "Jim" C. Bruce, Esq., Panel (by videoconference)

Michael H. Feldewert, Esq., Panel (by videoconference)

Dana S. Hardy, Esq., Panel (by videoconference)

Frances S. Marshall, Esq., Panel (by videoconference)

Jaclyn "Jackie" McLean, Esq., Panel (by  
videoconference)

Richard H. Moore, Esq., Panel (by videoconference)

Scott S. Morgan, Esq., Panel (by videoconference)

Ernest L. Padilla, Esq., Panel (by videoconference)

Yarithza Pena, Esq., Panel (by videoconference)

Adam Rankin, Esq., Panel (by videoconference)

Elizabeth "Beth" A. Ryan, Esq., Panel (by  
videoconference)

Darin C. Savage, Esq., Panel (by videoconference)

Sharon T. Shaheen, Esq., Panel (by videoconference)

Paula M. Vance, Esq., Panel (by videoconference)

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A P P E A R A N C E S (Cont'd)

- List of Attendees:
- Christopher Cole (by videoconference)
  - Mr. Foppiano (by videoconference)
  - Anna Inez Hall Knapp (by videoconference)
  - Leonard Knapp (by videoconference)
  - Leonard Lowe (by videoconference)
  - Paul Nordstrand (by videoconference)
  - Unidentified Speaker 1 (by videoconference)
  - Unidentified Speaker 2 (by videoconference)
  - Unidentified Speaker 3 (by videoconference)

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I N D E X

WITNESS(ES) :	DX	CX	RDX	RCX
STEVEN JANACEK				
By Mr. Rankin	173			
TONY TROUTMAN				
By Mr. Rankin	218			
RAHUL JOSHI				
By Mr. Rankin	232			

E X H I B I T S

NO.	DESCRIPTION	ID/EVD
22912:		
Exhibit A	Compulsory Pooling Checklist	56/59
Exhibit B	Application	56/59
Exhibit C	Land Professional Exhibits	56/59
Exhibit D	Geologist Exhibits	58/59
Exhibit E	Affidavit of Notice	58/59
Exhibit F	Affidavit of Publication	59/59
22989:		
Exhibit A	Compulsory Pooling Checklist	64/67
Exhibit B	Application	64/67
Exhibit C	Land Professional Exhibits	65/67
Exhibit D	Geologist Exhibits	66/67
Exhibit E	Affidavit of Notice	66/67
Exhibit F	Affidavit of Publication	66/67
22991:		
Exhibit A	Compulsory Pooling Checklist	64/67
Exhibit B	Application	64/67
Exhibit C	Land Professional Exhibits	65/67
Exhibit D	Geologist Exhibits	66/67
Exhibit E	Affidavit of Notice	66/67
Exhibit F	Affidavit of Publication	66/67

	E X H I B I T S (Cont'd)		
	NO.	DESCRIPTION	ID/EVD
1			
2			
3	23408:		
4	Exhibit 1	Application	77/80
5	Exhibit 2	Affidavit of Land	
6		Professional	77/80
7	Exhibit 3	Affidavit of Geologist	79/80
8	Exhibit 4	Affidavit of Notice	79/80
9	Exhibit 5	Spreadsheet	79/80
10	Exhibit 6	Affidavit of Publication	79/80
11	Exhibit 7	Pooling Checklist	79/80
12			
13	23446:		
14	Exhibit 1	Application	71/74
15	Exhibit 2	Affidavit of Land	
16		Professional	71/74
17	Exhibit 3	Affidavit of Geologist	72/74
18	Exhibit 4	Affidavit of Notice	73/74
19	Exhibit 5	Affidavit of Publication	74/74
20	Exhibit 6	Pooling Checklist	74/74
21	Exhibit 7	Certified Notice Spreadsheet	74/74
22			
23	23532:		
24	Exhibit A	Affidavit of Land	
25		Professional	85/86

E X H I B I T S (Cont'd)			
NO.	DESCRIPTION	ID/EVD	
23532:			
Exhibit B	Affidavit of Geologist	85/86	
Exhibit C	Notice Affidavit	85/86	
23575:			
Exhibit A	Affidavit of Land Professional	89/91	
Exhibit B	Affidavit of Geologist	89/91	
Exhibit C	Notice Affidavit	90/91	
23576/23579:			
Exhibit A	Land Testimony	93/94	
Exhibit B	Notice Testimony	94/94	
23577:			
Exhibit A	Land Professional Testimony	103/104	
Exhibit B	Geologist Testimony	103/104	
Exhibit C	Notice Testimony, Sample Notice Letter, Chart of Parties, Copies of Certified Mail Green Cards and Return Slips, and Affidavit of Publication	104/104	

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

NO.	DESCRIPTION	ID/EVD
23591:		
Exhibit A	Land Professional Exhibits	47/50
Exhibit B	Geologist Exhibits	48/50
Exhibit 3	Notice and Publication Exhibits	49/50
23592:		
Exhibit A	Land Professional Exhibits	107/112
Exhibit B	Geologist Exhibits	107/112
Exhibit C	Affidavit of Notice	107/112
23593:		
Exhibit A	Land Professional Exhibits	108/112
Exhibit B	Geologist Exhibits	108/112
Exhibit C	Affidavit of Notice	109/112
23607:		
Exhibit A	Application	113/115
Exhibit B	Compulsory Pooling Checklist	113/115
Exhibit C	Land Professional Exhibits	114/115
Exhibit D	Geologist Exhibits	114/115
Exhibit E	Affidavit of Notice	115/115

	E X H I B I T S (Cont'd)		
	NO.	DESCRIPTION	ID/EVD
1			
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3	23608:		
4	Exhibit A	Compulsory Pooling Checklist	162/
5	Exhibit B	Land Professional Exhibits	162/
6			
7	23609:		
8	Exhibit A	Compulsory Pooling Checklist	121/
9	Exhibit B	Land Professional Exhibits	121/
10	Exhibit C	Geologist Exhibits	121/
11			
12	23610:		
13	Exhibit A	Compulsory Pooling Checklist	126/128
14	Exhibit B	Land Professional Exhibits	126/128
15	Exhibit C	Geologist Exhibits	127/128
16			
17	23611:		
18	Exhibit A	Compulsory Pooling Checklist	126/128
19	Exhibit B	Land Professional Exhibits	126/128
20	Exhibit C	Geologist Exhibits	126/128
21			
22	23612:		
23	Exhibit A	Compulsory Pooling Checklist	126/128
24	Exhibit B	Land Professional Exhibits	126/127
25	Exhibit C	Geologist Exhibits	128/128

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

NO.	DESCRIPTION	ID/EVD
23613:		
Exhibit A	Compulsory Pooling Checklist	126/128
Exhibit B	Land Professional Exhibits	126/128
Exhibit C	Geologist Exhibits	127/128
23618:		
Exhibit A	Land Professional Exhibits	130/131
Exhibit B	Geologist Exhibits	130/131
23633:		
Exhibit 1	Application With Attachments	176/201
Exhibit 2	Proposed OCD Exhibit A and B	179/201
Exhibit 3	Proposed OCD Exhibit B	179/201
Exhibit 4	Gun-Barrel Views	181/201
Exhibit 5	Avalon Gas Sample Test Data and Analysis	193/201
Exhibit 6	Isochore Maps	223/254
Exhibit 7	Affidavit	254/254
Exhibit 8	Notice Affidavit	255/256
Exhibit 9	Publication Affidavit	255/256

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

NO.	DESCRIPTION	ID/EVD
23635:		
Exhibit 1	Application and Proposed Notice	134/136
Exhibit 2	Land Professional Exhibits	134/136
Exhibit 3	Geologist Exhibits	135/136
Exhibit 4	Affidavit of Notice	135/136
Exhibit 5	Certified Notice Spreadsheet	135/136
Exhibit 6	Affidavit of Publication	136/136
Exhibit 7	Pooling Checklist	136/136
23637:		
Exhibit A	Land Professional Exhibits	139/140
Exhibit B	Geology Exhibits	139/140
Exhibit C	Notice Affidavit	140/140
23638:		
Exhibit A	Land Professional Exhibits	148/149
Exhibit B	Geologist Exhibits	149/149
Exhibit C	Notice Affidavit	149/149

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

NO.	DESCRIPTION	ID/EVD
23639:		
Exhibit A	Land Professional Exhibits	152/153
Exhibit B	Geologist Exhibits	153/153
Exhibit C	Notice Affidavit	153/153

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P R O C E E D I N G S

HEARING EXAMINER HARWOOD: -- Rip  
Harwood. I'll be your hearing examiner this morning.

Can you still hear me, Marlene? Are we  
good on audio and video?

MS. SALVIDREZ: Yes.

HEARING EXAMINER HARWOOD: Okay.

Well good morning, everybody. Welcome  
to today's Oil Conservation Division hearings.

8:15 a.m. New Mexico Time, July the 6th, 2023.

Before begin the docket, if I could ask  
the technical examiners with OCD who are in attendance  
at the hearing, if you could identify yourselves  
please.

TECHNICAL EXAMINER GARCIA: John  
Garcia.

TECHNICAL EXAMINER HARRISON: And John  
Harrison.

TECHNICAL EXAMINER GOETZE: Phillip  
Goetze.

TECHNICAL EXAMINER GEBREMICHAEL:  
Million Gebremichael.

TECHNICAL EXAMINER MCCLURE: Dean  
McClure here.

HEARING EXAMINER HARWOOD: Okay. All

1 right. Thank you, folks. All right.

2 So let's see. I believe that we had  
3 some general announcements that OCD wanted to make  
4 before we dive into this morning's docket. Let's see.

5 Was it you, Phil, that was going to  
6 make those for everybody?

7 TECHNICAL EXAMINER GARCIA: I can make  
8 one of them and then I also have a question for you  
9 too, Rip.

10 Question first. Since we have so many  
11 technical examiners I believe for certain cases coming  
12 and going, I'm not sure if it'd be easier for you and  
13 all the counsel if, when questioning arose, if you  
14 just asked if any of the technical examiners had  
15 questions. 'Cause I'm also unsure, like, what cases,  
16 like, certain people are interested in.

17 HEARING EXAMINER HARWOOD: If --

18 TECHNICAL EXAMINER GOETZE: If it's  
19 easier than calling on all of us every single case.

20 HEARING EXAMINER HARWOOD: That's fine  
21 with me. It's an excellent suggestion. That should  
22 streamline things and it will also give anybody with a  
23 question a chance to chime in. So that's great.  
24 That's what I'll do.

25 TECHNICAL EXAMINER GARCIA: Okay.

1 Thank you. And then as far as the announcement, on  
2 behalf Marlene, our July 20th and August 3rd docket  
3 are at -- at capacity. So no continuances will be  
4 approved for those dates. Contested hearing dates are  
5 available from October onward. So hopefully that will  
6 work for everybody today.

7 HEARING EXAMINER HARWOOD: Thank you,  
8 Mr. Garcia.

9 Mr. Goetze, back to you.

10 TECHNICAL EXAMINER GOETZE: Actually I  
11 don't have any announcements. I'll just be  
12 participating in the cases that we discussed --

13 HEARING EXAMINER HARWOOD: Okay. Okay.  
14 Great.

15 All right. Then without further ado  
16 let's jump into the docket. And the first items on  
17 the agenda -- cases 1 and 2. Case nos. 22971 and  
18 23636. FAE II Operating, LLC. May I have a entry of  
19 appearance for the applicant in those two cases?

20 MS. HARDY: Good morning, Mr. Examiner  
21 and technical examiners. Dana Hardy with the Sante Fe  
22 office of Hinkle Shanor on behalf of FAE II Operating,  
23 LLC.

24 HEARING EXAMINER HARWOOD: Good  
25 morning, Ms. Hardy.

1                   May I also have entry of appearance of  
2 any other interested parties? And I've jumped ahead  
3 of myself. Are there any parties to this case other  
4 than the applicant?

5                   MR. FELDEWERT: Good morning,  
6 Mr. Harwood and multiple technical examiners. This is  
7 Michael Feldewert of the Santa Fe office of Holland &  
8 Hart. I'm appearing for Apache Corporation, Chevron  
9 USA, ConocoPhillips, and COG Oil and Gas LLC.

10                  HEARING EXAMINER HARWOOD: Okay. All  
11 right.

12                  MR. MORGAN: Okay. Good morning,  
13 Mr. Examiner. Scott Morgan with Cavin & Ingram on  
14 behalf of Asset Assurance LLC.

15                  HEARING EXAMINER HARWOOD: Okay. Thank  
16 you.

17                  Mr. Goetze, let me turn it over to you  
18 with respect to these cases at this point. I  
19 understand that there were technical issues with the  
20 application and maybe you could explain those to the  
21 parties and the consequences.

22                  TECHNICAL EXAMINER GOETZE: Now, good  
23 morning, Ms. Hardy and other participants.

24                  MS. HARDY: Good morning.

25                  TECHNICAL EXAMINER GOETZE: First of

1 all, we do have a continuing of the case. The  
2 case 22971 has been in the docket for a while and  
3 we're continuing with the effort there. Recently FAE  
4 I believe filed case 23636 in response to an earlier  
5 effort. That's correct, Ms. Hardy?

6 MS. HARDY: That's correct.

7 TECHNICAL EXAMINER GOETZE: Okay. Well  
8 having reviewed both applications, we have a critical  
9 error in both 22971's application and then the new  
10 one 23636.

11 Your legal descriptions are not  
12 acceptable. They refer to the Sixth Principal  
13 Meridian. It just can't be sliding by with that. We  
14 will require you to refile each of these hearing  
15 applications again with the correct legal description.

16 Since we base the order on what you  
17 provide -- the project area -- it's got to be  
18 accurate. So I'm moving that both applications or  
19 both cases be dismissed and that FAE do apply again  
20 with a correct legal description. On that --

21 MS. HARDY: And, Mr. Goetze, I just  
22 have some questions. I wasn't aware -- and can you  
23 tell me where the error is in the legal description?

24 TECHNICAL EXAMINER GOETZE: On the  
25 application. No. 3 "Applicant is working interest

1 owner of proposed South Jal unit, the unit area, which  
2 comprises 19,369.77 acres of following federal state  
3 and fee lands, located in Lea County, New Mexico."

4 And then you give a description of  
5 Township 25 South, Range 6 -- 36 East, Sixth Principal  
6 Meridian. The Sixth Principal Meridian is located in  
7 Nebraska and Kansas. So the ability for us to take  
8 this and move it forward with this legal description  
9 would not even place it in our state.

10 So there does have to be a minimum  
11 standard. It is a public land survey system. It is a  
12 legal document. And I'm not in the position to change  
13 that legal description.

14 So its reappearance again in this newer  
15 statutory unitization application for 23636 again with  
16 the Sixth Principal Meridian -- I -- sorry. I mean  
17 40 years of doing this and having put things in the  
18 federal register and having legal descriptions be  
19 critical element for both leasing and for description  
20 of statutory units -- it's got to be right.

21 MS. HARDY: I understand. And,  
22 Mr. Goetze, is that error also included in the  
23 injection application, which is 22971?

24 TECHNICAL EXAMINER GOETZE: I -- wait.  
25 I think you'll have to take a -- scrub your own

1 documents for that. At this point the application up  
2 front -- and typically I do not see P.M.s listed, just  
3 township and range in our examples or exhibits for the  
4 C-108.

5 But I would recommend that you go  
6 through and make sure there's no improper reference to  
7 a -- a not-appropriate legal description.

8 MS. HARDY: Sure. And, Mr. Goetze, I  
9 will do that. I was just inquiring because if there  
10 isn't an incorrect description in 22971, it seems that  
11 that case shouldn't be dismissed.

12 TECHNICAL EXAMINER GOETZE: It's in the  
13 application up front. I'm sorry that we didn't catch  
14 it at that point, but it's being repeated over and  
15 over again. And since the two are tied together, what  
16 you're asking for as far as a -- a waterflood in the  
17 statutory unit -- really can't separate them out.

18 MS. HARDY: Okay.

19 TECHNICAL EXAMINER GOETZE: Let's make  
20 it a clean --

21 MS. HARDY: All right.

22 TECHNICAL EXAMINER GOETZE: You know,  
23 this has got to be clean if it's going to move  
24 forward. And that's all I have to say.

25 MS. HARDY: Okay. Thank you. I

1 understand.

2 TECHNICAL EXAMINER GOETZE: All  
3 right --

4 HEARING EXAMINER HARWOOD: All right.  
5 Sorry to start your morning off that way, Ms. Hardy,  
6 but, you know, it's one -- I suspect this is one of  
7 those hazards of cut and paste. I may be wrong, but  
8 it happens to the best of us. It's certainly happened  
9 to some of the worst of us, including myself.

10 So no apologies necessary, but we'll  
11 have to dismiss these and refile.

12 MS. HARDY: Okay. Thank you.

13 MS. SALVIDREZ: Rip, can I cut in?

14 I just wanted to make an announcement.  
15 If -- if you're not speaking, please mute yourself.

16 HEARING EXAMINER HARWOOD: Oh, I'm  
17 sorry. I'll do that. Thank you.

18 MS. SALVIDREZ: Well I'm not talking to  
19 you. I'm talking to spectators that are laughing.

20 So I will mute you if you don't mute  
21 yourself.

22 HEARING EXAMINER HARWOOD: Okay. You  
23 could probably save people some embarrassing moments  
24 that way anyway, Marlene.

25 MS. SALVIDREZ: Yes.

1 HEARING EXAMINER HARWOOD: Okay. Let's  
2 see. Where are we? Let's move right along here.  
3 Item no. 3 is case no. 22988. Matador Production  
4 Company.

5 Entry of appearance for the applicant  
6 please.

7 MR. BRUCE: Mr. Jim Bruce, representing  
8 Matador Production Company.

9 HEARING EXAMINER HARWOOD: Good  
10 morning, Mr. Bruce.

11 Entry of appearance for other parties  
12 in this case.

13 MS. HARDY: Yes, Mr. Examiner. Dana  
14 Hardy with the Santa Fe office of Hinkle Shanor on  
15 behalf of ConocoPhillips.

16 HEARING EXAMINER HARWOOD: Thank you,  
17 Ms. Hardy.

18 Anyone else?

19 Entry of appearance of any other  
20 interested persons who are not parties to this case?

21 Okay. Hearing nothing, Mr. Bruce, I'll  
22 turn it back over to you. This is a status  
23 conference. Tell us what we need to hear.

24 MR. BRUCE: Mr. Examiner -- parties  
25 have been in contact. The parties are in settlement

1 discussions. I was -- virtually connectivity  
2 interruption -- I'm hearing some cutting off. So if  
3 you can hear me, that's fine.

4           Anyway. I was going to ask for an  
5 August 3rd status conference, but after reading  
6 Marlene's e-mails, I recognize that's not practical.  
7 I think that this matter, one way or the other, will  
8 go into an uncontested hearing.

9           Perhaps the easiest thing to do -- and  
10 I think Ms. Hardy would be find with this -- would be  
11 to ask for a early September status conference.

12           MS. HARDY: That's fine with me,  
13 Mr. Bruce and Mr. Examiner.

14           HEARING EXAMINER HARWOOD: Okay. All  
15 right.

16           Are there any questions from interested  
17 OCD examiners on this case?

18           All right. Then I guess we'll rely on  
19 you, Mr. Bruce, to file whatever's necessary to get  
20 this matter re-set for a renewed status conference  
21 down the line in September.

22           MR. BRUCE: I will take care of that.  
23 Thank you, sir.

24           HEARING EXAMINER HARWOOD: Sure.

25           All right. Anything else from anybody

1 on case no. 3 -- 22988?

2 All right. Then we will move on to --  
3 and you've all stop me if I'm wrong, but I believe  
4 that we've got consolidated -- we have two  
5 consolidated matters. I think 23572, 23573. Riley  
6 Permian Operating Company LLC -- items 4 and 5 on the  
7 agenda.

8 May I have an entry of appearance for  
9 the applicant in those cases?

10 MR. PADILLA: Mr. Examiner and  
11 technical examiners, I'm appearing on -- this is  
12 Ernest Padilla, appearing on behalf of the applicant  
13 in both cases.

14 HEARING EXAMINER HARWOOD: Thank you,  
15 Mr. Padilla.

16 Entry of appearance for other parties  
17 in these two cases please.

18 MR. RANKIN: Good morning --

19 MS. HARDY: Yes -- oh.

20 MR. RANKIN: Oh, go ahead. Go ahead,  
21 Dana.

22 MS. HARDY: Sorry.

23 Dana Hardy with the Santa Fe office of  
24 Hinkle Shanor on behalf of Permian Resources  
25 Operating, Colgate Production, and Colgate Operating.

1 HEARING EXAMINER HARWOOD: Thank you,  
2 Ms. Hardy.

3 MR. RANKIN: Good morning, Examiner  
4 Harwood. Adam Rankin with the Santa Fe office of  
5 Holland & Hart, appearing on behalf of Matador  
6 entities MRC Delaware Resources LLC and MRC Permian  
7 Company.

8 HEARING EXAMINER HARWOOD: Thank you,  
9 Mr. Rankin.

10 Anyone else?

11 All right then. Then well let's see.  
12 Are there any other interested persons in these two  
13 cases? Persons who are not parties.

14 Hearing nothing -- I'll turn it back  
15 over to you.

16 TECHNICAL EXAMINER GOETZE: Well good  
17 morning. This is Phillip Goetze, OCD technical  
18 examiner. Good morning, Mr. Padilla.

19 MR. PADILLA: Good morning, Mr. --

20 TECHNICAL EXAMINER GOETZE: Okay. And  
21 now for your turn in the box. In reviewing the  
22 application, we have a -- a situation which will not  
23 allow us to move forward.

24 Currently the applicant, which is kind  
25 of interesting in its own way, that Riley is -- it has

1 an inactive well count of six for a total well count  
2 of fifteen.

3 Even if this were administratively  
4 submitted to us, we would not move forward with  
5 reviewing it and not certainly we cannot issue a  
6 permit with this operator in its current status.

7 So at this point I'm going to say --  
8 I'm going to ask for dismissal of this and have your  
9 operator Riley Permian get back into compliance -- or  
10 at least at -- be in close to compliance before  
11 submitting an -- an application.

12 They are aware of this process.  
13 They've had a prior ACOI -- ACOI-353-A. It was an  
14 agreed compliance order back -- ooh, what do we got?  
15 Let's see. This was back in 2019. So they're  
16 familiar with the process.

17 So if they need to come forward with an  
18 application, either they have to resolve it with  
19 the -- putting wells back into service and getting  
20 them off the inactive list or to get an ACOI with the  
21 OCD so that we can move forward.

22 Otherwise, we're just spinning our  
23 wheels and I'm not in the mood of a waiting in statis  
24 for compliance with a permit and a hearing process.  
25 So I'll ask for a dismissal.

1           The other note I will make on this was  
2     in the application -- we have in the hearing an OGRID  
3     number, which is Redwood Operating. And then I got to  
4     the C-108 and the applicant there is Redwood  
5     Operating. And then the affirmation statements are  
6     done by Mack Energy.

7           If and when you do apply again, I would  
8     make the effort to have some consistency in the  
9     certifications of the content of the C-108. And the  
10    affirmation of -- for the part 7 -- no -- part 12  
11    regarding hydrologic connections, faulting. I would  
12    at least have that from the applicant -- an expert  
13    within the organization.

14           And at least change the cover sheet so  
15    that is Riley Permian who is making the application on  
16    the C-180.

17           Other than that, we have several other  
18    footnotes, but we're not going to go into those right  
19    now. I leave the response to you, Mr. Padilla.

20           MR. PADILLA: Well first of all,  
21    Mr. Goetze, you mentioned that geology and that sort  
22    of thing would be necessary. At hearing, we would be  
23    prepared to satisfy the Division's requirements as to  
24    the ability of the wells to be contained  
25    "horizontally" and vertically.

1 I realize that the applications  
2 themselves do not have that -- or the C-180. So some  
3 engineering and some geology would be necessary to  
4 establish the integrity of the saltwater disposal  
5 applications.

6 As far as Redwood and those -- I'm not  
7 sure what the relationship is between the companies,  
8 but in terms of preparation of the C-108, it's not  
9 generally -- those are consultants that are making the  
10 applications.

11 I understand that perhaps the  
12 application should be in the name of Redwood, but I'll  
13 straighten that out. And I do know that one of the  
14 reasons that they need this wells -- and they're not  
15 commercial disposal wells -- is to somehow alleviate  
16 the problems with the non-producing wells that they  
17 have in the lease.

18 But I take your message. So we would  
19 ask that it be deferred and continued for at least six  
20 months and we can get straighten that out rather than  
21 outright dismissal.

22 HEARING EXAMINER HARWOOD: Wasn't the  
23 concern -- I think the principal concern -- and,  
24 Mr. Goetze, you step in -- but there are violations  
25 here that have not been cured. And I think that's the

1 core reason that these cases face dismissal and not  
2 just mere continuance.

3 You tell me, Mr. Goetze, if I've missed  
4 the mark on that.

5 TECHNICAL EXAMINER GOETZE: I agree  
6 with you, Mr. Harwood.

7 The concept here is that you're going  
8 to make an -- I mean I can't do anything with this. I  
9 can't even look at this application because I see no  
10 resolution of this operator not being in compliance.

11 I think it is the -- having already  
12 established a history of developing an ACOI and having  
13 wells that are not in compliance -- that this operator  
14 has to make an effort to demonstrate, either through  
15 getting its ACOI or bringing things back online, to  
16 demonstrate that our effort as the Division to go  
17 through and -- and award a -- a UIC permit, which is  
18 being contested, is valid.

19 So I mean this -- this operator needs  
20 to improve its position by being at least capable of  
21 the -- qualifying for a UIC permit under our rules.

22 HEARING EXAMINER HARWOOD: Mr. Padilla,  
23 I guess my suggestion would be that, you know, maybe  
24 to take the sting out of this for you is that you  
25 order a copy of at least this section of the

1 transcript and, you know, provide the Division's  
2 position word for word to your client on these two  
3 cases. Just a suggestion.

4 MR. PADILLA: That's fine, Mr. Harwood.

5 HEARING EXAMINER HARWOOD: Okay.

6 Anything else further from anyone on  
7 23572 and 23573?

8 All right. So the record will reflect  
9 that those cases will be dismissed. And Mr. Padilla  
10 will I guess go back to the drawing board with his  
11 clients to get all their ducks in a row before coming  
12 back to us with those cases.

13 Let's see. All right. So moving right  
14 along. Case no. 6 is -- docket no. 6 I should say is  
15 case no. 23578. Steward Energy II, LLC.

16 Entry of appearance for the applicant  
17 please.

18 MS. HARDY: Yes, Mr. Examiner. Dana  
19 Hardy with Hinkle Shanor on behalf Steward Energy.

20 HEARING EXAMINER HARWOOD: Thank you  
21 again, Ms. Hardy.

22 Entry of appearance for any other  
23 parties to this case.

24 MS. SHAHEEN: Good morning, everyone.  
25 Sharon Shaheen on behalf of the William K. Warren

1 Foundation.

2 HEARING EXAMINER HARWOOD: Thank you,  
3 Ms. Shaheen.

4 Anyone else for case no. 23578?

5 Hearing no one, I will turn it back  
6 over to you, Ms. Hardy.

7 MS. HARDY: Thank you, Mr. Examiner.

8 The parties are negotiating, but at  
9 this point I think it would be best to set a contested  
10 hearing date on the earliest-available docket, which  
11 it sounds like might be the October 5th docket.

12 HEARING EXAMINER HARWOOD: Okay.

13 Ms. Shaheen, did you want to chime in  
14 on that?

15 MS. SHAHEEN: I've spoken with  
16 Ms. Hardy and we agree that that seems like the best  
17 way to proceed at this point.

18 HEARING EXAMINER HARWOOD: All right.  
19 Well so then I guess we'll leave it to the two of you  
20 to submit whatever pleadings need to be submitted to  
21 make that happen.

22 MS. HARDY: Yes, Mr. Examiner. I will  
23 submit a motion for continuance. And then would you  
24 like us to submit a request for pre-hearing order? Or  
25 will one just be issued, setting dates for the

1 deadlines of submission of testimony?

2 MS. SALVIDREZ: Rip, this is Marlene.  
3 We will issue a pre-hearing order for October 5th of  
4 case 23578.

5 HEARING EXAMINER HARWOOD: Perfect.  
6 All right.

7 MS. HARDY: Thank you.

8 HEARING EXAMINER HARWOOD:  
9 Ms. Salvidrez, thank you for saving me on that  
10 question. Appreciate it. All right.

11 Okay. Anything further on 23578?

12 MS. HARDY: Not from me. Thank you.

13 HEARING EXAMINER HARWOOD: Thank you,  
14 all.

15 We have status conferences next in two  
16 cases I believe are consolidated. It's docket no. 7  
17 and 8, cases 23602 and 23603 -- COG Operating LLC.

18 May I have entry of appearance for the  
19 applicant please?

20 MS. HARDY: Mr. Examiner, Dana Hardy  
21 with Hinkle Shanor for COG Operating.

22 HEARING EXAMINER HARWOOD: Thank you,  
23 Ms. Hardy.

24 And entry of appearance for any other  
25 parties to these two cases.

1 MS. BENNETT: Good morning, everyone.  
2 Deana Bennett on behalf of Chevron USA Inc.

3 HEARING EXAMINER HARWOOD: Good  
4 morning, Ms. Bennett.

5 MS. BENNETT: Good morning.

6 HEARING EXAMINER HARWOOD: Anyone else?  
7 Any other parties to these two cases?

8 Entry of appearance for any interested  
9 persons in these two cases?

10 Ms. Hardy, I'll turn it back over to  
11 you.

12 MS. HARDY: Thank you, Mr. Examiner.  
13 These cases compete with applications that Chevron has  
14 filed in case nos. 23656 and 23657, which are set on  
15 the August 3rd docket. So I would propose that we set  
16 a contested hearing on the competing applications on  
17 it sounds like one of the October dockets.  
18 October 5th if possible.

19 HEARING EXAMINER HARWOOD: Ms. Bennett,  
20 thoughts?

21 MS. BENNETT: Thank you.

22 I agree that we should set these cases  
23 for an October docket, but I would request the  
24 October 19th docket simply because I'm out of the  
25 country from September 27th to October 4th and so

1 would be unavailable for the deadlines to submit the  
2 exhibits.

3 And also, one of our technical folks at  
4 Chevron is also out of the country during that same  
5 period. He unfortunately doesn't get back until  
6 October 12th, which makes the October 19th hearing a  
7 bit of a punch for us, but much better than the  
8 October 5th.

9 HEARING EXAMINER HARWOOD: Ms. Hardy,  
10 any objection to that?

11 MS. HARDY: We need to confirm that our  
12 witnesses are available on that docket because I  
13 hadn't consulted with them about the second docket in  
14 October. But assuming that they available then that  
15 will work for me.

16 HEARING EXAMINER HARWOOD:  
17 Ms. Salvidrez, will we issue a pre-hearing order than  
18 for October 19th and assuming that's okay with  
19 Ms. Hardy's witnesses?

20 MS. SALVIDREZ: Yes. The Division will  
21 issue an order for October 19th in cases 23602, 23603,  
22 23656, and 23657.

23 HEARING EXAMINER HARWOOD: Thank you  
24 very much.

25 And of course, Ms. Hardy, we'll expect

1 to hear from you if it turns your witnesses are not  
2 available on that date.

3 MS. HARDY: Thank you. I will let you  
4 know.

5 HEARING EXAMINER HARWOOD: Okay.  
6 Anything else then in cases 23602 and  
7 23603 -- that?

8 MS. HARDY: Not from me.

9 HEARING EXAMINER HARWOOD: Oh, thank  
10 you.

11 Let's move on then to items 9 and 10 on  
12 the agenda. Cases 23605, 23606. MCR Permian Company.

13 Entry of appearance --

14 MS. KNAPP: Sir? Sir?

15 HEARING EXAMINER HARWOOD: Entry of --

16 MS. KNAPP: Sir? Sir?

17 HEARING EXAMINER HARWOOD: I'm hearing  
18 noise --

19 MS. KNAPP: Sir?

20 HEARING EXAMINER HARWOOD: -- in the  
21 background.

22 MS. KNAPP: Yes. You are because I am  
23 noisy. I am asking about 23408.

24 HEARING EXAMINER HARWOOD: And can you  
25 identify yourself please? Who is speaking?

1 MS. KNAPP: My name is Anna Inez Hall  
2 Knapp. I'm a property owner and this application  
3 23408.

4 HEARING EXAMINER HARWOOD: Okay --

5 MR. BRUCE: Mr. Examiner, this is Jim  
6 Bruce representing Mewbourne. That case is about ten  
7 or twelve cases down the docket. Thank you.

8 MS. KNAPP: Okay.

9 HEARING EXAMINER HARWOOD: Okay.

10 MS. KNAPP: It's no. 6. It's no. 6 on  
11 what I'm looking at on the docket.

12 HEARING EXAMINER HARWOOD: Ma'am, you  
13 must have an old worksheet. The worksheet gets  
14 updated right up to the last minute in these hearings.

15 MS. KNAPP: Oh, I see.

16 HEARING EXAMINER HARWOOD: So why don't  
17 you -- if you can hold off your question until we call  
18 that case.

19 MS. KNAPP: That's fine.

20 HEARING EXAMINER HARWOOD: You know,  
21 we'll get to your concerns when we get to the case.  
22 How about that?

23 MS. KNAPP: Thank you.

24 HEARING EXAMINER HARWOOD: Yeah. You  
25 bet. Stay tuned.

1                   So let me have an entry of appearance  
2 for the applicant in 23605 and -606 please.

3                   MS. VANCE: Good morning, Mr. Hearing  
4 Examiner and all the hearing examiners that are online  
5 today. Paula Vance with the Santa Fe office of  
6 Holland & Hart on behalf of the applicant MRC Permian  
7 Company.

8                   HEARING EXAMINER HARWOOD: Thank you,  
9 Ms. Vance.

10                  And may I have entry of appearance for  
11 any other parties to those two cases?

12                  MS. BENNETT: Good morning again,  
13 everyone. Deana Bennet from Modrall Sperlring on  
14 behalf of Cimarex Energy Company.

15                  HEARING EXAMINER HARWOOD: Thank you,  
16 Ms. Bennett.

17                  Any other parties to those two cases?  
18 Any interested persons in those two  
19 cases?

20                  All right. Okay. Ms. Vance, I think  
21 you're the one -- I'm losing track here, but you are  
22 the attorney for the applicant. Right?

23                  MS. VANCE: That's correct,  
24 Mr. Harwood.

25                  HEARING EXAMINER HARWOOD: Then it's

1 back to you. Thank you.

2 MS. VANCE: Well we obviously filed the  
3 applications, but we're here to, you know, see what  
4 the next steps are if Cimarex entered an appearance  
5 and objection. We're not sure if they claiming on  
6 filing competing applications and, if so, we're just  
7 trying to figure out some timelines here.

8 If so, I think our preference would be  
9 to set another status conference so that the parties  
10 can continue to -- or start some discussions or have  
11 negotiations and see where we go from there.

12 HEARING EXAMINER HARWOOD: Ms. Bennett?

13 MS. BENNETT: Thank you.

14 I would agree with Ms. Vance that we  
15 should set this case to another status conference.  
16 That would give us all time to understand each other's  
17 positions and then come back to the Division with the  
18 more-fully-thought-out-next-steps discussion.

19 And that also, I understand that  
20 there's probably some time -- well hopefully, like,  
21 August -- the second docket in August we could set it  
22 for a status conference. I don't have that date right  
23 in front of me unfortunately, but I know that the  
24 August dates are full for contested hearings, but if  
25 that second date in August would work for a status

1 conference, that'll give the parties the time that  
2 they need.

3 And that's the time we need to  
4 understand each other's respective positions  
5 hopefully. I mean I'm not committing to that  
6 obviously, but hopefully.

7 HEARING EXAMINER HARWOOD: Okay,  
8 Ms. Bennett. I defer to the scheduling guru  
9 Ms. Salvidrez when it comes to setting matters on  
10 dockets.

11 So I guess at this point you file a  
12 request for a new status conference at the  
13 first-available date. And you'll be on the docket  
14 again for the first-available date.

15 Am I speaking out of turn,  
16 Ms. Salvidrez?

17 MS. SALVIDREZ: Well it depends if they  
18 want a scheduling order for August 17th or if they  
19 just want to file continuances for a status conference  
20 on August 17th.

21 MS. VANCE: Can I just interject here?  
22 One thing we'd like to try and more -- understand is  
23 if Cimarex plans on sending out proposals and filing  
24 competing applications. I think that that would also  
25 help in determining what we set in terms of the

1 timeframe for a status conference or compete a  
2 contested case.

3 So I don't know if that's something  
4 that Ms. Bennett has any information on or -- you  
5 know, I think it may help.

6 MS. BENNETT: Yeah. I understand where  
7 you're coming from, Ms. Vance. And unfortunately I  
8 don't have that information readily available at the  
9 moment, but that is something that I would endeavor to  
10 get to the bottom of between now and August 17th, if  
11 that's when we can set this for another status  
12 conference -- and before then obviously so that we  
13 could engage in fruitful discussions about next steps.  
14 But I just don't have that information this morning.

15 HEARING EXAMINER HARWOOD: Well it  
16 sounds to me like the two of you need to talk some  
17 more and then submit whatever you deem to be  
18 appropriate to get this back on OCD's radar screen in  
19 whatever way makes the most sense after you guys  
20 discuss this. Does that sound right?

21 MS. BENNETT: I just would like to  
22 confirm with Ms. Salvidrez that if we decide on a  
23 status conference for August 17th that we can go ahead  
24 and file a continuance to that date for a status  
25 conference if that's what we land on.

1 MS. SALVIDREZ: Yes. You may.

2 MS. BENNETT: Thank you.

3 HEARING EXAMINER HARWOOD: All right.

4 Great.

5 Anything else from anyone on 23605 and  
6 23606?

7 All right. Then we'll move on to --  
8 and I believe these cases are consolidated as well --  
9 correct me if I'm wrong, but 23614, -615, -616,  
10 and -617 -- Goodnight Midstream Permian, LLC.

11 Entry of appearance for the applicant  
12 in those four cases please.

13 MR. RANKIN: Good morning, Examiner  
14 Harwood. Adam Rankin appearing with the Santa Fe  
15 office of Holland & Hart on behalf of the applicant in  
16 each of those cases -- Goodnight Midstream Permian,  
17 LLC.

18 HEARING EXAMINER HARWOOD: Thank you,  
19 Mr. Rankin.

20 And entry of appearance for any other  
21 parties to those four cases?

22 MR. PADILLA: Mr. Examiner, Ernest L.  
23 Padilla for Empire New Mexico LLC.

24 HEARING EXAMINER HARWOOD: Good morning  
25 again, Mr. Padilla.

1                   Any other parties to those four cases?  
2                   Any interested persons in those four  
3 cases?

4                   Mr. Rankin, I'll turn it over to you.  
5 Give us the status on these four cases, if you would.

6                   MR. RANKIN: Thank you, Mr. Examiner.

7                   Goodnight Midstream has filed these  
8 four applications administratively, brought a notice  
9 to affected parties -- one being Empire. Empire has  
10 objected -- the only party who has a current objection  
11 to these four cases. And so we've asked that these  
12 cases be heard before a Division examiner at hearing.

13                   Goodnight has made some efforts to  
14 reach out to Empire, but understand that there's at  
15 least at this point no path forward towards a mutual  
16 resolution. So we have requested -- again -- that  
17 these be set for a hearing.

18                   I believe they could all be heard  
19 together. There are differences in location, but  
20 the -- as I understand, the objection is essentially  
21 the same.

22                   One other thing I would point out,  
23 Mr. Examiner -- and Mr. Goetze is likely very aware of  
24 this -- is that I think one of our previous cases that  
25 involves these same parties that was heard by the

1 Division could potentially help resolve the parties'  
2 positions, if the Division were -- I understand an  
3 order is sort of in the offing here, but if the  
4 Division were to issue an order in that other case,  
5 that may help settle out the parties' respective  
6 positions as to these four cases.

7 And so I just bring that to the  
8 Division's attention in light of the sort of  
9 similarity in issues among these cases and the prior  
10 case that was heard by the Division.

11 HEARING EXAMINER HARWOOD: Mr. Padilla?

12 MR. PADILLA: Well, Mr. Examiner, we  
13 need to go to hearing on this cases because Empire New  
14 Mexico LLC has very strong feelings about the  
15 propriety of these cases.

16 It's true that we had a lengthy hearing  
17 before in another application in the same area. It  
18 affects a waterflood project that Empire New Mexico  
19 LLC operates.

20 So I do have witness unavailable until  
21 September, but next-available hearing date would be in  
22 October. So we ask that it be set sometime in  
23 October.

24 HEARING EXAMINER HARWOOD: All right.

25 Questions from OCD on these cases?

1 All right. Oh, so we'll rely on the  
2 two of you I guess to file what needs to be filed to  
3 get these on an October docket.

4 MR. RANKIN: Mr. Examiner, this is Adam  
5 Rankin again. I do understand, as Mr. Garcia noted at  
6 the outset, that the next-available contested hearing  
7 date was not out until October.

8 And I don't know -- you know, however  
9 our principal witness is planning to retire after four  
10 years of work at the end of September. So I was going  
11 to ask, if at all possible, that we could target the  
12 September 21st date for a hearing, but it doesn't  
13 sound like that's possible. So if it's not then we'll  
14 take the earliest-available date in October.

15 HEARING EXAMINER HARWOOD:  
16 Ms. Salvidrez, you have any guidance on this?

17 MS. SALVIDREZ: We could do  
18 September 21st, if that's okay with everyone with  
19 Padilla Law Firm.

20 MR. PADILLA: That would be fine. I  
21 think I would just need to make sure that the  
22 expert -- and my understanding is that the expert will  
23 not be available until after August. So late  
24 September I think is acceptable.

25 MS. SALVIDREZ: Okay. So the Division

1 will issue a pre-hearing order for September 21st in  
2 cases 23614, 23615, 23616, and 23617.

3 MR. RANKIN: Thank you, Ms. Salvidrez.

4 One last question before we go -- and I  
5 don't know if Mr. Goetze can speak to it, but is there  
6 any indication or chance that we may have a resolution  
7 of our other case -- the Piazza, SWD case -- sometime  
8 in advance of this September 21st setting so that we  
9 may know the Division's position on this objection.  
10 It certainly would help I think the parties.

11 TECHNICAL EXAMINER GOETZE: Well to  
12 both Mr. Rankin and Mr. Padilla, we are moving along  
13 on our swift snail's pace to get those items out.  
14 Certainly this case represents something a little bit  
15 higher than a -- just a simple question. So yes. We  
16 will try to ramp it up, barring any other major  
17 setbacks.

18 Hopefully -- I promised you at the end  
19 of June, but we're now heading towards the end of  
20 July. I believe I have a director's interest in this.  
21 So we will certainly try to accommodate before the end  
22 of July with a final --

23 HEARING EXAMINER HARWOOD: Okay.

24 MR. RANKIN: Thank you. That would be  
25 very helpful. Thank you.

1 HEARING EXAMINER HARWOOD: Anything  
2 else from anyone in these four cases?

3 Hearing nothing, we will move on to our  
4 last status conference, which is item 15 on the  
5 agenda. It's case no. 23591 -- MR NM Operating, LLC.

6 May I have an entry of appearance for  
7 the applicant in that case?

8 MS. MCLEAN: Hi. Good morning. Jackie  
9 McLean with Hinkle Shanor on behalf of MR NM  
10 Operating.

11 MR. PADILLA: Mr. Examiner, Ernest L.  
12 Padilla on behalf of Judson Investment Corporation,  
13 Shumana Exploration LP, and Cliff Hale [ph]  
14 Investments LP.

15 And my clients have reached agreements  
16 with the applicant and signed a joint-operating  
17 agreement. Therefore we withdraw our objection to a  
18 hearing by affidavit.

19 HEARING EXAMINER HARWOOD: All right.  
20 Ms. McLean?

21 MS. MCLEAN: Yes, Mr. Examiner. So at  
22 this point due to that we'd like to move forward with  
23 a presentation by affidavit of the case today.

24 HEARING EXAMINER HARWOOD: Okay. All  
25 right.

1 I didn't ask if there were any other  
2 interested persons in this case. For the record, I  
3 need to establish that. So if there are any other  
4 interested persons in this case, would you please make  
5 it known?

6 Then I take it from your statement,  
7 Mr. Padilla, that there are no parties in this case  
8 that object to the case being presented by affidavit.

9 MR. PADILLA: No, Mr. Examiner. We  
10 believe that JOA was worked off between Monday and  
11 yesterday. And my clients tell me that they have  
12 signed the JOA and are forwarding it to the applicant.

13 So that ends our involvement, unless of  
14 course the applicant doesn't sign the JOA, but I doubt  
15 that's going to --

16 HEARING EXAMINER HARWOOD: All right.

17 All right. Then, Ms. Hardy [sic], at  
18 this point I guess I turn it back over to you. Have  
19 you filed exhibits in this case?

20 MS. MCLEAN: Yes. We filed exhibits on  
21 Friday, June 30th. And then we also filed amended  
22 Exhibits A4 and A6 yesterday, which show that  
23 Mr. Padilla's clients have been removed from pooling.

24 HEARING EXAMINER HARWOOD: Okay. All  
25 right. Well I will turn it back over to you then to

1 proceed on the merits.

2 MS. MCLEAN: Thank you, Mr. Examiner.

3 In case no. 23591, MR NM applies for an  
4 order pooling all uncommitted interest in the Abo  
5 Formation, underlying a 320-acre -- more or less --  
6 standard horizontal spacing unit comprised of the  
7 north half, south half of Sections 35 and 36, Township  
8 16 South, Range 27 East in Eddy County.

9 And the unit will be dedicated to the  
10 Buckskin Federal crom [sic] 2H well, which will be  
11 drilled for a surface hole location in the northwest  
12 quarter, southwest quarter of Section 35 to a bottom  
13 hole location in the northeast quarter, southeast  
14 quarter of Section 36.

15 And the exhibit packet submitted in  
16 case no. 23591 contains the compulsory pooling  
17 checklist. Then Exhibit A, which is the self-affirm  
18 statement of Blake Simmons. Mr. Simmons is the land  
19 manager at MR NM, obtained his JD from the University  
20 of Tulsa, and has 16 years of experience in petroleum  
21 land matters, focused on upstream oil and gas land  
22 management.

23 (23591 Exhibit A was marked for  
24 identification.)

25 We've also attached his CV as

1 Exhibit A1. And at this point I'd like to move for  
2 the admission of Mr. Simmons as an expert in petroleum  
3 land matters.

4 HEARING EXAMINER HARWOOD: Any  
5 objection, Mr. Padilla?

6 MR. PADILLA: No objection.

7 HEARING EXAMINER HARWOOD: Mm-hmm. So  
8 admitted.

9 MS. MCLEAN: Thank you.

10 Also attached to Exhibit A are the  
11 application and proposed notice, the C-102 of plot of  
12 tracts, tract ownership, the pooled parties, a sample  
13 well proposal letter and AFE, and a chronology of  
14 contact as well as, as I mentioned earlier, we have  
15 filed updated Exhibits A4 and A6 yesterday.

16 Next is Exhibit B, which is testimony  
17 from geologist Mary Grace Moran. Ms. Moran has a  
18 master of science from Texas Christian University and  
19 a bachelor of science from LSU. She has two and a  
20 half years of experience in petroleum geology matters  
21 and has focus on the northwest shelf in Eddy County,  
22 New Mexico.

23 (23591 Exhibit B was marked for  
24 identification.)

25 Ms. Moran's resume is attached as

1 Exhibit 1 to her testimony. And I'd also like to move  
2 for the admission of Ms. Moran as an expert in  
3 petroleum geology matters.

4 HEARING EXAMINER HARWOOD: Mr. Padilla?

5 MR. PADILLA: No objection.

6 HEARING EXAMINER HARWOOD: All right.

7 She'll be so recognized.

8 MS. SALVIDREZ: Thank you,  
9 Mr. Examiner.

10 Also attached to Ms. Moran's geology  
11 testimony are Exhibits B2 through B5, which are a  
12 location map, subsea structure map, structural  
13 cross-section, and a gun-barrel proposed development  
14 plan.

15 Finally, we have Exhibit C, which is a  
16 self-affirmed statement of my partner Dana Hardy. And  
17 attached to Exhibit C are the sample notice letter,  
18 which was sent to all interested parties, a chart of  
19 notice, which shows the date the notice letter was  
20 sent, the date we received the returns as well copies  
21 of certified mail receipts and the returns. And then  
22 finally, an affidavit of publication that shows that  
23 we timely published on June 14, 2023.

24 (23591 Exhibit C was marked for  
25 identification.)

1                   And with that, I ask that Exhibits A,  
2 B, and C be admitted into the record in case no. 23591  
3 and that case no. 23591 be taken under advisement.  
4 And if you have any questions, I'm happy to answer  
5 them.

6                   HEARING EXAMINER HARWOOD: All right.  
7                   No objections I take it to the  
8 admission of these exhibits, Mr. Padilla?

9                   MR. PADILLA: That's correct,  
10 Mr. Examiner.

11                   HEARING EXAMINER HARWOOD: Exhibits A,  
12 B, and C, including all subparts, will be admitted  
13 into the record.

14                   (23591 Exhibit A, Exhibit B, and  
15 Exhibit C were received into evidence.)  
16 Do you have any questions for the  
17 applicant, Mr. Padilla?

18                   MR. PADILLA: None.

19                   HEARING EXAMINER HARWOOD: OCD  
20 examiners, I turn it over to you all for questions.

21                   TECHNICAL EXAMINER HARRISON: No  
22 questions from me.

23                   TECHNICAL EXAMINER GEBREMICHAEL: No  
24 questions here as well.

25                   HEARING EXAMINER HARWOOD: Okay. Then

1 all right. Let me get to this page.

2 Case no. 23591 will be taken under  
3 advisement.

4 Thank you for the presentation,  
5 Ms. McLean.

6 MS. MCLEAN: Yes. Thank you,  
7 Mr. Examiner.

8 HEARING EXAMINER HARWOOD: Anything  
9 further on 23591?

10 All right. And we'd been going for  
11 about an hour. If there's anyone who needs to take a  
12 break, this might be a good time for a five-minute  
13 break. In fact why don't we just do that? Let's  
14 reconvene at 11:15. I'm sorry. Let's see. That will  
15 be 9:15 your time. I happen to be in Maine so I  
16 didn't have to get up as early as you all. And we'll  
17 be back at 11:15 -- 9:15.

18 (Off the record.)

19 HEARING EXAMINER HARWOOD: Are we back  
20 on the record, Ms. Fulton?

21 THE REPORTER: We're now back on the  
22 record.

23 HEARING EXAMINER HARWOOD: Thank you  
24 very much.

25 All right. Let's see. That brings us

1 to item nos. 16 through 18 on today's docket -- cases  
2 22912, 22989, 22991. I believe those are  
3 consolidated -- correct me if I'm wrong.

4 And let me have an entry of appearance  
5 for the applicant please.

6 MR. FELDEWERT: Good morning, Division  
7 examiners. Michael Feldewert with Santa Fe office of  
8 Holland & Hart. I did look at the case files and I  
9 thought it made sense to do case 22912 as a standalone  
10 matter and then I can consolidate the presentation for  
11 the two remaining cases.

12 HEARING EXAMINER HARWOOD: Okay. Fair  
13 enough, Mr. Feldewert.

14 Let me backtrack then and we'll call  
15 item no. 16 only -- case no. 22912. Matador  
16 Production Company.

17 Can I have entry of appearance for any  
18 other parties in case 22912?

19 MS. RYAN: Good morning, Mr. Examiner.  
20 This is Beth Ryan on behalf of COG Operating LLC and  
21 Concho Oil & Gas LLC. We have no objection to this  
22 case proceeding.

23 HEARING EXAMINER HARWOOD: Okay. Thank  
24 you.

25 Any other parties to case 22912?

1 MR. BRUCE: Mr. Examiner, Jim Bruce  
2 representing Mewbourne Oil -- no objection to the  
3 matter proceeding by affidavit.

4 HEARING EXAMINER HARWOOD: Thank you,  
5 Mr. Bruce.

6 Any other parties to this case 22912?  
7 Any other interested persons in  
8 case 22912?

9 Mr. Feldewert, take it away.

10 MR. FELDEWERT: Yeah.

11 Division examiners, in this case, the  
12 applicant seeks to pool a standard 390.36-acre spacing  
13 unit in the Bone Spring Formation underlying what is  
14 essentially the north half of the south equivalent of  
15 irregular sections in Eddy County for two initial  
16 wells that will be 2 and a half miles long.

17 I think if you look at the exhibit  
18 package for case 22912 and you flip to Exhibit C4 --  
19 C4 -- it provides a good depiction of the challenging  
20 acreage that Matador was dealing in this case. And  
21 you'll see case 22912 towards the bottom, in which  
22 you'll see identification of the two initial wells,  
23 which is the 115H and the 125H.

24 What you'll see is that this acreage  
25 that they seek to pool here essentially is the north

1 half of the south half equivalent of these irregular  
2 sections that, first off, are kind of jagged and,  
3 secondly, comprise some lots. So it will be a  
4 standard spacing unit that they seek here.

5 And I will note that the Division has  
6 approved that south half south half equivalent spacing  
7 unit under case 22913 that you see at the bottom of  
8 this exhibit. And that was done for the Bone Spring  
9 Formation under Division order 22668.

10 Second thing I want to note before we  
11 get into the exhibits in more detail is that the  
12 company no longer requires Division approval of the  
13 overlapping horizontal well spacing unit that it seeks  
14 to create here today.

15 The land affidavit notes that all  
16 affected working interest owners, as well as the BOM  
17 and the State Land Office were notified of the  
18 proposed overlapping spacing unit here and no one has  
19 objected to this development plan.

20 So all we need is the same relief  
21 sought and obtained under ordered R22668, which is the  
22 pooling of this rather unusual spacing unit.

23 So we have divided with you -- or in  
24 the packet under Exhibit A the compulsory pooling  
25 checklist for this case. Exhibit B is the

1 application. And then Exhibit C starts with the land  
2 affidavit for Mr. Wooten, who has previously testified  
3 before the Division.

4 (22912 Exhibit A, Exhibit B, and  
5 Exhibit C were marked for  
6 identification.)

7 Exhibit C1, of interest perhaps, is the  
8 depiction of the acreage along with the existing  
9 standup spacing units that are operated by our good  
10 friends over at COG.

11 And Exhibit C2 is the letter under  
12 which notice was provided to all of the effective  
13 working interest owners and to which there has been no  
14 objection.

15 Exhibit C3 is the C-102s for the two  
16 initial proposed wells -- the 115H and then the 125H.  
17 Exhibit C4 is what we just looked at. And then  
18 Exhibit C5 is the tract map, showing the various types  
19 of acreage that's involved here -- state and fed --  
20 with their different tracts. And then Exhibit C6 is a  
21 list of the working interest owners that remain to be  
22 pooled, where their interest is located, and their  
23 percentage interest.

24 In addition to these three working  
25 interest owners, the company also seeks to pool a

1 group of overriding royalty interest owners that are  
2 identified on Exhibit C7. Exhibit C8 is the well  
3 proposal letters and there's more than one in this  
4 exhibit package that went out to the working interest  
5 owners, apprising them of the development plan.

6 You'll see that this started in  
7 November of 2021. Since then, there has been  
8 discussions about additional changes to the  
9 development plan that are reflected in the subsequent  
10 letters that were sent out by the company in  
11 Exhibit C8 and that then also contains the AFEs for  
12 these wells that are testified to by the landman in  
13 his affidavit.

14 And finally, Exhibit C9 is the summary  
15 of communications with the working interest owners  
16 that the company seeks to pool.

17 Exhibit D is the affidavit of geologist  
18 Andrew Parker, who's also previously testified for the  
19 Division. D1 gives you a good picture of roughly  
20 where this acreage is located down there in Eddy  
21 County. And Exhibit D2 is the structure map showing  
22 roughly the depiction of all of the wells in the  
23 various cases that the company seeks to pool in these  
24 matters along with a cross-section.

25 //

1 (22912 Exhibit D was marked for  
2 identification.)

3 You will see this same exhibits in the  
4 packages for the other two cases that we will be  
5 presenting here today and it was the same exhibits  
6 that were used for the cases that the Division  
7 previously examined and approved, involving the  
8 acreage in this general acreage.

9 And then the Exhibit D3 is the  
10 structural cross-section map from A to A Prime. This  
11 case involves the wells 115H and 125H. And you'll see  
12 that their locations or target intervals are  
13 identified on this map in yellow.

14 Exhibit E is then our affidavit of  
15 notice to the parties that are affected by this  
16 application. Most of the people, including the  
17 overrides, actually received the application that is  
18 reflected on the -- but because there was at least  
19 one -- there was an overriding royalty interest owner  
20 where they seemed to reject it or do something.

21 (22912 Exhibit E was marked for  
22 identification.)

23 There was an affidavit of publication  
24 timely presented in the Carlsbad Current-Angus [sic].  
25 And that is our Exhibit F as in Frank.

1 (22912 Exhibit F was marked for  
2 identification.)

3 So with that, we would ask that this  
4 matter be taken under advisement and that Exhibits A  
5 through F with the sub-exhibits be entered into the  
6 record.

7 HEARING EXAMINER HARWOOD: Okay,  
8 Mr. Feldewert.

9 Any objections from other parties to  
10 Matador's exhibits?

11 MS. RYAN: No objection.

12 HEARING EXAMINER HARWOOD: Matador's  
13 Exhibits A through F, including subparts, will be  
14 admitted.

15 (22912 Exhibit A through Exhibit F were  
16 received into evidence.)

17 Any questions from other parties  
18 concerning Matador's application?

19 Questions from OCD?

20 TECHNICAL EXAMINER GARCIA: Good  
21 morning, Mr. Feldewert.

22 MR. FELDEWERT: Good morning.

23 TECHNICAL EXAMINER GARCIA: Can you do  
24 me a favor and ensure case 22912 -- just the full  
25 newspaper affidavit got imaged? I'm not sure if it

1 got cut off or not.

2 HEARING EXAMINER HARWOOD: What's that  
3 now?

4 TECHNICAL EXAMINER GARCIA: The  
5 newspaper affidavit.

6 Can you make sure it all got imaged?  
7 I'm not sure if it got off at -- off at all.

8 HEARING EXAMINER HARWOOD: Hmm.

9 MS. KNAPP: Okay.

10 TECHNICAL EXAMINER GARCIA: The --

11 MS. KNAPP: So -- the bill?

12 TECHNICAL EXAMINER GARCIA: Marlene,  
13 can we mute call-in user 13?

14 MR. FELDEWERT: Oh, I see, Mr. Garcia.  
15 It looks like while it has the case number on there  
16 and all the parties to whom it was directed, it looks  
17 like perhaps that the last page did get cut off. I'll  
18 take care of that.

19 TECHNICAL EXAMINER GARCIA: Yeah. If  
20 you could just get that in soon.

21 MR. FELDEWERT: Yeah.

22 TECHNICAL EXAMINER GARCIA: That's all  
23 my questions.

24 MR. FELDEWERT: Okay.

25 HEARING EXAMINER HARWOOD: Questions

1 from any other OCD examiners in this case no. 22912?

2 All right. Then the case 22912 will be  
3 taken under advisement.

4 Thank you for the presentation,  
5 Mr. Feldewert.

6 And with that, I guess we'll be right  
7 back to you, Mr. Feldewert. We'll call case no. 22989  
8 and 22991. And if you'd please enter your appearance  
9 in those cases.

10 MR. FELDEWERT: Sure. Michael  
11 Feldewert with Santa Fe office of Holland & Hart  
12 appearing on behalf of the applicant in these two  
13 matters.

14 HEARING EXAMINER HARWOOD: And may I  
15 have entry of appearance for any other parties to  
16 these two cases?

17 MS. RYAN: Yes. This is Beth Ryan with  
18 COG Operating LLC and Concho Oil & Gas LLC. We have  
19 no objections for this case moving forward.

20 HEARING EXAMINER HARWOOD: Thank you,  
21 Ms. Ryan.

22 Any other parties to these two cases?

23 MR. BRUCE: Mr. Examiner, Jim Bruce  
24 representing Mewbourne Oil Company in each case. And  
25 Mewbourne has no objection to the cases proceeding by

1 affidavit.

2 HEARING EXAMINER HARWOOD: Thank you,  
3 Mr. Bruce.

4 Any other interested persons in these  
5 cases?

6 All right. Then, Mr. Feldewert, I'll  
7 return the floor to you.

8 MR. FELDEWERT: Thank you.

9 The exhibit package for these two cases  
10 is -- well it's structured the same way. I mean  
11 obviously there may be some different parties  
12 involved, but the exhibit packages are structured the  
13 same way.

14 So I'm going to refer in the  
15 presentation to the exhibits in case 22989, but the  
16 exhibits in 22911 follow the same format.

17 And in both of these cases -- and the  
18 reason that they're consolidated is that the company  
19 seeks approval of non-standard spacing units in the  
20 Bone Spring Formation and then the pooling of the  
21 remaining uncommitted interest owners in these  
22 non-standard units.

23 If we go back to that familiar  
24 Exhibit C4, these two cases involve the acreage to the  
25 north. So in other words, at the top of this

1 particular plat.

2           And you'll see when you look at that,  
3 both in case 22989 and case 22991, you'll see that  
4 what's unusual out here is there's a series of lots --  
5 multiple lots -- 1 through 16 -- that are involved in  
6 sections 1 and 2 and then lots 3 and 4, 5 and 6, 11  
7 and 12 and 13 and 14 in Section 6 in these two cases,  
8 which presented somewhat of a challenge in trying to  
9 put this together, which is why the company proceeded  
10 to do non-standard spacing units in the Bone Spring  
11 Formation in this area.

12           And you'll see that, for example,  
13 case 22989, when you put all those lots together, they  
14 essentially comprise the north half north half  
15 equivalent of sections 1 and 2 and then the north half  
16 of the northwest quarter equivalent of adjacent  
17 Section 6.

18           And then 22291 does the same thing for  
19 what would be the south half north half equivalent and  
20 then the south east [sic] northwest quarter  
21 equivalent.

22           I will say that -- and it may be  
23 helpful -- is that identical spacing units were sought  
24 and approved by the Division for the Wolfcamp  
25 Formation for this acreage. The north half north half

1 acreage, it was case 22990, involving R22650. And  
2 then the south half north half equivalent acreage was  
3 case 22992 and it was order R22654. So they might be  
4 helpful in putting the orders together.

5           Again, Division approval is not  
6 required for the overlapping spacing units because  
7 under the land affidavit and is referenced to  
8 Exhibits C1 and C2, you'll see that all this  
9 development plan in both cases were presented to the  
10 owners in the overlapping spacing units and nobody  
11 objects to this development plan that's presented in  
12 these two cases.

13           So as we saw in the prior case,  
14 Exhibit A in each matter is the compulsory pooling  
15 checklist. Exhibit B in each matter is the  
16 application.

17                       (22989 Exhibit A and Exhibit B and  
18                       22991 Exhibit A and Exhibit B were  
19                       marked for identification.)

20           Exhibit C is the land affidavit from  
21 the same individual Mr. Wooten, who has previously  
22 testified before the Division and in addition to C1  
23 and C2, which we just reviewed, Exhibit C3 contains a  
24 numerical order for each case. I believe there are  
25 five wells that are going to be initially proposed for

1 each of these non-standard spacing units.

2 (22989 Exhibit C and 22991 Exhibit C  
3 were marked for identification.)

4 Exhibit C5 -- passing C4, which we've  
5 already reviewed. Exhibit 5 is the tract map for each  
6 case, identifying the state and federal tracts that  
7 are involved here.

8 Exhibit C6 in each case identifies the  
9 uncommitted working interest owners that the company  
10 seeks to pool. And then Exhibit C7 in each case  
11 identifies again a list of overriding royalty interest  
12 owners in the acreage that the company seeks to pool.

13 Exhibit C8 is the well proposal  
14 letters -- there's more than one -- that began in  
15 November of 2021 and continued subsequently,  
16 identifying the development plan and providing the  
17 AFEs for the proposed wells.

18 Exhibit C9 in both cases is the summary  
19 of communications with the parties that the company  
20 seeks to pool. And then Exhibit C10 is the additional  
21 exhibit for these two cases that identifies the  
22 acreage that we seek to pool and use to form a  
23 non-standard spacing, but more importantly identifies  
24 the tracts that surround that proposed non-standard  
25 spacing unit and provides a list of the parties that

1 are affected by the proposed non-standard spacing unit  
2 in each case.

3 Exhibit D is again the affidavit of  
4 Andrew Parker, who's a geologist. It provides the  
5 same exhibits that we had seen in the other matters  
6 that have been presented to the Division, and that  
7 being D1, a location map; D2, a structure map showing  
8 this area; and then D3, identification of the -- a  
9 structural cross-section -- A to A Prime -- that  
10 identifies the target for each of the proposed initial  
11 wells.

12 (22989 Exhibit D and 22991 Exhibit D  
13 were marked for identification.)

14 Exhibit E is our affidavit of notice to  
15 the parties that we seek to pool as well as the  
16 parties that are affected by the non-standard spacing  
17 unit request. And again, it reflects that most of  
18 them received it. There are a few that did not -- I  
19 think primarily override owners.

20 (22989 Exhibit E and 22991 Exhibit E  
21 were marked for identification.)

22 Exhibit F again is the affidavit of  
23 publication timely filed.

24 (22989 Exhibit F and 22991 Exhibit F  
25 were marked for identification.)

1                   And I believe, Mr. Garcia, the last  
2 page has not been cut off. So they should be complete  
3 in each case.

4                   So with that, we ask that Exhibits A  
5 through F be admitted into the record and that both of  
6 these matters be taken under advisement.

7                   HEARING EXAMINER HARWOOD: Thank you,  
8 Mr. Feldewert.

9                   Any objections to the admission of  
10 Matador's exhibits?

11                   MS. RYAN: No objection.

12                   MR. BRUCE: No, sir.

13                   HEARING EXAMINER HARWOOD: Exhibits A  
14 through F in these two cases will be admitted into the  
15 record.

16                   (22989 Exhibit A through Exhibit F and  
17 22991 Exhibit A through Exhibit F  
18 were received into evidence.)

19                   HEARING EXAMINER HARWOOD: Questions  
20 from you, Ms. Ryan, about Mr. Feldewert's  
21 presentation?

22                   MS. RYAN: Thank you.

23                   HEARING EXAMINER HARWOOD: Mr. Bruce?

24                   MR. BRUCE: No, sir.

25                   HEARING EXAMINER HARWOOD: OCD, your --

1 TECHNICAL EXAMINER GARCIA: No  
2 questions.

3 HEARING EXAMINER HARWOOD: Okay.

4 Anyone else from OCD to ask? There's  
5 several folks present.

6 That was you. Right, Mr. Garcia?

7 TECHNICAL EXAMINER GARCIA: It was me.  
8 I had no questions.

9 HEARING EXAMINER HARWOOD: Okay. All  
10 right.

11 Well then hearing nothing else and no  
12 further questions, cases 22989 and 22991 will be taken  
13 under advisement.

14 MR. FELDEWERT: Thank you.

15 HEARING EXAMINER HARWOOD: And that  
16 brings us to item nos. 19 and 20 on the agenda --  
17 cases 23408 and 23446.

18 May I have an entry of appearance for  
19 the applicant in those cases?

20 MR. BRUCE: Mr. Examiner, Jim Bruce  
21 representing Mewbourne. Two things. The cases should  
22 be heard separately. Different lands are involved and  
23 different formations. And this first case -- 23408 --  
24 is the case that lady called in about earlier today.

25 HEARING EXAMINER HARWOOD: Oh, okay.

1 Good. All right. Thanks for that reminder,  
2 Mr. Bruce.

3 So we'll just call -- for now, we'll  
4 call case no. 23408. Let me have an entry of  
5 appearance for any other parties in case 23408.

6 All right. And now, let me have an  
7 identification of any persons who are interested in  
8 case 23408.

9 Does anyone remember the call-in number  
10 for the lady that made the announcement earlier in the  
11 hearing?

12 MS. SALVIDREZ: Rip, let me give her a  
13 minute. She was caller ten then she changed to  
14 thirteen. I had to mute her. And I could not unmute  
15 her. So she -- she's off the panel. She should call  
16 in. Let's give her a minute.

17 HEARING EXAMINER HARWOOD: Okay.  
18 That's fine. All right.

19 I'm thinking maybe it would make sense  
20 to come back to 23408 while we wait for caller no. 13  
21 to come back into the case. We could proceed with  
22 23446 and come back to 23408. Does that sound like a  
23 good use of time to you, Mr. Bruce?

24 MR. BRUCE: Yes.

25 HEARING EXAMINER HARWOOD: Why don't we

1 come back to 23408 and we'll proceed with 23446 --  
2 item no. 20 on the agenda. Mewbourne Oil Company.

3 Mr. Bruce, I'll take your -- I've got  
4 your entry of appearance in that case already.

5 Are there other parties to 23446?

6 Okay. Are there any interested persons  
7 in case 23446?

8 All right. Mr. Bruce, you can take it  
9 away in case 23446 please.

10 MR. BRUCE: Yes, sir. Mr. Examiner,  
11 I've filed two packages of exhibits -- the first one,  
12 which is filed a few months ago, basically contains  
13 the application, the landman's affidavit, and the  
14 geologist's affidavit in this case.

15 Mewbourne seeks to force pool the Bone  
16 Spring Formation underlying a horizontal spacing unit  
17 comprised of the northwest quarter of Section 14 and  
18 the west half of Section 11 of Township 26 South,  
19 Range 29 East in Eddy County.

20 I would note -- let me make sure --  
21 that not only do we seek the pooling of this tract,  
22 but Mewbourne seeks approval of a non-standard spacing  
23 and proration unit. The well names are the Fuller  
24 1411 [sic] second Bone Spring wells -- that is the  
25 application. Exhibit 1.

1 (23446 Exhibit 1 was marked for  
2 identification.)

3 Exhibit 2 is the landman's affidavit,  
4 describing what they seek. Contains usual  
5 information. Tracts, tract maps showing the lands  
6 involved and the leases involved. This is all federal  
7 land.

8 (23446 Exhibit 2 was marked for  
9 identification.)

10 The parties being pooled -- there are  
11 two working interest owners being pooled, both are  
12 whom are unlocatable. Mewbourne has attempted to  
13 locate these parties for years now and I've notified  
14 them numerous times of hearings and the mailings  
15 always come back from multiple addresses.

16 Mewbourne also seeks to force pool some  
17 record title owners -- and I'll get to that in the  
18 notice materials. And again, seeks the NSP. This  
19 matter concerns the NSP in the Bone Spring Formation.

20 The landman's affidavit contains the  
21 tract maps, the interest ownership, sample copy of the  
22 proposal letter, and the authorization for expenditure  
23 for each lease, which are -- the AFEs are fair and  
24 reasonable for wells of this type in this area of Eddy  
25 County. They of course seek a risk charge of cost

1 plus 200 percent. They seek overhead rates of 8,000 a  
2 month for drilling a well, 800 a month for a producing  
3 well.

4 I would also note that Exhibit 2E is a  
5 plat showing the offsets for notice for the  
6 non-standard spacing and proration unit. The only two  
7 parties involved are Mewbourne as an operator and COG  
8 Operating as an offset owner.

9 Exhibit 3 is the geologist's affidavit.  
10 Contains the usual cross-section. I would note that  
11 all of the Bone Spring wells in this area are stand-up  
12 wells. And so that is the preferred orientation in  
13 this area.

14 (23446 Exhibit 3 was marked for  
15 identification.)

16 There's also a gross sand isopach --  
17 Attachment B. Attachment C is a cross-section. They  
18 all show that the second Bone Spring sand -- the lower  
19 second Bone Spring sand is continuous and  
20 approximately equal thickness across the well unit.

21 And the horizontal drilling is the  
22 proper way to drill this and each quarter quarter-  
23 section in the well unit will contribute more or less  
24 equally to production. There's also a Bone Spring  
25 production map, showing this is a pretty good area and

1 all the wells are stand-up wells in this area.

2 Exhibit 4 is my notice affidavit  
3 regarding to whom notice was given. From the  
4 attachment -- the notice letter -- you can see that  
5 New Energy Oil and Gas Inc. and Carbon Techs --  
6 T-E-C-H-S -- Energy are the two working interest  
7 owners being pooled.

8 (23446 Exhibit 4 was marked for  
9 identification.)

10 Also, there are several record title  
11 owners being pooled. They don't own an working  
12 interest, but they're being pooled so that the federal  
13 government will issue a "communitization" agreement on  
14 this land.

15 The only offset operator notified was  
16 COG Operating and they received actual notice. Actual  
17 notice was also given to the Bureau of Land Management  
18 and the Commissioner of Public Lands, as required by  
19 Division rules. And they received actual notice.

20 Exhibit 5 is a notice -- affidavit of  
21 publication showing that all of the parties being  
22 pooled were notified by publication. So even if I did  
23 not receive a green card back from them, they did have  
24 actual notice.

25 //

1 (23446 Exhibit 5 was marked for  
2 identification.)

3 And Exhibit 6 contains the pooling  
4 checklist. I hope I got it right this time.

5 (23446 Exhibit 6 was marked for  
6 identification.)

7 And Exhibit 7 is the certified notice  
8 spreadsheet, showing who received actual notice.

9 (23446 Exhibit 7 was marked for  
10 identification.)

11 With that, I would move the admission  
12 of Exhibits 1 through 7 and ask that the matter be  
13 taken under advisement. Thank you.

14 HEARING EXAMINER HARWOOD: Thank you,  
15 Mr. Bruce.

16 I don't think anybody chimed in in  
17 terms of other parties. Are there any objections to  
18 the admission of Exhibits 1 through 7?

19 Exhibits 1 through 7 will be admitted.

20 (23446 Exhibit 1 through 7 were  
21 received into evidence.)

22 Are there questions from any other  
23 parties, if any, or interested persons in case 23446?

24 I will turn it over to questions from  
25 any examiners with OCD.

1 TECHNICAL EXAMINER GARCIA: No  
2 questions.

3 HEARING EXAMINER HARWOOD: Okay.  
4 Mr. Garcia, that was you. Right?

5 TECHNICAL EXAMINER GARCIA: Correct.

6 HEARING EXAMINER HARWOOD: Questions  
7 from any other OCD examiners on case 23446?

8 All right. Well, Mr. Bruce, it sounds  
9 like -- I'm not going to say that this is a record or  
10 anything, but it sounds like maybe you did get it  
11 right on this one.

12 MR. BRUCE: It is a record.

13 HEARING EXAMINER HARWOOD: All right.  
14 Good.

15 So case 23446 will be taken under  
16 advisement.

17 I need to move backwards on our docket,  
18 but let me ask you, Ms. Salvidrez, do we have the  
19 person on the line for 23408?

20 MS. SALVIDREZ: I don't think so. I  
21 have a call on user 11, but I do not think that is  
22 her. So I mean we can see if she's here.

23 HEARING EXAMINER HARWOOD: Well let's  
24 call case no. 23408 -- item 19.

25 Mr. Bruce, you've entered your

1 appearance on that case.

2 Are there any other parties to  
3 case 23408?

4 Are there any interested persons in  
5 case no. 23408?

6 All right. Yeah. You know, for the  
7 record, we did have a person that identified  
8 themselves earlier. And I think we explained if they  
9 would just please wait until we call that case. It  
10 doesn't seem that those persons are present at this  
11 time.

12 So, Mr. Bruce, why don't you go ahead  
13 with your presentation?

14 And, Ms. Salvidrez, if this lady calls  
15 in during the presentation, let us know. And we'll  
16 give her a chance to, you know, ask any questions she  
17 wants. Otherwise, we'll just proceed with this case.

18 Mr. Bruce?

19 MR. BRUCE: Thank you.

20 I've submitted an exhibit package.  
21 Exhibit 1, the application and proposed notice. In  
22 this case, Mewbourne seeks to pool mineral interest  
23 owners in the Bone Spring Formation underlying the  
24 northeast quarter of Section 33, the east half of  
25 Section 28, and the east half of Section 21 in 19

1 South 25 -- 35 East in Lea County. The unit is a  
2 non-standard spacing and proration unit, containing  
3 800 acres.

4 (23408 Exhibit 1 was marked for  
5 identification.)

6 I did request a non-standard spacing  
7 and proration unit, but I didn't have sufficient  
8 notice materials. So I ask that that portion -- just  
9 the NSP portion -- of the application be dismissed.  
10 And just for the issuance of a pooling order. We will  
11 take care of the NSP administratively.

12 The wells involved are the Charolais  
13 33/21 first Bone Spring wells. The wells are  
14 identified in Exhibit 1.

15 Exhibit 2 is the landman's affidavit,  
16 talking about the well units and the wells involved.  
17 There is no depth severance in the Bone Spring  
18 Formation. The affidavit contains the usual  
19 information.

20 (23408 Exhibit 2 was marked for  
21 identification.)

22 And let me say something for the  
23 record. Attachment A contains land plats and C-102s,  
24 but if you go through Exhibit 2, Attachment B, it  
25 shows a tract map. And if you turn to the second page

1 of Attachment B, it describes the type of leases  
2 involved.

3 And the woman who did call in, I'm only  
4 seeking to force pool WPX -- or Mewbourne is -- WPX  
5 Energy Permian and Devon Energy Production Company.  
6 And there are numerous fee leases. I'm presuming she  
7 is a lessor of one of the fee leases, but we are not  
8 seeking to pool any individual -- just two companies  
9 in this matter. So I'm not quite certain what the  
10 situation is.

11 But Attachment B also shows the  
12 interest owners that's involved. There are quite a  
13 few fee tracts and a number of lessees involved who  
14 have signed a JOA. And so all of those are denoted as  
15 Mewbourne Oil Company, et al.

16 And Attachment C shows the  
17 communications with the two parties being pooled and  
18 it's been going on for about six months now. So  
19 there's been plenty of contacts between the parties.

20 Exhibit -- there's the proposal letter  
21 and Attachment D contains the AFEs, which are stated  
22 to be fair and reasonable.

23 Exhibit 3 is the affidavit of the  
24 geologist Jordan Carrell and he has provided usual  
25 structure map and cross-sections showing that the zone

1 being tested, which is the first Bone Spring, is  
2 uniform across the well unit and that he states that  
3 the target zones are continuous in each quarter  
4 quarter section in the well unit should contribute  
5 more or less equally to production.

6 (23408 Exhibit 3 was marked for  
7 identification.)

8 Exhibit 4 is my affidavit of notice.  
9 Originally, Mewbourne sought to force pool a couple of  
10 additional companies, but at this point only Devon and  
11 WPX are being pooled. They all received certified  
12 notice and returned green cards, which is keynoted on  
13 Exhibit 5 -- the spreadsheet.

14 (23408 Exhibit 4 and Exhibit 5 were  
15 marked for identification.)

16 Also, all parties were given notice by  
17 publication, which is Exhibit 6 -- the affidavit of  
18 publication. And Exhibit 7 is the pooling checklist.

19 (23408 Exhibit 6 and Exhibit 7 were  
20 marked for identification.)

21 I think everything that is normally  
22 presented is in this package and I would move the  
23 admission of Exhibits 1 through 7 and ask that the  
24 case be taken under advisement.

25 HEARING EXAMINER HARWOOD: Thank you,

1 Mr. Bruce. Exhibits 1 through 7, including subparts,  
2 will be admitted into the record.

3 (23408 Exhibit 1 through Exhibit 7 were  
4 received into evidence.)

5 Ms. Salvidrez, did we ever reestablish  
6 connection with this interested person?

7 MS. SALVIDREZ: I do not see another  
8 call-in user.

9 HEARING EXAMINER HARWOOD: Okay. Well  
10 it's evident from the record that she had notice of  
11 the hearing and was advised to stay on the line until  
12 we called this case. So that hasn't happened.

13 At this point let me ask if there are  
14 any questions from OCD on this case.

15 TECHNICAL EXAMINER GARCIA: John  
16 Garcia. No questions.

17 HEARING EXAMINER HARWOOD: Thank you,  
18 Mr. Garcia.

19 Anybody else from OCD?

20 All right. We will take case no. 23408  
21 under advisement, which brings us to the next matter.

22 Thank you, Mr. Bruce, by the way.

23 So let's see. Where are we? Okay.

24 Item no. 20 is case no. 23446 -- Mewbourne Oil  
25 Company -- I'm sorry. We just heard that. Well we're

1 on item no. 21, which is case no. 23506 -- Petrogulf  
2 Corporation.

3 May I have an entry of appearance for  
4 the applicant in that case?

5 MS. BENNETT: Good morning, everyone.  
6 Deana Bennett from Modrall Sperling on behalf of  
7 Petrogulf Corporation.

8 HEARING EXAMINER HARWOOD: Okay. Thank  
9 you, Ms. Bennett.

10 Entry of appearance for other parties  
11 in case no. 23506.

12 MR. BRUCE: Mr. Examiner, Jim Bruce on  
13 behalf of Mewbourne Oil Company. And if I may,  
14 Ms. Bennett and I have been in contact. I've filed  
15 several motions and I filed a notice of objection to  
16 presentation of the case by affidavit.

17 I will file something for the record,  
18 just so it's for the record, that Mewbourne and  
19 Petrogulf have settled their differences. And  
20 Mewbourne withdraws its objection to presentation of  
21 the case by affidavit, even though I understand it  
22 will be continued. And it will also withdraw any  
23 motions it has filed.

24 HEARING EXAMINER HARWOOD: Okay. All  
25 right. Thank you, Mr. Bruce.

1           Let me ask, are there any other  
2 interested persons in case no. 23506?

3           Mr. Bruce, I take it that it was your  
4 motion to dismiss that was filed?

5           MR. BRUCE: I really didn't -- yes. It  
6 was a motion to dismiss, yes. And I will withdraw  
7 that motion of record.

8           HEARING EXAMINER HARWOOD: Okay.

9           So where does that leave us today in  
10 this case, Ms. Bennett? Do you wish to proceed by  
11 affidavit today or continue the case to some future  
12 date? Where are we?

13           MS. BENNETT: Thank you. Actually we  
14 filed a motion to continue the case to August 17th.  
15 We had a bit of a SNAFU on our end. We thought we had  
16 filed on Monday, but we didn't file the motion  
17 correctly. So we refiled this morning, requesting a  
18 continuance to August 17th.

19           So we would ask that the Division grant  
20 our motion -- and it's unopposed -- to continue the  
21 case to August 17th for another status conference or  
22 potentially presentation by affidavit, but to be  
23 determined.

24           HEARING EXAMINER HARWOOD: Okay.

25           Ms. Salvidrez, can we accommodate that

1 on the docket? We have room for that in August?

2 MS. SALVIDREZ: Yes. And I will  
3 process it right now.

4 HEARING EXAMINER HARWOOD: Okay.  
5 Great.

6 Is there anything further from anyone  
7 on case no. 23506?

8 MS. BENNETT: Not from me. Thank you,  
9 Mr. Hearing Examiner.

10 HEARING EXAMINER HARWOOD: All right.  
11 Thank you. Thank you, both.

12 And we'll move on to item no. 22,  
13 calling case no. 23532 -- Permian Resources Operating,  
14 LLC.

15 Entry of appearance for the applicant  
16 please.

17 MS. HARDY: Thank you, Mr. Examiner.  
18 Dana Hardy with Hinkle Shanor on behalf of Permian  
19 Resources Operating.

20 HEARING EXAMINER HARWOOD: Thank you,  
21 Ms. Hardy.

22 And entry of appearance for any other  
23 parties to this case?

24 MR. BRUCE: Mr. Examiner, Jim Bruce  
25 representing MRC Permian Company. MRC does not object

1 to the presentation of this case by affidavit.

2 HEARING EXAMINER HARWOOD: Thank you,  
3 Mr. Bruce.

4 Any other parties to case no. 23532?  
5 Any interested persons in case  
6 no. 23532?

7 Ms. Hardy, I will turn it back over to  
8 you.

9 MS. HARDY: Thank you.

10 In this case, Permian Resources seeks  
11 approval of a non-standard location for the Eric  
12 Cartman 31 State Com 505H well. The well will produce  
13 from the Ojo Chiso Bone Spring Pool and will be  
14 dedicated to a 160-acre -- more or less -- standard  
15 horizontal spacing unit comprised of the west half of  
16 the east half of Section 31, Township 21 South, Range  
17 35 East in Lea County.

18 And the reason for the request is that  
19 the well is less than 330 feet from the adjacent  
20 tracts on the west side of the unit. Those tracts are  
21 also operated by Permian Resources.

22 On March 24, 2023, Permian Resources  
23 filed an administrative application for approval of  
24 the non-standard well location and a protest was  
25 submitted. And as a result we submitted this request

1 for a hearing, but the objection to the NSL has since  
2 been withdrawn.

3 Our exhibits include the affidavit of  
4 landman Chris Astwood and geologist Ira Bradford.  
5 Mr. Astwood provides the C-102, the plat of tracts  
6 that shows the ownership interest in the unit and in  
7 the surrounding adjacent tracts, and the APD for the  
8 well. Mr. Bradford provides a location map and  
9 cross-section.

10 (23532 Exhibit A and Exhibit B were  
11 marked for identification.)

12 As the witness explain, Permian  
13 Resources operates other wells in this section and has  
14 spaced them so as to maximize production, which  
15 resulted in non-standard location for this well -- the  
16 505H.

17 Mr. Bradford explains the non-standard  
18 well location will not adversely affect other wells in  
19 the unit or in the adjacent tracts.

20 Exhibit C is my notice affidavit. We  
21 provided notice to all affected parties and all of our  
22 letters were received. We also did timely publish  
23 notice.

24 (23532 Exhibit C was marked for  
25 identification.)

1                   So with that, unless there are  
2 questions, I request that the exhibits be admitted and  
3 that the case be taken under advisement.

4                   HEARING EXAMINER HARWOOD: Thank you,  
5 Ms. Hardy.

6                   Any objection, Mr. Bruce, to the  
7 exhibits?

8                   MR. BRUCE: No objection.

9                   HEARING EXAMINER HARWOOD: Exhibits in  
10 case 23532.

11                   (23532 Exhibit A, Exhibit B, and  
12 Exhibit C were received into evidence.)  
13 Any questions for Ms. Hardy, Mr. Bruce?

14                   MR. BRUCE: No, sir.

15                   HEARING EXAMINER HARWOOD: How about  
16 you, Mr. Garcia?

17                   TECHNICAL EXAMINER GARCIA: A few.  
18 Good morning, Ms. Hardy.

19                   MS. HARDY: Good morning.

20                   TECHNICAL EXAMINER GARCIA: So I  
21 guess -- let's see. Recordkeeping. I think I would  
22 highly recommend -- I think Leonard would also  
23 recommend, who processes the administrative NSL  
24 obligations -- since this has already been filed  
25 administratively and the protest was withdrawn, it

1 would be faster and easier I think for all parties if  
2 you just let Leonard know administratively that the  
3 protest was withdrawn and he would probably be able to  
4 issue an NSL order a lot faster than a hearing order  
5 would come out.

6 And I think it'd be cleaner for the  
7 record too because now we have an NSL case out there  
8 that's kind of in limbo. Not sure what to do with it.

9 MS. HARDY: Okay. And I --

10 TECHNICAL EXAMINER GARCIA: Does that  
11 make sense I guess?

12 MS. HARDY: Sure. I'd be happy to do  
13 that. I think we filed a hearing application -- well  
14 of course -- because there was an objection so -- but  
15 we can go back and notify Mr. Lowe.

16 TECHNICAL EXAMINER GARCIA: Okay. I  
17 think -- and Leonard's present today as a member of  
18 the crowd. And I think that would be his preferred  
19 path to is to, you know, dismiss this case. This case  
20 will close itself out with the dismissal order very  
21 quickly.

22 And then you would just have to turn in  
23 something to Leonard, you know, "who is MRC that  
24 objected, MRC hereby withdraws their objection," and  
25 you would probably get an order a lot faster for an

1 NSL that way.

2 MS. HARDY: Okay. Sure. We'll do  
3 that.

4 HEARING EXAMINER HARWOOD: Any other  
5 comments or questions from any OCD folks?

6 All right. So my understanding is that  
7 this case 23532 will be dismissed and returned to the  
8 administrative process. And that I believe the record  
9 reflects and is clear that the protest was dropped I  
10 think on June the 23rd of this year.

11 So with that said, is there anything  
12 further in 23532?

13 Moving right along. Item no. 23 is  
14 case no. 23575 -- Earthstone Operating, LLC.

15 May I have entry of appearance for the  
16 applicant?

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

19 HEARING EXAMINER HARWOOD: Thank you,  
20 Ms. Hardy.

21 And may I have an entry of appearance  
22 for any other parties in this case?

23 May I have an entry of appearance for  
24 any interested persons in case no. 23575?

25 All right. Ms. Hardy, I'll turn it

1 back over to you.

2 MS. HARDY: Thank you.

3 Earthstone applies for an order pooling  
4 all uncommitted interest in the Wolfcamp Formation  
5 underlying a 640-acre -- more or less -- standard  
6 horizontal spacing unit comprised of the west half of  
7 Sections 21 and 28, Township 23 South, Range 26 East  
8 in Eddy County.

9 And this spacing unit will be dedicated  
10 to the Cletus Fed Com 401H, 402H, 511H, and 512H wells  
11 and this spacing unit will produce from the Purple  
12 Sage Wolfcamp pool.

13 Our exhibits include the affidavits of  
14 landman Brian Van Staveren and geologist Jason Asmus.  
15 Mr. Van Staveren has not previously testified and we  
16 have provided his CV. I would request that he be  
17 recognized as an expert in petroleum land matters.

18 (23575 Exhibit A and Exhibit B were  
19 marked for identification.)

20 HEARING EXAMINER HARWOOD: He'll be so  
21 recognized. There's no one objecting so ...

22 MS. HARDY: Thank you.

23 Mr. Van Staveren's exhibits include the  
24 application, C-102, a plat of the tracts that provides  
25 the tract ownership and the pooled parties, and a

1 chronology of contacts with the parties.

2 The ownership interest and pooled  
3 parties are identified on Exhibit A4 and, as you'll  
4 see from that exhibit, there are quite a few -- some  
5 small interest that are being pooled. Mr. Asmus  
6 provides a location map, structure map, cross-section,  
7 and gun-barrel diagram.

8 Exhibit C is my notice affidavit and  
9 the attachments include the notice chart, certified  
10 mail receipts, and notice of publication. We did have  
11 some unlocatable interest, but we did timely publish  
12 notice.

13 (23575 Exhibit C was marked for  
14 identification.)

15 With that, unless there are questions,  
16 I request that the exhibits be admitted and that the  
17 case be taken under advisement.

18 HEARING EXAMINER HARWOOD: Thank you,  
19 Ms. Hardy.

20 And I'll turn it over to OCD examiners.  
21 Questions from OCD?

22 TECHNICAL EXAMINER GARCIA: No  
23 questions.

24 HEARING EXAMINER HARWOOD: All right.  
25 Ms. Hardy, your exhibits in case

1 no. 23575 will be admitted and case no. 23575 will be  
2 taken under advisement. Thank you.

3 (23575 Exhibit A, Exhibit B, and  
4 Exhibit C were received into evidence.)

5 MS. HARDY: Thank you very much.

6 HEARING EXAMINER HARWOOD: Let's see.  
7 That brings us -- let me guess. This may bring us  
8 back to Mr. Bruce. Items 24 and 25, cases 23576,  
9 23579.

10 Entry of appearance for the applicant  
11 in those two cases.

12 MS. MCLEAN: Hi. It's actually Jackie  
13 McLean from Hinkle Shanor on behalf of Mewbourne.

14 HEARING EXAMINER HARWOOD: Okay,  
15 Ms. McLean. That's what I get for guessing.

16 MS. MCLEAN: We like to keep you on  
17 your toes. You never know.

18 HEARING EXAMINER HARWOOD: Well I need  
19 that on a -- as a daily reminder. Let me ask you  
20 this. Are these two cases consolidated or am I  
21 presuming too much?

22 MS. MCLEAN: So they are consolidated,  
23 Mr. Examiner.

24 HEARING EXAMINER HARWOOD: Thank you.  
25 Entry of appearance for any other

1 parties in cases 23576 and 23579?

2 Okay. A entry of appearance for any  
3 interested persons in these two cases.

4 All right. I'll turn it back to you,  
5 Ms. McLean. You may proceed.

6 MS. MCLEAN: Thank you.

7 In case nos. 23576 and 23579, Mewbourne  
8 is seeking to pool additional uncommitted interest  
9 under the terms of order nos. R22067 and R22069, which  
10 were entered by the Division on March 9, 2022, in case  
11 nos. 22366 and 22368.

12 Order no. R22067 pooled all uncommitted  
13 interest in the Bone Spring Formation underlying a  
14 standard horizontal spacing comprised of the east half  
15 west half of Section 11 and the east half southwest  
16 quarter of Section 2, Township 18 South, Range 32 East  
17 in Lea County and dedicated the unit to the  
18 Dragonstone 112 [sic] B2NK Fed Com No. 1 well and  
19 designated Mewbourne as operator of the unit and the  
20 well.

21 Order no. R22069 pooled all uncommitted  
22 interest in the Bone Spring Formation underlying a  
23 standard horizontal spacing unit comprised of the west  
24 half east half of Section 11 and the west half  
25 southeast quarter of Section 2, Township 18 South,

1 Range 32 East, Lea County. And that order dedicated  
2 the unit to the Dragonstone 112 [sic] B20J Fed Com  
3 No. 1 well and designated Mewbourne as operator of the  
4 unit and the well.

5 And since order nos. R22067 and R22069  
6 were entered, Mewbourne has identified additional  
7 interest in the unit that should be pooled under the  
8 terms of the orders.

9 The exhibit packets submitted in case  
10 nos. 23576 and 23579 include Exhibit A, which is a  
11 land testimony of Brad Dunn with attached Exhibits A1  
12 through A5, which include the application and proposed  
13 notice of hearing, the prior hearing orders, a plot of  
14 tracts, tract ownership, and the additional parties to  
15 be pooled as well sample well proposal letters, AFEs,  
16 and a chronology of contact.

17 (23576 and 23579 Exhibit A was marked  
18 for identification.)

19 We also have Exhibit B -- notice  
20 testimony with attached sample notice letter, which  
21 was sent to all interested parties. We include a  
22 chart which shows the date the letter was sent and the  
23 date we received the returns as well as the copies of  
24 certified mail receipts and the returns, and an  
25 affidavit of publication that shows that we timely

1 published on June 13, 2023.

2 (23576 and 23579 Exhibit B was marked  
3 for identification.)

4 With that, I ask that Exhibits A and B  
5 be admitted into the record in case nos. 23576 and  
6 23579 and that these cases be taken under advisement.  
7 And I'm happy to answer any questions.

8 HEARING EXAMINER HARWOOD: Thank you,  
9 Ms. McLean. Okay. Exhibits A and B in these two  
10 cases will be admitted into the record.

11 (23576 and 23579 Exhibit A and  
12 Exhibit B were received into evidence.)

13 And since there were no parties or  
14 interested persons, we're to OCD. Questions from OCD  
15 on these two cases.

16 TECHNICAL EXAMINER GARCIA: John  
17 Garcia. No questions.

18 MS. KNAPP: Mr. Chair --

19 TECHNICAL EXAMINER HARRISON: This is  
20 John Harrison.

21 Ms. McLean, just kind of wanted to  
22 understand some of the circumstances leading to the  
23 additional parties needing to be pooled after the  
24 original order.

25 MS. MCLEAN: So I believe that they

1 found -- you know, they redid -- reran the title work,  
2 as they tend to do after orders are issued and as time  
3 goes on. And they've discovered that there were  
4 additional interests. And you'll see on page -- it's  
5 page 16 and 17 of the PDF -- the LDY, Rhodes [ph], and  
6 Cheltran [ph], those are the parties -- are  
7 interest-holders that popped up.

8 And so they wanted to make sure that  
9 they were covered by the pooling order as well. So  
10 they sent them new well proposal letters, which is  
11 Exhibit A4, as well as the AFEs and -- so that they  
12 could have the opportunity to participate if they so  
13 chose. They did not and so now we need to pool these  
14 parties.

15 MS. KNAPP: Mr. Chair --

16 TECHNICAL EXAMINER HARRISON: I -- I  
17 understand that and -- and I appreciate you describing  
18 that too. I -- I just noticed that the Rhodes [ph]  
19 and -- and Cheltran [ph] were -- were noticed and  
20 served letters in 2022, but LDY was in 2023. So  
21 just --

22 MS. KNAPP: Mr. Chair --

23 TECHNICAL EXAMINER HARRISON: -- if the  
24 new updated versions were provided --

25 MS. MCLEAN: I think there's -- sounds

1 like there's someone trying to talk.

2 MS. KNAPP: Mr. Chair --

3 HEARING EXAMINER HARWOOD: And we have  
4 a call-in user no. 15.

5 MS. KNAPP: Yeah.

6 HEARING EXAMINER HARWOOD: I don't know  
7 who that is, but could you hold off? We'll get to you  
8 in a minute, but please --

9 MS. KNAPP: Okay.

10 HEARING EXAMINER HARWOOD: -- don't  
11 interrupt Mr. Harrison. Just stand by.

12 MS. KNAPP: Okay.

13 HEARING EXAMINER HARWOOD: Okay? All  
14 right.

15 MS. KNAPP: Okay --

16 HEARING EXAMINER HARWOOD: Where are  
17 we? Where are we? Mr. Harrison?

18 TECHNICAL EXAMINER HARRISON: Yes.

19 I -- I was just describing those two things, where  
20 Rhodes [ph] and Cheltran [ph] looked like they -- they  
21 were served those additional well proposal letters in  
22 2022 in the record whereas LDY was given the second  
23 opportunity in 2023. I just want make sure that  
24 everybody was provided that notice after the  
25 initial -- was --

1 MS. MCLEAN: Yes. Yes. And I believe  
2 that they were in -- certainly can do additional  
3 confirmation of that if you would require.

4 TECHNICAL EXAMINER HARRISON: I  
5 don't -- I don't see that. I think on page 21 in --  
6 in case 23576, you'll notice the summary of  
7 communications.

8 MS. MCLEAN: Yes.

9 TECHNICAL EXAMINER HARRISON: That's  
10 in -- just further down in your -- in exhibits on  
11 page 24. I see the notice letters were sent in -- in  
12 2023. So just I guess there's a little bit of --

13 MS. KNAPP: -- what is her number?

14 MS. MCLEAN: I did. Thank you.

15 MS. KNAPP: No --

16 TECHNICAL EXAMINER HARRISON: -- like  
17 on that.

18 MS. KNAPP: Thank you.

19 TECHNICAL EXAMINER HARRISON: And thank  
20 you. That's -- that's only the questions I have.  
21 Thank you.

22 MS. MCLEAN: Thank you.

23 MS. KNAPP: Pardon?

24 HEARING EXAMINER HARWOOD: Are there  
25 additional questions from OCD staff on these cases?

1 23576, 23579.

2 All right. Now, we have a call-in user  
3 no. 15 I believe. Ma'am, could you please identify  
4 yourself? What is your name please?

5 MS. KNAPP: Yeah. Thank you. My name  
6 is Anna Inez Hall Knapp.

7 HEARING EXAMINER HARWOOD: And would  
8 you mind spelling that last name for -- we have a  
9 court reporter and --

10 MS. KNAPP: Sure.

11 HEARING EXAMINER HARWOOD: -- to make  
12 her job easier, could you please spell your --

13 MS. KNAPP: K as in Kangaroo -- Nancy,  
14 A as in Apple, P as in Peeper -- Peters -- Peter.

15 HEARING EXAMINER HARWOOD: And did you  
16 get that, Ms. Fulton?

17 THE REPORTER: Hi. Could you repeat  
18 that please?

19 MS. KNAPP: K as in Kangaroo, N as in  
20 Nancy, A as in Apple, P as in Peter, P as in Peter.

21 THE REPORTER: Thank you.

22 HEARING EXAMINER HARWOOD: Okay, ma'am.  
23 What is your interest in one or both of these cases?

24 MS. KNAPP: The case I'm interested in  
25 is 2 -- 23637.

1 HEARING EXAMINER HARWOOD: -- all --  
2 MS. KNAPP: And -38 and -39.  
3 HEARING EXAMINER HARWOOD: All right.  
4 Let's see where those are. 37389. Okay. We're not  
5 there yet. So if you wouldn't --  
6 MS. KNAPP: Okay.  
7 HEARING EXAMINER HARWOOD: -- mind --  
8 MS. KNAPP: I can --  
9 HEARING EXAMINER HARWOOD: -- you  
10 just -- you need to stay on the line and wait for  
11 those cases to be called.  
12 MS. KNAPP: All right.  
13 HEARING EXAMINER HARWOOD: And then  
14 you'll have your chance to talk. Okay?  
15 MS. KNAPP: Great.  
16 HEARING EXAMINER HARWOOD: Okay. All  
17 right.  
18 MS. KNAPP: -- from it -- I was -- yes.  
19 You did.  
20 UNIDENTIFIED SPEAKER 1: -- you're  
21 muted.  
22 MS. KNAPP: I'm muted.  
23 HEARING EXAMINER HARWOOD: Okay.  
24 MR. KNAPP: I don't think --  
25 HEARING EXAMINER HARWOOD: All right.

1 Ma'am, in the meantime, could you mute your phone and  
2 just --

3 MS. KNAPP: I'm trying.

4 HEARING EXAMINER HARWOOD: -- stand by  
5 until we -- all right. And then stand by until we --

6 MS. KNAPP: Thank -- I'm trying.

7 HEARING EXAMINER HARWOOD: -- call  
8 those cases. Okay?

9 MS. KNAPP: Thank you.

10 HEARING EXAMINER HARWOOD: Thank you.

11 All right. Let's see. Where are we?  
12 23576 and -579. Those two cases will be taken under  
13 advisement.

14 MS. MCLEAN: Mr. Examiner, just one --  
15 I just want to make sure. We don't need to submit  
16 anything and no clarification is needed. Correct?

17 TECHNICAL EXAMINER HARRISON: That's  
18 correct. And -- and as far as I'm concerned,  
19 Ms. McLean -- you answered -- questions --  
20 information.

21 MS. MCLEAN: Okay. Thank you. I  
22 appreciate it.

23 HEARING EXAMINER HARWOOD: Okay. Fine.  
24 Then let's go ahead and -- it's been a couple of hours  
25 now. So it's about -- what -- 10:18 a.m. there.

1 Let's take another five-minute break. Let's come back  
2 at 12:00 -- how about 12:25?

3 TECHNICAL EXAMINER GARCIA: Okay.

4 HEARING EXAMINER HARWOOD: A little  
5 more than five minutes.

6 TECHNICAL EXAMINER GARCIA: 10:25 New  
7 Mexico Time.

8 HEARING EXAMINER HARWOOD: Thank you.  
9 10:25.

10 Thank you, folks. We'll be back at  
11 10:25.

12 (Off the record.)

13 HEARING EXAMINER HARWOOD: All right,  
14 folks. That brings us to item 26 on today's agenda.  
15 Case no. 23577 -- Steward Energy II, LLC.

16 Can I have an entry of appearance for  
17 the applicant in that case?

18 MS. PENA: Good morning, Mr. Hearing  
19 Examiner. Yarithza Pena with the Santa Fe office of  
20 Hinkle Shanor on behalf of Steward Energy II, LLC.

21 HEARING EXAMINER HARWOOD: Good  
22 morning, Ms. Pena.

23 May I have an entry of appearance for  
24 any other parties in this case?

25 All right. May I have an entry of

1 appearance for any persons interested in case  
2 no. 23577?

3 All right, Ms. Pena. We'll turn it  
4 back over to you.

5 MS. PENA: Thank you.

6 In case no. 23577, Steward seeks to  
7 pool all uncommitted interest in the San Andres  
8 Formation underlying a 479.62-acre standard horizontal  
9 spacing unit comprised of the west half of Section 2  
10 and the northwest quarter of Section 11 in Township 13  
11 South, Range 38 East in Lea County, New Mexico.

12 The spacing unit will be dedicated to  
13 the Vince Federal 5H well, which will be drilled from  
14 a surface hole location in the southwest quarter  
15 southwest quarter unit M of Section 35, Township 12  
16 South, Range 38 East to a bottom hole location in the  
17 southwest quarter northwest quarter unit E of  
18 Section 11, Township 13 South, Range 38 East.

19 The completed interval of the Vince  
20 Federal 5H well will be located with the 330 feet of  
21 the quarter quarter section line separating the west  
22 half west half and east half west half of Section 2  
23 and the west half northwest quarter and east half  
24 northwest quarter of Section 11 to allow for the  
25 creation of the 479.62-acre standard horizontal

1 spacing unit.

2 We have provided the affidavits of  
3 landman Taylor Warren and geologist Shane Seals. The  
4 exhibit packets submitted to the Division contain  
5 Exhibit A, which has the land professional's testimony  
6 and the related standard land exhibits, which include  
7 the C-102, the plat of tracts, the ownership interest  
8 in pooled parties as well as a sample proposal letter,  
9 an AFE, and a summary of communications.

10 (23577 Exhibit A was marked for  
11 identification.)

12 Exhibit B contain the geology of  
13 Mr. Seals, which include a location map, subsea  
14 structure map, gun-barrel diagram, and stratigraphic  
15 cross-section.

16 (23577 Exhibit B was marked for  
17 identification.)

18 Exhibit C includes the noticed  
19 testimony of Dana Hardy, a sample notice letter sent  
20 to the parties to be pooled, a chart of the parties  
21 seeking to be pooled, and the copies of the certified  
22 mail green cards and return slips. We also included  
23 the affidavit of publication from the Hobbs News-Sun,  
24 which shows that we timely published on June 6th of  
25 2023.

1 (23577 Exhibit C was marked for  
2 identification.)

3 And with that, unless there are any  
4 additional questions, I ask that Exhibits A, B, and C  
5 be admitted into the record and case no. 23577 be  
6 taken under advisement. Thank you.

7 Oh, I believe you're muted, Mr. Hearing  
8 Examiner.

9 HEARING EXAMINER HARWOOD: Thank you.  
10 Let's try that again. Thank you, Ms. Pena.  
11 Exhibits A through C will be admitted into the record.

12 (23577 Exhibit A, Exhibit B, and  
13 Exhibit C were received into evidence.)

14 And we'll proceed now with questions  
15 from OCD on this case.

16 TECHNICAL EXAMINER GARCIA: No  
17 questions.

18 HEARING EXAMINER HARWOOD: All right.  
19 Anyone else from OCD?

20 Then case no. 23577 will be taken under  
21 advisement.

22 Thank you, Ms. Pena.

23 MS. PENA: Thank you.

24 HEARING EXAMINER HARWOOD: Was it these  
25 next two cases that we had the caller -- call-in

1 interest -- 23592, 23593. I can't remember. At any  
2 rate, these cases are -- 23592 and the 23593, are  
3 these consolidated cases?

4 MR. SAVAGE: Yes, Mr. Hearing Examiner.  
5 We ask that these be consolidated.

6 HEARING EXAMINER HARWOOD: Okay. And  
7 we'll call items 27 and 28 on the docket -- cases  
8 23592, 23593.

9 Entry of appearance for the applicant  
10 in those cases.

11 MR. SAVAGE: Thank you, Mr. Hearing  
12 Examiner.

13 Technical examiners, good morning.  
14 Darin Savage with the Santa Fe office of Abadie &  
15 Schill appearing on behalf of Devon Energy Production  
16 Company, L.P.

17 HEARING EXAMINER HARWOOD: Thank you,  
18 Mr. Savage.

19 And may I have entries of appearance  
20 for any other parties in these two cases?

21 Are there any interested persons in  
22 cases 23592, 23593?

23 All right. Mr. Savage, back to you  
24 please.

25 MR. SAVAGE: Hey, thank you.

1           These cases cover lands in the west  
2 half of Sections 26 and 35 less the southwest  
3 southwest quarter of Section 35, Township 22 South,  
4 Range 33 East in Lea County, New Mexico, in which the  
5 owners were previously pooled in cases 23147 and 23148  
6 in the Bone Spring and Wolfcamp Formations  
7 respectively.

8           These current cases -- 23592 and  
9 23593 -- seek to reopen cases 23147 and 23148 in order  
10 to include additional record title owners.

11           The landman for these cases -- Daniel  
12 Brendsman [ph] -- has testified before the Division as  
13 an expert witness and his credentials have been  
14 accepted as a matter of record.

15           In case no. 23592, Devon seeks to amend  
16 order no. R22528 with the intent to pool additional  
17 record title owners, as listed in the Exhibit A2, for  
18 the west half of Section 26 and 35 less the south  
19 southwest southwest quarter of Section 35 in the Bone  
20 Spring Formation underlying the unit.

21           The unit has been dedicated to the  
22 Serpentine 3525 [sic] Fed Com 1H, 9H, 11H, and 12H  
23 wells. Mr. Brendsman's [ph] Exhibit A for case 23592  
24 includes his self-affirmed statement, the C-102s that  
25 were used in the previous cases, an updated ownership

1 breakdown showing the additional record title owners  
2 to be pooled along with a full list of all the parties  
3 that were pooled, and the well proposal letter that  
4 was utilized as well as a current chronology of  
5 contacts showing that the landman contacted the  
6 additional owners to be pooled and explained why they  
7 needed to be pooled.

8 (23592 Exhibit A was marked for  
9 identification.)

10 Exhibit B contains the exhibits  
11 provided by the geologist Thomas Peryam. And as  
12 stated by the geologist, his former testimony and  
13 exhibits that describe the geology for the unit remain  
14 valid and applicable.

15 (23592 Exhibit B was marked for  
16 identification.)

17 Exhibit C provides the affidavit of  
18 notice for mailings and publication notice that this  
19 was both timely sent and published. All additional  
20 owners were locatable and were served notice.

21 (23592 Exhibit C was marked for  
22 identification.)

23 In the next case -- 23593 -- again,  
24 Devon seeks to amend the order and that's R22530 for  
25 the intent to pool additional record title owners as

1 listed in Exhibit A2.

2 And this one involves the same legal  
3 description for the unit, but involves the Wolfcamp  
4 Formation underlying the said unit. The unit has been  
5 dedicated to the Serpentine 3525 [sic] Fed Com 2H and  
6 10H wells.

7 Mr. Brendsman's [ph] Exhibit A for  
8 case 23593 again includes his self-affirmed statement,  
9 the C-102s, an updated ownership breakdown showing the  
10 additional record title owners to be pooled along with  
11 the full list of the parties pooled, the well proposal  
12 letter with AFE and a chronology of contacts, showing  
13 the land man contacted the additional owners.

14 (23593 Exhibit A was marked for  
15 identification.)

16 Exhibit B contains the exhibits  
17 provided by the geologist. And we included the  
18 previous exhibits that are still valid and applicable.

19 (23593 Exhibit B was marked for  
20 identification.)

21 And Exhibit C provides the affidavit of  
22 notice for mailings and publication notice. And  
23 notice was timely sent and published in this case as  
24 well. And all the additional owners were locatable.

25 //

1 (23593 Exhibit C was marked for  
2 identification.)

3 Mr. Brendsman [ph] affirms that the  
4 approval of this application is in the best interest  
5 of conservation, protection of correlative rights and  
6 the prevention of -- and will prevent the drilling of  
7 unnecessary wells.

8 I'd like to point out Exhibit A5 in  
9 both cases. Devon has provided the Exhibit A5 -- it's  
10 the landman Exhibit A5. That offers some language for  
11 the amended order, should the examiners find that  
12 language useful or helpful.

13 At this time I move that Exhibits A, B,  
14 and C and all sub-exhibits be accepted into the record  
15 for the two cases -- 23592 and 23593 -- and that the  
16 cases be taken under advisement. And I'm available  
17 for any questions you may have.

18 HEARING EXAMINER HARWOOD: All right.  
19 Thank you, Mr. Savage.

20 I see we have a call-in person -- Anna  
21 Inez Hall Knapp. You're muted at this time. Are you  
22 persons that are interested in these two cases?

23 MR. KNAPP: No, sir.

24 HEARING EXAMINER HARWOOD: Okay. All  
25 right. What cases are you interested in so I can make

1 a note of it here? I should've done so earlier.

2 MR. KNAPP: No. 23637, -38, and -39  
3 are -- are ones where we have an mineral interest.

4 HEARING EXAMINER HARWOOD: All right.  
5 Stand by. We'll get to those. And if you'd go ahead  
6 and go back on mute.

7 And then I will turn this over to OCD  
8 hearing examiners for questions of Mr. Savage.

9 TECHNICAL EXAMINER GARCIA: Good  
10 morning, Mr. Savage. Let's see. Sorry. I was taking  
11 notes too. We are on case 23592 and -593?

12 So both these cases, you're just  
13 seeking to add a party is essentially composed of a --  
14 an additional party? Is that all that you're seeking?

15 MR. SAVAGE: That's correct,  
16 Mr. Garcia. And I believe we had talked about this a  
17 little bit. There was some question about -- you  
18 know, we gave --

19 TECHNICAL EXAMINER GARCIA: Oh, I  
20 remember this case.

21 MR. SAVAGE: -- like, right previously.  
22 And there was some question about whether or not the  
23 ownership breakdown confirmed their pooling. And so  
24 we decided to go back and confirm the pooling of these  
25 record title owners.

1 TECHNICAL EXAMINER GARCIA: Okay. That  
2 makes more sense. And that rings more bells. We'll  
3 probably just use our -- if -- after review, we'll --  
4 we have orders built for the stuff like this. So  
5 we'll look into it more. I just wanted to make sure  
6 you weren't asking for a whole brand-new order I guess  
7 is what I was trying to clear up.

8 MR. SAVAGE: And if it's helpful, we  
9 did include some additional language that might, you  
10 know, facilitate that --

11 TECHNICAL EXAMINER GARCIA: Where was  
12 that at? I missed that exhibit. Did you say  
13 Exhibit --

14 MR. SAVAGE: It's Exhibit A5. A5.

15 TECHNICAL EXAMINER GARCIA: A5.

16 MR. SAVAGE: And that just provides  
17 some language for clarification, should you need that  
18 in your review.

19 TECHNICAL EXAMINER GARCIA: Okay.  
20 Thank you very much. That's all my questions.

21 MR. SAVAGE: All right -- thank you.

22 HEARING EXAMINER HARWOOD: Questions  
23 from any other OCD examiners?

24 All right. Mr. Savage, then your  
25 exhibits in cases 23592 and -593 will be admitted into

1 the record and the case will be taken under  
2 advisement. Thank you.

3 (23592 and 23593 Exhibit A, Exhibit B,  
4 and Exhibit C were received into  
5 evidence.)

6 MR. SAVAGE: Thank you, Mr. Hearing  
7 Examiner.

8 HEARING EXAMINER HARWOOD: And that  
9 brings us to case no. 23607 -- MRC Permian Company.

10 May I have entry of appearance for the  
11 applicant in MRC Permian Company?

12 MS. VANCE: Good morning, Mr. Hearing  
13 Examiner. Paula Vance with the Santa Fe office of  
14 Holland & Hart on behalf of the applicant MRC Permian  
15 Company.

16 HEARING EXAMINER HARWOOD: Thank you,  
17 Ms. Vance.

18 Entry of appearance for any other  
19 parties in case no. 23607?

20 And may I have an entry of appearance  
21 for any persons who are interested in case 23607?

22 All right. Hearing none, Ms. Vance,  
23 I'll turn it back over to you.

24 MS. VANCE: Thank you, Mr. Hearing  
25 Examiner.

1           In case 23607, MRC seeks to pool all  
2 uncommitted interest in the Bone Spring Formation and  
3 that pool name is WC Tack [ph] 025, G Tack [ph] 08,  
4 S263412K. And the pool code is 96672. And that is  
5 underlying a standard 240-acre -- more or less --  
6 horizontal well spacing unit comprised of the west  
7 half west half of Section 20 and the west half of the  
8 northwest quarter of Section 29. And that's in  
9 Township 26 South, Range 35 East, Lea County.

10           And MRC seeks to initially dedicate  
11 this spacing unit to the proposed Grevey wells  
12 no. 118H, 121H, and 131H.

13           And in our hearing packet, we have  
14 included a copy of the application, provided a copy of  
15 the compulsory pooling checklist as well as the  
16 affidavits of landman David Johns and geologist Blake  
17 Herber, both of whom have previously testified before  
18 the Division and their credentials have been accepted  
19 as a matter of record.

20           (23607 Exhibit A and Exhibit B were  
21 marked for identification.)

22           Mr. Johns affidavit is Exhibit C, which  
23 includes sub-exhibits C1 -- C-102s for all of the  
24 wells; C2, a land tract map; and C3, an ownership  
25 schedule. And you'll see that the only party that we

1 are seeking to pool is Marathon. C4 is a sample well  
2 proposal letter and AFEs. And it also includes a  
3 follow-up letter with a correction that was made  
4 regarding the land description, the footages for the  
5 surface hole location. And this is followed by the  
6 chronology of contacts.

7 (23607 Exhibit C was marked for  
8 identification.)

9 After that, we have Mr. Herber's  
10 affidavit, which is Exhibit D and this includes  
11 sub-exhibits D1, a locator map; D2, a subsea structure  
12 map; and D3, a structural cross-section. In this  
13 case, Mr. Herber did not observe any faulting,  
14 pinch-outs, or other geologic impediments to the  
15 horizontal drilling of these wells.

16 (23607 Exhibit D was marked for  
17 identification.)

18 And then lastly, we have included  
19 Exhibit E, which is an affidavit of notice, signed by  
20 my colleague Adam Rankin. And we have a sample copy  
21 of the notice letter and also the postal delivery and  
22 shows that Marathon received our application for  
23 compulsory pooling. Therefore we did not include a  
24 notice of publication in the newspaper.

25 //

1 (23607 Exhibit E was marked for  
2 identification.)

3 And unless there are any questions, I  
4 would ask that all exhibits and sub-exhibits be  
5 admitted into the record and that case 23607 be taken  
6 under advisement at this time by the Division. And I  
7 stand by for any questions.

8 HEARING EXAMINER HARWOOD: Thank you,  
9 Ms. Vance. I think you said Exhibit A through D with  
10 subparts. Is that right?

11 MS. VANCE: I'm sorry. So we have  
12 Exhibits A through E.

13 HEARING EXAMINER HARWOOD: I'm sorry.  
14 Okay. Exhibits A through, including subparts, will be  
15 admitted.

16 (23607 Exhibit A through Exhibit E were  
17 received into evidence.)

18 And I'll turn it over to questions from  
19 OCD examiners.

20 TECHNICAL EXAMINER GARCIA: John  
21 Garcia. No questions.

22 HEARING EXAMINER HARWOOD: All right.  
23 In that event, case no. 23607 will be  
24 taken under advisement.

25 And thank you, Ms. Vance.

1 MS. VANCE: Thank you. Have a  
2 wonderful afternoon.

3 HEARING EXAMINER HARWOOD: That brings  
4 us to item no. -- I'm sorry?

5 MS. VANCE: Oh, I just said have a  
6 wonderful afternoon.

7 HEARING EXAMINER HARWOOD: Oh, you too.  
8 Thanks so much.

9 All right, everyone. So that brings us  
10 to item no. 30 on the docket, which is case  
11 no. 23608 -- Avant Operating LLC.

12 May I have an entry of appearance for  
13 Avant?

14 MS. BENNETT: Good morning, everyone.  
15 Deana Bennett on behalf of Avant Operating LLC.

16 HEARING EXAMINER HARWOOD: Thank you  
17 again, Ms. Bennett.

18 Entry of appearance for any other  
19 parties in case 23608?

20 MS. MARSHALL: Yes. This is Frances  
21 Marshall at the law firm of D. Link Grimes and I am  
22 appearing on behalf of successors in interest for  
23 Hinden [ph] Exploration Inc. and K. Beth Hinden [ph].

24 HEARING EXAMINER HARWOOD: Okay. Thank  
25 you, Ms. Marshall.

1                   Entry of appearance for any parties in  
2 case 23608.

3                   UNIDENTIFIED SPEAKER 2: Christopher  
4 Cole, heir of James D. Cole.

5                   HEARING EXAMINER HARWOOD: I'm sorry.  
6 I didn't catch that --

7                   UNIDENTIFIED SPEAKER 2: Christopher  
8 Cole, heir of James D. Cole, land -- rights older --  
9 owner. Just present for meeting.

10                  HEARING EXAMINER HARWOOD: Oh, okay.  
11 I'm getting an background feedback from you. You're a  
12 person that's interested in this case. Is -- correct?

13                  UNIDENTIFIED SPEAKER 2: Correct.

14                  HEARING EXAMINER HARWOOD: And for the  
15 court reporter, can you give your name please?

16                  MR. COLE: Christopher Cole.

17                  HEARING EXAMINER HARWOOD: Okay.  
18 Christopher Cole.

19                  All right. We had -- it's you and --  
20 you yourself -- and when it comes time for questions  
21 from persons interested in this case, you can come  
22 back off mute and ask the questions you have. All  
23 right --

24                  MS. BENNETT: Mr. Hearing Examiner?

25                  HEARING EXAMINER HARWOOD: Yes, ma'am.

1 MS. BENNETT: I have been recently in  
2 discussions with Ms. Marshall and Avant and I need a  
3 few more minutes to conclude my discussions with  
4 Avant. So with the Division's permission, I would ask  
5 that this case be moved to the end of the docket for  
6 today to allow me some additional time to coordinate  
7 with Avant before we move forward with the case.

8 HEARING EXAMINER HARWOOD: If you think  
9 that will streamline things --

10 MS. BENNETT: I do.

11 HEARING EXAMINER HARWOOD: That it  
12 sounds like a good idea to me.

13 Is anyone from OCD that has any  
14 objection or problems with moving this down the line  
15 and kicking it to the end as it were?

16 TECHNICAL EXAMINER GARCIA: I don't if  
17 the parties don't.

18 HEARING EXAMINER HARWOOD: Okay. All  
19 right. Great. All right.

20 Well, Ms. Bennett, then we will -- I'll  
21 put an asterisk by 23608 and we'll come back to you  
22 hopefully sooner rather than later. How about that?

23 MS. BENNETT: That sounds good. And I  
24 would just ask the Division's permission to alert the  
25 Division once we've had a chance to talk things out.

1 And if we're able to get back on before the end of the  
2 docket, that would be wonderful. I don't know if the  
3 last cases -- how long they might take.

4 So I understand everyone's time and  
5 Ms. Marshall's time and Mr. Cole's time. And so don't  
6 want to leave them hanging too long if we can expedite  
7 things, but I will get back to the Division when I  
8 can.

9 HEARING EXAMINER HARWOOD: That's  
10 great, Ms. Bennett. We'll try and accommodate you and  
11 everybody else's time interest. Thanks for keeping  
12 those foremost in mind.

13 MS. BENNETT: Thank you.

14 HEARING EXAMINER HARWOOD: All right.  
15 So now -- hopefully this isn't wishful thinking -- the  
16 next items on the docket are all Franklin Mountain  
17 Energy cases. There are five them. Let me start with  
18 23609.

19 And may I have an entry of appearance  
20 for the applicant in that case?

21 MS. BENNETT: Good morning. Deana  
22 Bennett on behalf of Franklin Mountain Energy in case  
23 no. 23609. And this case is separate from the next  
24 four cases and should be heard separately.

25 HEARING EXAMINER HARWOOD: All right.

1 That's great. You answered my next question.

2 Let me have an entry of appearances for  
3 any other parties in case no. 23609 -- Franklin  
4 Mountain Energy 3, LLC.

5 MR. MORGAN: Good morning,  
6 Mr. Examiner. Scott Morgan with Cavin & Ingram on  
7 behalf of Realeza Del Spear. Just to be clear, we've  
8 entered an appearance but have no objection to this  
9 moving forward at this time.

10 HEARING EXAMINER HARWOOD: Okay. All  
11 right. Thank you, Mr. Morgan.

12 Any other parties to case no. 23609?  
13 Any persons interested in case  
14 no. 23609?

15 Ms. Bennett, I'll turn it back over to  
16 you.

17 HEARING EXAMINER HARWOOD: Thank you  
18 very much.

19 In this case, Franklin Mountain Energy  
20 is seeking an order pooling uncommitted parties in a  
21 standard 320-acre Bone Spring unit. The unit is in  
22 the east half west half of Sections 25 and 36,  
23 Township 19 South, Range 35 East. And the unit will  
24 be dedicated to the Annex State Com 502H well.

25 We timely submitted exhibits and in the

1 exhibit packet, I've submitted as Tab A the compulsory  
2 pooling checklist. Tab B is the self-affirmed  
3 declaration of Illona Hoang, the land professional for  
4 Franklin Mountain Energy and her last name is spelled  
5 H-O-A-N-G. And she's previously testified before the  
6 Division.

7 (23609 Exhibit A and Exhibit B were  
8 marked for identification.)

9 And behind her declaration, I've  
10 included the usual suite of land exhibits, including  
11 the application, the C-102 for the well, a lease tract  
12 map along with a list of the parties to be pooled in  
13 this case.

14 Exhibit B4 is the summary of contacts.  
15 Exhibit B5 is a sample proposal letter. Exhibit B6 is  
16 the AFE. Exhibit B7 is my notice affidavit, which  
17 shows that notice of this hearing was timely mailed  
18 and publication was timely done as well.

19 Behind Tab C is the self-affirmed  
20 declaration of Ben Kessel. He's the geologist for  
21 Franklin Mountain Energy. And he's previously  
22 testified before the Division and his credentials have  
23 been accepted as a matter of record.

24 (23609 Exhibit C was marked for  
25 identification.)

1                   And behind his declaration we've  
2 included the usual suite of geology exhibits, which  
3 are the locator map, the wellbore schematic, a  
4 structure map, cross-section reference map, an isopach  
5 map.

6                   And then we've also included an excerpt  
7 from the Snee Zoback paper, showing the approximate  
8 location of the unit as a exhibit for justifying the  
9 regional stress orientation and the -- or I'm sorry --  
10 the regional stress in the area and the orientation of  
11 the wells.

12                   In this case, Franklin Mountain Energy  
13 is requesting 9,000 a month for drilling and 900 a  
14 month for production. And is also seeking a  
15 200 percent risk charge.

16                   I think that's everything I have to say  
17 about the exhibits. And with that I would ask that  
18 the exhibits in case no. 23609 be admitted into the  
19 record and I will endeavor to answer any questions the  
20 Division may have.

21                   HEARING EXAMINER HARWOOD: Thank you,  
22 Ms. Bennett.

23                   Mr. Morgan, any objection to the  
24 exhibits being entered into the record?

25                   MR. MORGAN: Thank you, Mr. Examiner.

1 No objections.

2 HEARING EXAMINER HARWOOD: Do you have  
3 questions for Ms. Bennett?

4 MR. MORGAN: No questions.

5 HEARING EXAMINER HARWOOD: OCD staff,  
6 questions for Ms. Bennett?

7 TECHNICAL EXAMINER GARCIA: No  
8 questions.

9 HEARING EXAMINER HARWOOD: All right.  
10 Ms. Bennett, with that, case no. 23609  
11 will be taken under advisement.

12 MS. BENNETT: Thank you very much.

13 HEARING EXAMINER HARWOOD: And that  
14 brings us -- I assume you're on deck for the next four  
15 as well, Ms. Bennett? Is that right?

16 MS. BENNETT: I am. Thank you.

17 HEARING EXAMINER HARWOOD: And are we  
18 going to hear these as consolidated matters?

19 MS. BENNETT: Yes. We are. Thank you,  
20 Mr. Examiner.

21 HEARING EXAMINER HARWOOD: All right.

22 For the record, let me call cases  
23 23610, -611, -612, and -613. These are all Franklin  
24 Mountain Energy 3, LLC.

25 Ms. Bennett, it's a formality, but let

1 me have your entry of appearance for the record in  
2 those cases please.

3 MS. BENNETT: Good morning,  
4 Mr. Examiner and all of the technical examiners and  
5 everyone else. Deana Bennett on behalf of Franklin  
6 Mountain Energy 3, LLC from Modrall Sperling.

7 HEARING EXAMINER HARWOOD: Thank you,  
8 Ms. Bennett.

9 And may I have entry of appearance for  
10 any other parties in these four cases?

11 All right. Are there any persons  
12 interested in these four cases? 23610 through 23613.

13 Back to you, Ms. Bennett.

14 MS. BENNETT: -- very much.

15 These four cases are companion cases.  
16 These four cases involve the Franklin Mountain  
17 Energy's Treble State Com wells. And put together,  
18 these four cases cover the west half of Sections 27  
19 and 34 in Township 19 South, Range 35 East.

20 So I'll briefly describe each case and  
21 then I'll go through quickly all of the exhibits  
22 because the exhibits are essentially the same type of  
23 exhibits in each case, although the substance differs  
24 due to the different formations.

25 So in case no. 23610, Franklin Mountain

1 Energy seeks an order pooling all uncommitted  
2 interests in a standard 320-acre Wolfcamp spacing  
3 unit. And the spacing unit, it is the west half west  
4 half of Sections 27 and 34 and will be dedicated to  
5 the Treble State Com 701H well and the Treble State  
6 Com 801H well.

7 In case no. 23611, Franklin Mountain  
8 Energy seeks an order from the Division pooling all  
9 uncommitted interest owners in a standard 320-acre  
10 Wolfcamp spacing unit underlying the east half west  
11 half of Sections 27 and 34. So those are the two  
12 Wolfcamp cases.

13 Case no. 23612. In that case, Franklin  
14 Mountain Energy 3 seeks an order from the Division  
15 pooling all uncommitted interest owners in a standard  
16 320-acre Bone Spring horizontal spacing unit  
17 underlying the west half west half of Sections 27 and  
18 34.

19 And then finally, in case no. 23 -- oh,  
20 excuse me. That unit would be dedicated to the Treble  
21 State Com 601H well.

22 And then in case no. 23613, Franklin  
23 Mountain Energy 3 seeks an order from the Division  
24 pooling all uncommitted mineral interest owners in the  
25 east half west half of Sections 27 and 34. And that

1 unit will be a standard 320-acre Bone Spring unit.  
2 And that unit would be dedicated to the Treble State  
3 Com 602H well.

4 So in each of the cases, I timely filed  
5 exhibits. And each of the cases has a very similar  
6 set of exhibits.

7 So Tab A in each of the exhibit packets  
8 is the compulsory pooling checklist. Tab B is the  
9 self-affirmed declaration of Illona Huong, who's the  
10 land professional for Franklin Mountain Energy 3.  
11 She's previously testified before the Division and her  
12 credentials have been accepted as a matter of record.

13 (23610 Exhibit A and Exhibit B, 23611  
14 Exhibit A and Exhibit B, 23612  
15 Exhibit A and Exhibit B, and 23613  
16 Exhibit A and Exhibit B were marked for  
17 identification.)

18 And behind her declaration, I've  
19 included the application, the C-102s, lease tract maps  
20 along with an exhibit that shows the parties to be  
21 pooled, a summary of Franklin Mountain Energy 3's  
22 contacts with the working interest owners to be  
23 pooled, sample proposal letter, sample AFEs.

24 And then B7 includes my notice  
25 affidavit, which shows that notice was timely mailed

1 and that the newspaper publication was timely as well.  
2 It also includes a chart showing the status of the  
3 mailings.

4 And then behind Tab C is the  
5 self-affirmed declaration of Ben Kessel, who's the  
6 geologist for Franklin Mountain Energy 3. And he's  
7 previously testified before the Division and his  
8 credentials have been accepted as a matter of record.

9 (23610 Exhibit C, 23611 Exhibit C,  
10 23612 Exhibit C, and 23613 Exhibit C  
11 were marked for identification.)

12 And I've included the usual suite of  
13 exhibits behind his declaration, which is a locator  
14 map showing the general location of the unit in  
15 relation to the Capitan Reef, wellbore schematic,  
16 structure map, cross-reference -- or excuse me --  
17 cross-section reference map, cross-section isopach  
18 map, and then an excerpt from the Snee Zoback paper to  
19 justify the orientation of the wells.

20 And so with that, I would ask that the  
21 exhibits in cases 23610, 23611, 23612, and 23613 be  
22 admitted into the record and I stand for any questions  
23 that I can answer for the Division.

24 HEARING EXAMINER HARWOOD: Thank you,  
25 Ms. Bennett. The exhibits in those four cases,

1 including subparts, will be admitted.

2 (23610 Exhibit A, Exhibit B, and  
3 Exhibit C, 23611 Exhibit A, Exhibit B,  
4 and Exhibit C, 23612 Exhibit A, Exhibit  
5 B, and Exhibit C, and 23613 Exhibit A,  
6 Exhibit B, and Exhibit C were received  
7 into evidence.)

8 There's somebody in the background  
9 who's not muted and we're getting background noise.  
10 So whoever that is, please mute yourself or we'll do  
11 it for you. Thank you.

12 All right. Questions for Ms. Bennett  
13 from OCD technical examiner or examiners?

14 TECHNICAL EXAMINER GARCIA: No  
15 questions.

16 HEARING EXAMINER HARWOOD: Ms. Bennett,  
17 cases 23610 through -613 will be taken under  
18 advisement. Thank you for the presentation.

19 MS. BENNETT: Thank you very much.

20 HEARING EXAMINER HARWOOD: And with  
21 that, we will move on to item no. 36, which is case  
22 no. 23618 -- Manzano, LLC.

23 May I have a entry of appearance for  
24 the applicant in Manzano, LLC?

25 MR. MORGAN: Yes, Mr. Examiner. Good

1 morning. Scott Morgan with Cavin & Ingram in  
2 Albuquerque on behalf of applicant Manzano, LLC.

3 HEARING EXAMINER HARWOOD: Thank you,  
4 Mr. Morgan.

5 Entry of appearance for any other  
6 parties in case no. 23618?

7 Entry of appearance for any persons  
8 interested in case no. 23618?

9 All right, Mr. Morgan. Back to you.

10 MR. MORGAN: Thank you, Mr. Examiner  
11 and our cadre of wonderful technical examiners.

12 In this case, Manzano LLC seeks an  
13 order pooling all uncommitted interests in the Avalon  
14 Bone Springs Formation underlying a standard 320-acre  
15 spacing unit comprised of the southeast quarter  
16 northeast quarter of Section 6, the south half south  
17 half of Section 5, and the southwest quarter northeast  
18 quarter and south half northwest quarter of Section 4.  
19 That's in Township 20, Range 26 East.

20 This is just right between Artesia and  
21 Carlsbad, New Mexico. The unit will be dedicated to  
22 the Mia 64 no. 2H well.

23 Our exhibit index includes the  
24 compulsory pooling checklist. As well our Exhibits A  
25 and B are from Mr. Nick McClellan -- landman with

1 Manzano, LLC -- and Mr. John Worrall -- geologist with  
2 Manzano, LLC. Both Mr. McClellan and Mr. Worrall have  
3 been previously admitted and recognized as experts  
4 before the OCD.

5 (23618 Exhibit A and Exhibit B were  
6 marked for identification.)

7 Exhibit A1 to the landman affidavit is  
8 the application with the proposed notice of hearing.  
9 Exhibit A2 is our C-102 reflecting the map of the  
10 tracts and the location of the well. Exhibit A3  
11 includes the plat of the tracts along with the tract  
12 ownership, the party to be pooled -- in this case,  
13 there's one individual party and that is Oxy Y-1 -- as  
14 well as the unit recapitulation of ownership.

15 Exhibit A4, subpart A4 is the sample  
16 well proposal letter along with the proposed AFE.  
17 Sub-Exhibit A5 is the summary of communications and A6  
18 is the hearing notice letter and the return receipt  
19 from Oxy Y-1. As there are no unknown parties, we  
20 have not published in this case. It was unnecessary.

21 Exhibit B -- the affidavit from  
22 Mr. Worrall. And subpart B1, which is our location  
23 map. And then B2 and B3 are the other typical  
24 geologic exhibits, here being both the structure map  
25 as well as the cross-section map of the well to be

1 developed.

2 And at this time we'd move for the  
3 admission of Exhibits A and B along with those  
4 subparts. And if there are any questions, I will do  
5 my best to endeavor to answer those questions.

6 HEARING EXAMINER HARWOOD: Thank you.  
7 Thank you, Mr. Morgan.

8 Exhibits A and B in case 23618 will be  
9 admitted

10 (23618 Exhibit A and Exhibit B were  
11 received into evidence.)

12 And at this time I'll ask if there are  
13 questions from OCD examiners.

14 TECHNICAL EXAMINER GARCIA: I have one  
15 question and bear with me if you addressed this. I  
16 was having some audio issues on my side.

17 Are you compulsory pooling EOG and Oxy  
18 still?

19 MR. MORGAN: Mr. Garcia, I appreciate  
20 the question. No. The deal has recently been made  
21 with EOG -- between EOG and Manzano. And we are not  
22 seeking to compulsory pool EOG.

23 TECHNICAL EXAMINER GARCIA: Okay. All  
24 right. I believe that answered my questions. If you  
25 wouldn't mind submitting an updated who you are

1 pooling exhibit just so -- clarity of record.

2 I'm not sure if I've ever seen you  
3 before in hearing also -- I may be wrong. But we  
4 typically asked when you submit an updated exhibit to  
5 have a cover letter that goes with it, stating what  
6 you're submitting, why you're submitting it just for  
7 clarity of record so there's no confusion of why  
8 there's multi-exhibits of the same format in there.

9 MR. MORGAN: Absolutely, Mr. Garcia.  
10 I'm happy to do that. We'll get that submitted  
11 shortly.

12 TECHNICAL EXAMINER GARCIA: Thank you.  
13 No further questions.

14 HEARING EXAMINER HARWOOD: Thank you,  
15 Mr. Garcia.

16 Any further questions from OCD staff?  
17 All right. Mr. Morgan, thanks for your  
18 presentation. Case no. 23618 will be taken under  
19 advisement.

20 MR. MORGAN: Thank you.

21 HEARING EXAMINER HARWOOD: With that, I  
22 want to move to case no. 23635 -- Mewbourne Oil  
23 Company.

24 May I have entry of appearance for the  
25 applicant in that case?

1 MR. BRUCE: Mr. Examiner, Jim Bruce on  
2 behalf of Mewbourne.

3 HEARING EXAMINER HARWOOD: Thank you,  
4 Mr. Bruce. Is this case consolidated with the next  
5 four -- -37, -38, and -39? Or is it separate?

6 MR. BRUCE: It's separate.

7 HEARING EXAMINER HARWOOD: All right.

8 MR. BRUCE: And those are handle by the  
9 Hinkle law firm, not me.

10 HEARING EXAMINER HARWOOD: Fine. All  
11 right.

12 In case no. 23635 then may I have an  
13 entry of appearance for any other parties?

14 May I have an entry of appearance for  
15 any interested persons in case no. 23635?

16 All right, Mr. Bruce. Back to you.

17 MR. BRUCE: Mr. Examiner, I've  
18 submitted a package of exhibits -- my common package.  
19 Exhibit 1 is the application and proposed notice in  
20 this matter. Mewbourne seeks to pool the Bone Spring  
21 Formation in the unit comprised of the west half  
22 southeast quarter of Section 33, which is in 19 South,  
23 35 East, together with effectively the west half east  
24 half of Section 4, although there is a lot involved,  
25 and the west half east half of Section 9 in 20 South,

1 35 East. The unit contains 400.98 acres.

2 (23635 Exhibit 1 was marked for  
3 identification.)

4 Exhibit 2 is the affidavit of the  
5 landman Brad Dunn, describing and containing all the  
6 usual information. You got tract maps, C-102s,  
7 description of the leases and the tracts involved and  
8 the percentage interest of the people in the well  
9 unit.

10 (23635 Exhibit 2 was marked for  
11 identification.)

12 At this time the only interest owner  
13 being pooled is the Dorn, D-O-R-N, Testamentary Trust.  
14 All other parties involved in these lands have joined  
15 in a JOA with Mewbourne.

16 There's the summary of contacts with  
17 the testamentary trust together with a copy of the  
18 proposal letter to the trust. That is Attachment C to  
19 Exhibit 2. And then Attachment D contains the AFE,  
20 which is stated to be fair and reasonable.

21 In this case, Mewbourne seeks of course  
22 the cost plus 200 percent risk charge and requests  
23 overhead rates of \$8,000.00 and \$800.00.

24 Exhibit 3 is the affidavit of Jordan  
25 Carrell, the geologist who has previously testified.

1 It contains a structure map, which also identifies  
2 other Bone Spring wells in this area. Except for one  
3 offsetting well that is way down, all the wells in  
4 this area are stand-up units and apparently the  
5 operators in this area are happy with that  
6 orientation.

7 (23635 Exhibit 3 was marked for  
8 identification.)

9 Contains as Exhibit 2B [sic] the  
10 cross-section, which shows the zone being tapped into  
11 and the -- shows that the zone is continuous across  
12 the area being pooled. It also contains a production  
13 map -- or excuse me -- a production listing showing  
14 the wells in the area and production where it is  
15 available.

16 Exhibit 4. It's my affidavit of  
17 notice. A couple of parties were noticed, but only,  
18 as I said, the testamentary trust was being pooled at  
19 this point. Exhibit 5 is the certified notice  
20 spreadsheet showing that the trust did -- actual  
21 notice and did return the green card, although it's  
22 unnecessary at this point.

23 (23635 Exhibit 4 and Exhibit 5 were  
24 marked for identification.)

25 Their Attachment 6 -- or excuse me --

1 Exhibit 6 it should say -- is the affidavit of  
2 publication. And Exhibit 7 is the pooling checklist  
3 filled out to the best of my ability.

4 (23635 Exhibit 6 and Exhibit 7 were  
5 marked for identification.)

6 With that, I think the exhibit package  
7 is complete and I would ask that Exhibits 1 through 7  
8 be admitted into the record and that the case be taken  
9 under advisement.

10 HEARING EXAMINER HARWOOD: Thank you,  
11 Mr. Bruce. Exhibits 1 through 7 will be admitted into  
12 the record.

13 (23635 Exhibit 1 through Exhibit 7 were  
14 received into evidence.)

15 Are there questions from OCD technical  
16 examiners on case 23635?

17 TECHNICAL EXAMINER GARCIA: No  
18 questions.

19 HEARING EXAMINER HARWOOD: All right.  
20 Thank you, Mr. Garcia and Mr. Bruce.

21 So case no. 23635 will be taken under  
22 advisement.

23 MR. BRUCE: Thank you.

24 HEARING EXAMINER HARWOOD: And that  
25 brings us to item no. 38. Case 23637.

1 Mr. Bruce, is that you for the  
2 applicant?

3 Or let me just start over. May I have  
4 an entry of appearance for the applicant in  
5 case 23637?

6 MS. HARDY: Yes, Mr. Examiner. Dana  
7 Hardy with Hinkle Shanor for Mewbourne Oil Company.

8 HEARING EXAMINER HARWOOD: Thank you,  
9 Ms. Hardy. Are these cases consolidated -- -37, -38,  
10 -39?

11 MS. HARDY: I was planning to present  
12 them separately because they are all a bit different.

13 HEARING EXAMINER HARWOOD: Okay. All  
14 right. Well then it's as you wish to proceed. We'll  
15 start with 23637.

16 MR. KNAPP: Mr. Examiner, this is  
17 Leonard Knapp. I'm the husband of Anna Hall -- Anna  
18 Inez Hall Knapp, who is here present. And we'd like  
19 to -- we are -- contend that we are mineral interest  
20 owners relating to this.

21 MS. KNAPP: With Thomas O. Hall.

22 MR. KNAPP: Yeah.

23 And -- and the family of -- of Thomas  
24 O. Hall -- T.O. Hall. Thank you.

25 HEARING EXAMINER HARWOOD: Okay. I

1 think you all are interested person in this case.

2 MR. KNAPP: Okay.

3 HEARING EXAMINER HARWOOD: Not actual  
4 parties. Is that --

5 MR. KNAPP: That's correct.

6 UNIDENTIFIED SPEAKER 3: -- probably  
7 said --

8 HEARING EXAMINER HARWOOD: Okay. All  
9 right. Well thank you.

10 Now, I'm hearing somebody else. Are  
11 there any other parties to case 23637?

12 Are there any other interested persons  
13 in case 23637?

14 All right. Then, Ms. Hardy, I'm going  
15 to turn it back over to you please.

16 MS. HARDY: Thank you.

17 In this case, Mewbourne seeks an order  
18 pooling all uncommitted interest in the Bone Spring  
19 Formation underlying a 1,271.48-acre -- more or  
20 less -- non-standard horizontal spacing unit comprised  
21 of Sections 6 and 7, Township 19 South, Range 35 East  
22 in Lea County. The unit will be dedicated to the  
23 Beefalo 76 State Com 401H, 404H, and 408H wells.

24 Mewbourne previously submitted an  
25 administrative application for approval of its

1 non-standard spacing unit and that request has been  
2 approved. As a result, in this case, we are only  
3 seeking pooling. We're not seeking approval of the  
4 non-standard spacing unit request.

5 Our exhibits include the affidavits of  
6 landman Brad Dunn and geologist Jordan Carrell.  
7 Mr. Dunn provides the standard land exhibits. The  
8 plat of tract ownership and pooled parties are  
9 included in Exhibit A3.

10 (23637 Exhibit A was marked for  
11 identification.)

12 Mewbourne owns approximately 95 percent  
13 of the interest. So the interests being pooled are  
14 very small. There are some unlocatable parties and  
15 Exhibit A5 is a chronology that describes Mr. Dunn's  
16 efforts to locate those parties.

17 Mr. Jordan Carrell provides the geology  
18 exhibits that include a location map, a structure map,  
19 and a cross-section.

20 (23637 Exhibit B was marked for  
21 identification.)

22 Exhibit C is my notice affidavit, which  
23 includes the certified mail chart and receipts and an  
24 affidavit of publication, which shows that we did  
25 timely publish notice of this hearing.

1 (23637 Exhibit C was marked for  
2 identification.)

3 With that, unless there are questions,  
4 I request that the exhibits be admitted and that the  
5 case be taken under advisement.

6 HEARING EXAMINER HARWOOD: Thank you,  
7 Ms. Hardy. The exhibits in case 23637 will be  
8 admitted.

9 (23637 Exhibit A, Exhibit B, and  
10 Exhibit C were received into evidence.)

11 Let me ask if Mr. or Mrs. Knapp have  
12 any questions for you.

13 MS. KNAPP: Yes. I do.

14 MR. KNAPP: The -- the question. It'll  
15 be whether or not we -- the -- that Anna -- Anna Inez  
16 Hall Knapp and our -- the -- the interest of T.O.  
17 Hall. We were -- we -- we'd received notice yesterday  
18 about this hearing. So I apologize -- I apologize to  
19 the hearing officer about this.

20 MS. KNAPP: But that's good.

21 UNIDENTIFIED SPEAKER 1: Yeah.

22 MR. KNAPP: So I -- I -- we -- I -- I  
23 have not had the time to -- I have not because  
24 received notice just yesterday. And -- and attempted  
25 to call Mewbourne about this, but were unable to reach

1       them yesterday afternoon.

2                       I -- I -- and understand that, but  
3       we -- we -- I -- I don't know whether we are listed as  
4       unknown party -- mineral interest owners in this or  
5       whether she is.

6                       MS. HARDY: I am looking at the  
7       exhibits right now. Let me see. There are a number  
8       of very small interests. So I don't see anyone named  
9       Anna Inez Hall Knapp on the list. Do you believe it's  
10      under T.O. Hall?

11                      MR. KNAPP: He purchased a -- a small  
12      interest in this in December 17th of 1959. In fact,  
13      at the time of his death, I think he was -- he was  
14      receiving some production from it. I -- I think it  
15      was listed in the federal estate tax return.

16                      MS. HARDY: I do not see in this  
17      case -- 23637 -- anyone identified as a pooled party  
18      with the last name Hall.

19                      MR. KNAPP: Okay.

20                      TECHNICAL EXAMINER GARCIA: --  
21      Mr. Knapp?

22                      MS. KNAPP: -- it could be Knapp.

23                      MR. KNAPP: It could be Knapp also.

24                      MS. HARDY: I don't see Knapp either.

25                      MR. KNAPP: Okay.

1           TECHNICAL EXAMINER GARCIA: Mr. Knapp,  
2 is it under a trust name or anything such as that?

3           MR. KNAPP: It -- it would've been  
4 under -- a possibility of a trust of Inez Green Hall  
5 as well. When her husband died, a trust was  
6 established for a short time until her death.

7           MS. HARDY: I don't see any trust or  
8 parties at all with those last names in this case.

9           MR. KNAPP: Okay. So I -- I assume  
10 then that the -- that if we have an interest, it would  
11 be by publication. And of course we didn't receive  
12 any -- any notice until another oil and gas company  
13 contacted us yesterday.

14           Wanted to get a lease and, frankly,  
15 we're suspicious of that type of thing and wanted to  
16 have time to look and examine -- and we wanted to  
17 contact you all as well --

18           MS. HARDY: Sure. And I can have  
19 Mewbourne contact you, but I know you're not  
20 identified at all as party impacted by this case. So  
21 I'm not sure about the party who contacted you and the  
22 reason that they did that.

23           MR. KNAPP: Okay. Now -- yeah. The --  
24 the -- does -- the -- the legal description that you  
25 have corresponds with the -- this case -- -637, -38,

1 and -39 there in -- in --

2 MS. KNAPP: Lea County.

3 MR. KNAPP: -- Section 6 and 7 of  
4 Township 19, 35 -- 19 South and 35 East in Lea County.

5 MS. HARDY: And, Mr. Knapp, if you  
6 would like to give me a method of contacting you --

7 MR. KNAPP: Sure.

8 MS. HARDY: -- that's fine. And if you  
9 don't want to do it here on the hearing, you could  
10 e-mail me or call me. Whatever you would like is  
11 fine. And I can have Mewbourne contact you, but  
12 you're not listed right now as a party affected by  
13 this case.

14 MR. KNAPP: All right. The telephone  
15 number would be (337) 304-5559.

16 MS. HARDY: Okay. And is that your  
17 number?

18 MS. KNAPP: That's mine.

19 MS. HARDY: That's yours. Anna Knapp.

20 MR. KNAPP: Yes.

21 MS. HARDY: Okay.

22 MR. KNAPP: Thank you.

23 MS. HARDY: You're welcome.

24 HEARING EXAMINER HARWOOD: Thank you,  
25 Mr. and Ms. Knapp.

1 Questions from OCD?

2 TECHNICAL EXAMINER GARCIA: No  
3 questions in regards to the exhibits.

4 HEARING EXAMINER HARWOOD: Questions in  
5 general regarding the case from OCD?

6 TECHNICAL EXAMINER GARCIA: I -- I  
7 guess I'm just not sure.

8 Dana, do you mind muting yourself real  
9 quick?

10 Sorry. I'm not sure if --

11 MS. HARDY: All righty.

12 TECHNICAL EXAMINER GARCIA: --  
13 should -- yeah. My side shows a lot of feedback from  
14 your audio.

15 I'm not sure the -- if we are taking  
16 this case under advisement or continuing it, but I  
17 will leave that to you, Mr. Harwood.

18 HEARING EXAMINER HARWOOD: I guess I'm  
19 wondering if this case raises notice issues.  
20 Ms. Hardy, I heard from you that the applicant doesn't  
21 believe that these interests are affected. Did I hear  
22 that right?

23 MS. HARDY: Right. That's correct.  
24 These parties are not being pooled in this case. So  
25 if it somehow turned out that they did have an

1 interest, which Mewbourne's title work has not shown  
2 at this point, they would need to be pooled at a later  
3 time.

4 So I don't think there's a basis to  
5 continue the case at this point. I would ask that it  
6 be taken under advisement.

7 HEARING EXAMINER HARWOOD: Mr. Garcia?

8 TECHNICAL EXAMINER GARCIA: Do you mind  
9 muting yourself again, Dana?

10 MS. HARDY: Sure.

11 TECHNICAL EXAMINER GARCIA: Sorry. I  
12 get a lot of feedback from your side.

13 I don't have an issue taking this case  
14 under advisement with it being clear that the Knapps'  
15 interest, if present, is not being pooled. And I  
16 would hope Mewbourne does good-faith efforts and  
17 reaches out to them.

18 And if they do own interest in this  
19 situation that negotiations take place prior to  
20 thinking that pooling order needs to be amended. That  
21 would be my take on it.

22 HEARING EXAMINER HARWOOD: Ms. Hardy?

23 MS. HARDY: And that's fine,  
24 Mr. Examiner. I'm sure Mewbourne would of course  
25 reach out to any parties that it intended to pool if

1 it needed to reopen the orders.

2 HEARING EXAMINER HARWOOD: Fair enough.

3 With those caveats, this case will be  
4 taken under advisement -- case no. 23637. And I  
5 assume probably the Knapps have similar interest in  
6 23638 and -639.

7 Is that right, Mr. Knapp or Ms. Knapp?

8 MR. KNAPP: Yes. That -- that is  
9 correct. And -- and there's some other heirs that  
10 we've not been able to even talk to yet, but that --  
11 that are heirs of T.O. Hall and would have a similar  
12 interest to my wife.

13 HEARING EXAMINER HARWOOD: All right.  
14 Well all right. Y'all stand by. We'll call the next  
15 two cases.

16 MR. KNAPP: Sure. Thank you.

17 HEARING EXAMINER HARWOOD: And there  
18 won't be any need to repeat your interests in both  
19 those cases. So it'll be noted to be the same as this  
20 case.

21 And with that, let's move on to case  
22 no. 23638 -- Mewbourne Oil Company.

23 MS. HARDY: Thank you. Oh, apologies.

24 HEARING EXAMINER HARWOOD: Go ahead.  
25 No. That's fine.

1 MS. HARDY: Okay. I was going to say  
2 Dana Hardy again for Mewbourne.

3 HEARING EXAMINER HARWOOD: All right.

4 And are there any other parties -- I'm  
5 sorry. Entry of appearance for any other parties in  
6 this case -- 23638?

7 And, Mr. Knapp, Mrs. Knapp, your  
8 interest in these cases is noted for the record.

9 MR. KNAPP: Thank you very much,  
10 Your --

11 HEARING EXAMINER HARWOOD: Ms. Hardy, I  
12 think you're the source of the feedback, but since  
13 we're turning it over to you, we'll ignore it and let  
14 you proceed.

15 MS. HARDY: Okay. And I'm sorry about  
16 that. I'm not hearing any feedback on my side, but I  
17 will proceed and hopefully you can hear me.

18 HEARING EXAMINER HARWOOD: Sure. We  
19 can.

20 MS. HARDY: Okay.

21 In this case, Mewbourne seeks an order  
22 pooling all uncommitted interest in the Wolfcamp  
23 Formation underlying a 639.4-acre -- more or less --  
24 non-standard horizontal spacing unit comprised of the  
25 east half of Sections 6 and 7, Township 19 South,

1 Range 35 East in Lea County. The unit will be  
2 dedicated to the Beefalo 76 State Com 716H well.

3 Mewbourne does seek approval of a  
4 non-standard spacing unit in this case to provide  
5 flexibility regarding the placement of surface  
6 facilities and the ability to consolidate those  
7 facilities to the greatest extent possible.

8 Our exhibits include the affidavits  
9 again of landman Brad Dunn and geologist Jordan  
10 Carrell. Mr. Dunn provides the standard land  
11 exhibits, the non-standard spacing unit plat. And  
12 affected parties are identified in Exhibit A3.

13 (23638 Exhibit A was marked for  
14 identification.)

15 The plat of tract ownership and pooled  
16 parties are included in Exhibit A4. And in this case,  
17 again Mewbourne over 98 percent of the interest. So  
18 the interests being pooled are very small. There are  
19 unlocatable parties and Exhibit A6 is a chronology  
20 that provides Mr. Dunn's efforts to locate those  
21 parties.

22 Mr. Carrell provides a location map,  
23 structure map, and cross-section. Exhibit C is my  
24 notice affidavit, which again includes the certified  
25 mail chart and receipts and a timely affidavit of

1 publication. We did -- yes. We did timely publish  
2 notice.

3 (23638 Exhibit B and Exhibit C were  
4 marked for identification.)

5 With that, unless there are questions,  
6 I request that the exhibits be admitted and the case  
7 be taken under advisement.

8 And again in this case, I am not seeing  
9 any parties with the last name Hall or Knapp as being  
10 pooled.

11 HEARING EXAMINER HARWOOD: Thank you,  
12 Ms. Hardy. The exhibits in case no. 23638 will be  
13 admitted.

14 (23638 Exhibit A, Exhibit B, and  
15 Exhibit C were received into evidence.)

16 Mr. and Ms. Knapp, do you have any  
17 questions on this case other than what you've  
18 expressed in 23637? Anything additional, in other  
19 words?

20 MR. KNAPP: No. Thank you very much,  
21 Mr. Examiner.

22 HEARING EXAMINER HARWOOD: All right.  
23 All right. You all know how to contact each other.  
24 So the arrangements you discussed in the previous case  
25 will carry over to this one.

1 MR. KNAPP: -- phone -- thank you.

2 HEARING EXAMINER HARWOOD: And now let  
3 me turn it over to OCD technical --

4 MR. KNAPP: -- do not get the dogs  
5 barking.

6 TECHNICAL EXAMINER GARCIA: No  
7 questions. And just for the record, same comments as  
8 the previous case.

9 HEARING EXAMINER HARWOOD: Okay. Thank  
10 you, Mr. Garcia.

11 So this case will also be taken under  
12 advisement subject to the caveats expressed in 23637.

13 And let's go ahead and I haven't  
14 forgotten case 23608, Ms. Bennet, but let's go ahead  
15 and finish up with Ms. Hardy.

16 Let me call case no. 23639.

17 Ms. Hardy?

18 MS. HARDY: Thank you, Mr. Examiner.  
19 Would you like me to proceed?

20 HEARING EXAMINER HARWOOD: Hold on a  
21 second. Let me just for the record make sure that  
22 there are no other parties in case no. 23639.

23 And for the record, the Knapps'  
24 interest as interested persons is noted in case  
25 no. 23639.

1                   You may now proceed, Ms. Hardy.

2                   MS. HARDY: Thank you.

3                   In this case, Mewbourne seeks an order  
4 amending order no. R22195 to establish a  
5 632.08-acre -- more or less -- non-standard horizontal  
6 spacing unit comprised of the west half of Section 6  
7 and 7, Township 19 South, Range 35 East in Lea County.

8                   We are also asking to extend by one  
9 year the deadline to commence drilling under order  
10 no. R22195 as well as pooling an uncommitted interest  
11 in the Wolfcamp Formation underlying the unit.

12                   The Division entered order no. R22195  
13 in case no. 22717 on July 25th of 2022. That order  
14 pooled all uncommitted interest in the Wolfcamp  
15 underlying a 320-acre standard horizontal spacing unit  
16 comprised of the east half of the west half of  
17 Section 6 and 7, Township 19 South, Range 35 East in  
18 Lea County.

19                   That order dedicated the unit to the  
20 Mariner E2W2 06 07 W1 State Com 1H well. And  
21 designated Catena Resources Operating as operator of  
22 the unit and well. Mewbourne is the successor in  
23 interest to Catena. The Mariner well has not been  
24 drilled. The order required Catena to commence  
25 drilling within one year of the date of the order.

1           So we are proposing here to expand the  
2 unit from approximately 320 acres to 632 acres  
3 approximately and dedicate it to the Beefalo 7 6 [sic]  
4 State Com 713H well, which will replace the Mariner  
5 well. Mewbourne seeks approval of a non-standard  
6 spacing unit to provide flexibility regarding the  
7 placement of surface facilities and the ability to  
8 consolidate those facilities to the greatest extent  
9 possible.

10           As in the prior cases, our exhibits  
11 include the affidavits of landman Brad Dunn and  
12 geologist Jordan Carrell. Mr. Dunn provides the  
13 standard land exhibits, the non-standard spacing unit.  
14 The plat and affected parties are identified in  
15 Exhibit A4.

16           (23639 Exhibit A was marked for  
17 identification.)

18           The tract ownership and pooled party  
19 information is included in Exhibit A5. There are no  
20 unlocatable parties in this case. And Exhibit A7 is a  
21 chronology that describes Mr. Dunn's contacts with the  
22 parties.

23           Mr. Carrell provides a location map,  
24 structure map, and cross-section. Exhibit C is again  
25 my notice affidavit that includes the mailing chart,

1 certified -- receipts, and a timely affidavit of  
2 publication. In this case, all of our noticed letters  
3 were received.

4 (23639 Exhibit B and Exhibit C were  
5 marked for identification.)

6 And again, I would note that I don't  
7 see anyone with the names Hall or Knapp as interested  
8 parties or parties being pooled in this case.

9 So with that, unless there are  
10 questions, I ask that the exhibits be admitted and  
11 that the case be taken under advisement.

12 HEARING EXAMINER HARWOOD: Thank you,  
13 Ms. Hardy. The exhibits will be admitted in case  
14 no. 23639.

15 (23639 Exhibit A, Exhibit B, and  
16 Exhibit C were received into evidence.)

17 Let me ask if the Knapps have any  
18 questions or I should say additional questions or  
19 comments other than those that have already been made  
20 in the related cases.

21 MR. KNAPP: No, Mr. Hearing Officer.  
22 None. Thank you.

23 HEARING EXAMINER HARWOOD: Thank you,  
24 Mr. Knapp, Ms. Knapp.

25 All right. Mr. Garcia or other OCD

1 technical examiners, questions?

2 TECHNICAL EXAMINER GARCIA: Ms. Hardy,  
3 is this case basically an accurate summary of  
4 Mewbourne's requesting a brand-new order with them  
5 being named operator, extension of time to drill,  
6 larger NSP, and compulsory pooling? So a brand-new  
7 order would be the seek here?

8 MS. HARDY: That's basically correct,  
9 Mr. Garcia.

10 TECHNICAL EXAMINER GARCIA: Okay --

11 MS. HARDY: We did ask to amend the  
12 prior order, since it covered part of the acreage, but  
13 it's basically a redo of the original unit.

14 TECHNICAL EXAMINER GARCIA: Are you a  
15 opposed to a vacate of the previous order and issued a  
16 new order?

17 MS. HARDY: No. I think that would be  
18 fine.

19 TECHNICAL EXAMINER GARCIA: Okay. We  
20 will take it under review. That's all my questions.

21 MS. HARDY: Thank you.

22 HEARING EXAMINER HARWOOD: Okay. All  
23 right. So case no. 23639 with the caveats expressed  
24 in 23637 will be also taken under advisement.

25 Thank you, Ms. Hardy. Appreciate it.

1 MS. HARDY: Thank you very much.

2 HEARING EXAMINER HARWOOD: Let's come  
3 back to case no. 23608.

4 Ms. Bennett, are you still there and  
5 awake?

6 MS. BENNETT: I am still here. Thank  
7 you. We are still in discussions right now. So if I  
8 could have -- are we through the end of the docket? I  
9 apologize. I've been on the phone, trying to figure  
10 all this out, and listening to the hearing with one  
11 ear.

12 HEARING EXAMINER HARWOOD: Okay. All  
13 right. Okay. Fine. Yeah. We'll come back to you  
14 then.

15 And I'll call item no. 41 on the  
16 agenda, which is case no. 23633 -- OXY USA  
17 Incorporated.

18 Let me have a entry of appearance for  
19 the applicant please.

20 MR. RANKIN: Good morning, Mr. Hearing  
21 Examiner. Adam Rankin with the Santa Fe office of  
22 Holland & Hart appearing on behalf of OXY USA  
23 Incorporated -- the applicant in this case.

24 HEARING EXAMINER HARWOOD: Thank you,  
25 Mr. Rankin.

1                   May I have entry of appearance for any  
2 other parties in case no. 23633?

3                   Okay. May I have an entry of  
4 appearance for any interested persons in case 23633?

5                   MR. RANKIN: Mr. Examiner, just to be  
6 clear. XTO Energy Incorporated had entered an  
7 appearance in this case through us as well. So they  
8 have sufficiently and formally entered an appearance.

9                   HEARING EXAMINER HARWOOD: I'm sorry.  
10 Run that by me again, Mr. Rankin.

11                   MR. RANKIN: Yeah. XTO Energy  
12 Incorporated had also entered an appearance in this  
13 case through Holland & Hart. And so they are also --  
14 had formally appeared.

15                   HEARING EXAMINER HARWOOD: Okay. All  
16 right. Fair enough. But I didn't hear anybody speak  
17 up for them at today's hearing.

18                   MR. RANKIN: No. Just they did  
19 appeared through Holland & Hart as an interested  
20 party.

21                   HEARING EXAMINER HARWOOD: Okay. All  
22 right.

23                   I think I need to ask the Division -- I  
24 believe that there's an issue with case no. 23633  
25 related to notice. Am I right on that?

1 Is that you, Mr. McClure?

2 TECHNICAL EXAMINER MCCLURE: Yes,  
3 Mr. Harwood. I believe there is a notice issue, but I  
4 was wondering if maybe we wanted to proceed and then  
5 just continue it just on the notice at the end. I  
6 don't know what your thoughts are though.

7 HEARING EXAMINER HARWOOD: Well I'm  
8 willing to -- I will defer to Mr. Rankin on that.

9 Just wanted to let you know ahead of  
10 time, Mr. Rankin, we think there's a notice issue with  
11 this case. If you would prefer to proceed with it,  
12 you know, on the merits at this time with that notice  
13 issue hanging in the background, we'll defer to you.

14 MR. RANKIN: Well I guess I think we  
15 probably would prefer to go forward with the hearing  
16 and present the case today. However, I guess I would  
17 like to understand what the Division believes may be a  
18 notice issue.

19 HEARING EXAMINER HARWOOD: Mr. McClure,  
20 can you --

21 TECHNICAL EXAMINER MCCLURE: Yes, sir.  
22 Yes, sir.

23 It looks like public notice was  
24 conducted -- trying to see if -- where my notes are --  
25 I was going to speaking off the cuff, I think -- I

1 think notice was conducted June 23rd. And I believe  
2 it needed to have been conducted June 21st I believe.

3 MR. RANKIN: Oh, okay. I apologize,  
4 Mr. McClure. I understand that out of -- yes. I have  
5 to go through and double check the certified mail as  
6 there are a number of folks who did get certified  
7 mailing. We did also publish notice. And because of  
8 the holidays, we were unable to get the newspaper to  
9 publish the news advertisement before June 23rd.

10 So if as a matter of course we can  
11 continue the case for two weeks and present an  
12 affidavit of -- or actually we don't even need to do  
13 that because it's attached, but if we could just  
14 continue the case for two weeks for the next docket  
15 and then take the case under advisement at that time,  
16 that would be satisfactory with us.

17 TECHNICAL EXAMINER MCCLURE: Are you  
18 wishing to proceed today though with presenting the  
19 case?

20 MR. RANKIN: Yes. Yes.

21 TECHNICAL EXAMINER MCCLURE: Hang on.

22 MR. RANKIN: Yes, sir. Yes.

23 HEARING EXAMINER HARWOOD: Well then  
24 that would -- I guess go ahead and proceed with it,  
25 Mr. Rankin, and we'll take it back up on the next

1 docket with respect to the notice issue.

2 Is that satisfactory, Mr. McClure?

3 TECHNICAL EXAMINER MCCLURE: That works  
4 for me.

5 HEARING EXAMINER HARWOOD: Mr. Rankin?

6 MR. RANKIN: That works for me. And,  
7 Mr. Examiner, just so you're aware, this is a case  
8 that we're presenting with actual witnesses today.  
9 Our estimate is that it probably will take an hour,  
10 hour and a half or so.

11 We're at all 11:30, 11:40. I know we  
12 haven't had a break yet for the hearing court  
13 reporter. So if it's advisable -- you know, I'm just  
14 suggesting if there's any interest in short break now,  
15 we can do that. And then at least get one -- partway  
16 through a witness or so before, you know, probably  
17 people's stomachs are growling and are ready for  
18 lunch.

19 HEARING EXAMINER HARWOOD: Okay. All  
20 right. Well thanks for letting us know. Let's see.  
21 It's -- right -- 11:38. Why don't we come back at  
22 11:45 and we'll at least start with one witness.

23 MR. RANKIN: Okay.

24 MS. BENNETT: Mr. Hearing Examiner?

25 HEARING EXAMINER HARWOOD: All right.

1 MS. BENNETT: This is Deana Bennett  
2 again. And just for the parties' benefit, I am ready  
3 to move forward with the case that I've set aside --  
4 23608. So whenever that works for the Division, I'm  
5 happy to put that case on. And I don't think it'll  
6 take very long.

7 HEARING EXAMINER HARWOOD: Why don't we  
8 take you next after the break? You won't have to wait  
9 around then for this next hearing. We'll take you  
10 next.

11 And then, Mr. Rankin, we'll come back  
12 to your case with your first witness.

13 MR. RANKIN: Thank you.

14 HEARING EXAMINER HARWOOD: All right.

15 MS. BENNETT: Thank you.

16 HEARING EXAMINER HARWOOD: So let's go  
17 on break until 11:45.

18 (Off the record.)

19 THE REPORTER: Okay. We are now back  
20 on the record.

21 HEARING EXAMINER HARWOOD: All right.  
22 And let's return to case no. 23608. Let me say  
23 something though and let me make just a suggestion  
24 here. I'm thinking we'll take case no. 23608 and then  
25 a 45-minute break for lunch and pick back up with

1 23633 after that.

2 Does that sound like a good plan,  
3 Mr. Rankin?

4 TECHNICAL EXAMINER MCCLURE: You're  
5 muted, Mr. Rankin, if you're trying to speak.

6 HEARING EXAMINER HARWOOD: Okay. Well  
7 we'll come back to Mr. Rankin. Let's go ahead.

8 Ms. Bennett, we'll take it that you've  
9 already entered and [sic] appearance in 23608.

10 And are there other parties in 23608  
11 still to enter an appearance?

12 MS. MARSHALL: Yes. This is Frances  
13 Marshall, who is the attorney and representing the  
14 successors in interest for Hinden [ph] Exploration  
15 Inc. and K. Beth Hinden [ph]. And I am at the law  
16 firm of D. Link Grimes.

17 HEARING EXAMINER HARWOOD: Okay. Thank  
18 you, Ms. Marshall.

19 Any other parties to case 23608?

20 Are there any interested persons in  
21 case 23608?

22 MR. COLE: Yes. This -- Chris Cole.

23 HEARING EXAMINER HARWOOD: Okay. Thank  
24 you, Mr. Cole.

25 Any other interested persons in 23608?

1 All right. Then, Ms. Bennett -- well  
2 let me ask. Ms. Marshall, do you object to this case  
3 being presented by affidavit?

4 MS. MARSHALL: No. I do not.

5 HEARING EXAMINER HARWOOD: All right.

6 Ms. Bennett, then it's back to you.

7 MS. BENNETT: Thank you very much.

8 In case 23608, Avant Operating LLC  
9 seeks to reopen order no. R22616 for the limited  
10 purpose of adding additional pooled parties. And I  
11 timely filed exhibits. And the exhibits include the  
12 compulsory pooling checklist.

13 (23608 Exhibit A was marked for  
14 identification.)

15 For the Division's information, the  
16 compulsory pooling checklist that I filed is -- and it  
17 supplements the compulsory pooling checklist that I  
18 filed in the original case in this matter.

19 So what I did was I had tried to marry  
20 the two compulsory pooling checklists and I'm happy to  
21 answer any questions about the compulsory pooling  
22 checklist if the Division has questions about how I  
23 proceeded with that.

24 And then behind Tab B is the  
25 declaration of Tiffany Cerantinos [ph]. She's the

1 land professional for Avant Operating LLC and she's  
2 previously testified before the Division and her  
3 credentials have been accepted as a matter of record.

4 (23608 Exhibit B was marked for  
5 identification.)

6 And behind her declaration, I've  
7 included the application, the additional parties to be  
8 pooled -- so a list of the additional parties to be  
9 pooled, and a summary of interests.

10 Exhibit B3 is the summary of contacts,  
11 which outlines Avant's efforts to coordinate with and  
12 communicate with the working interest owners that  
13 Avant seeks to pool in this case. And then Exhibit B4  
14 is a sample well proposal that was sent to the  
15 additional parties that Avant seeks to pool as well as  
16 an AFE.

17 And then Exhibit B5 is a notice  
18 affidavit prepared by me that shows that notice of the  
19 hearing was timely mailed and that the hearing -- or  
20 the affidavit of publication showing that the notice  
21 was timely published as well.

22 So I did just also want to say that in  
23 terms of the -- there are ongoing negotiations  
24 occurring, as outlined in the summary of contacts.  
25 And Avant will notify the Division if it reaches an

1 agreement with any of the parties on the pooled party  
2 to remove them from the list of pooled parties so that  
3 we will do that if there are agreements reached with  
4 any of the parties that we're seeking to pool.

5 So with that, I would ask that the  
6 exhibits that -- oh, one other quick thing. I did  
7 want to just note that these additional pooled parties  
8 were identified through title work after the original  
9 case went to hearing and during the time that the  
10 original case was pending before the Division and then  
11 after the Division's order was entered.

12 And so that's why we're seeking to pool  
13 additional parties in this case is due to the title  
14 work that has been ongoing since the original case was  
15 filed.

16 So with that, I would ask that the  
17 exhibits in case no. 23608 be admitted into the  
18 record. And I'm happy to answer any questions the  
19 Division may have if I'm able to answer them. Thank  
20 you.

21 HEARING EXAMINER HARWOOD: Thank you,  
22 Ms. Bennett.

23 Ms. Marshall, do you have any  
24 objections to the exhibits being admitted?

25 MS. MARSHALL: I don't, but could I add

1 something to that?

2 HEARING EXAMINER HARWOOD: Well why  
3 don't I give you time to do that later? Just there's  
4 been a -- Ms. Bennett has moved the admission of her  
5 exhibits in this case. And I just need to know if you  
6 object to those.

7 MS. MARSHALL: Oh, okay. No objections  
8 to the exhibits at this time.

9 HEARING EXAMINER HARWOOD: Okay. Okay.  
10 Then let me now ask you if you have questions for  
11 Ms. Bennett or comments regarding the presentation.

12 MS. MARSHALL: Thank you. And I know  
13 that Ms. Bennett and I have spoken. I just wanted to  
14 just say for the record that my client have been in  
15 negotiations with Avant. And I just wanted to  
16 reiterate that we are continuing to work in good faith  
17 and by making an appearance today reserve all rights  
18 afforded to my clients herein.

19 HEARING EXAMINER HARWOOD: Okay. All  
20 right, Ms. Marshall. Any questions for Ms. Bennett?

21 MS. MARSHALL: None at this time.

22 HEARING EXAMINER HARWOOD: Mr. Cole,  
23 questions or comments from you?

24 MR. COLE: No. Not at this time.

25 HEARING EXAMINER HARWOOD: All right.

1                   And let me ask if OCD has questions.  
2                   Mr. Cole, would you please mute  
3 yourself again?

4                   TECHNICAL EXAMINER GARCIA: I have a  
5 question or two. I'm sorry. I hit my camera off.

6                   Good morning, Ms. Bennett. I was just  
7 curious on how title work now exposed an additional  
8 30 percent of working interest.

9                   I mean that's the rough number by just  
10 doing math in my head, but this looks like it adds up  
11 to, like, roughly 30 percent of working interest  
12 that's now being pooled, which I guess it's just a  
13 larger number. That's interesting about good-faith  
14 efforts on the first time notice was sent out.

15                  MS. BENNETT: Yes. Thank you,  
16 Mr. Garcia. It's my understanding that -- and I've  
17 provided a revised tract map, which is in Tab B3. And  
18 it's my understanding that originally, what's now  
19 denoted as tract 3 and tract 5 -- I'm sorry -- yeah --  
20 tract 3 and 5 was originally considered -- thought to  
21 be one tract.

22                  So in the prior exhibits, tract 3 was  
23 one tract. And it came to light that those are two  
24 separate tracts. And so I that's where I think the  
25 discrepancy came from is an issue with the

1 understanding of tract 3.

2 TECHNICAL EXAMINER GARCIA: Yeah. I  
3 mean it just is awkward I guess that -- on the cases  
4 we hear, good-faith efforts have been done, diligent  
5 work, and then we come back, you know, later and it's  
6 30 percent's missing.

7 And I mean -- and this really isn't --  
8 I guess you're just the one that it's getting --  
9 getting aimed at 'cause you presented it, but it's  
10 been common more and more for all counsel that we're  
11 getting these high interests additional pooled.

12 We used to get, you know, a thousandths  
13 of a percent -- which may be more understandable if  
14 they own 0.0001. I mean -- but we're starting to get  
15 up here in people like EOG, Hinden [ph] Exploration  
16 that are forgetting to be pooled.

17 So it's just interesting. And I would  
18 recommend all counsel make sure we're doing good title  
19 work the first time we do these pooling applications.

20 MS. BENNETT: Thank you. And  
21 understood.

22 TECHNICAL EXAMINER GARCIA: That's all  
23 my questions.

24 HEARING EXAMINER HARWOOD: All right.  
25 We'll take case no. 23608 under

1 advisement.

2 And thank you, Ms. Bennett.

3 Now, Mr. Rankin, are you there?

4 MR. RANKIN: I am here.

5 HEARING EXAMINER HARWOOD: All right.

6 I don't know if you heard me earlier. I think what  
7 we're going to do is take a break for lunch now and  
8 pick back up with your case -- 23633 -- after lunch.  
9 Is that okay with you?

10 MR. RANKIN: Yeah. I prefer people on  
11 full stomachs. So I think everyone will be happier if  
12 we did that.

13 HEARING EXAMINER HARWOOD: Yeah. All  
14 right. That's fine.

15 All right. So let's call it noon New  
16 Mexico Time. And why don't we try and be back here at  
17 12:45? I know that's not a whole lot of time, but we  
18 still have two more cases on the docket and the sooner  
19 we can wrap it all up, the better.

20 MR. RANKIN: Thank you.

21 HEARING EXAMINER HARWOOD: Sure.

22 All right. So everyone, let's go off  
23 the record now. And we'll all reconvene and pick up  
24 case no. 23633 at 12:45 p.m.

25 (Off the record.)

1 THE REPORTER: We are now back on the  
2 record.

3 HEARING EXAMINER HARWOOD: All right.  
4 So we are down to item no. 41 on today's docket --  
5 case no. 23633.

6 Mr. Rankin, you're the attorney of  
7 record for the applicant. Are you with us?

8 MR. RANKIN: Good afternoon. Yes. I  
9 am. And witnesses are ready to proceed.

10 HEARING EXAMINER HARWOOD: Okay. All  
11 right. And how many witnesses are you planning on  
12 calling, Mr. Rankin?

13 MR. RANKIN: We have three witnesses to  
14 present testimony today and a fourth by affidavit.

15 HEARING EXAMINER HARWOOD: Okay. All  
16 right. And are they all here and present?

17 MR. RANKIN: They are, Mr. Examiner.  
18 Our first witness is Mr. Steven Janacek. Our second  
19 witness is Mr. Tony Troutman. The third is Rahul  
20 Joshi. And then the fourth would be by affidavit and  
21 that is Logan Millsaps [ph].

22 HEARING EXAMINER HARWOOD: Okay. All  
23 three of the witnesses that are offering live  
24 testimony, would you all please raise your right hand?  
25 //

1 WHEREUPON,

2 STEVEN JANACEK,

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 WHEREUPON,

7 TONY TROUTMAN,

8 called as a witness and having been first duly sworn  
9 to tell the truth, the whole truth, and nothing but  
10 the truth, was examined and testified as follows:

11 WHEREUPON,

12 RAHUL JOSHI,

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 HEARING EXAMINER HARWOOD: Thank you.  
17 Thank you.

18 Mr. Rankin, you may proceed.

19 MR. RANKIN: Thank you, Mr. Examiner  
20 Harwood. I apologize for not showing my face. I'm  
21 working from home and I don't trust my internet  
22 connection a hundred percent. So I'm going to save  
23 bandwidth and not broadcast myself, if that's okay  
24 with you.

25 HEARING EXAMINER HARWOOD: I think it's

1 fine with me, sure.

2 MR. RANKIN: Thank you. Mr. Examiner,  
3 I don't know if we've had the opportunity to present  
4 one of these cases while you have sat as the examiner,  
5 but this is a case where OXY is seeking a pilot  
6 project authority to engage in what's called a  
7 closed-loop gas capture injection pilot project where  
8 they propose to inject produce gas temporarily into  
9 the Bone Spring Formation within a approximately  
10 1,958.92-acre project area that will be located in  
11 both Lea and Eddy Counties in New Mexico.

12 The purpose of the project is to inject  
13 temporarily produce gas into the Bone Spring when  
14 midstream operations cause an upset or a temporary  
15 shut-in or there are capacity constraints, unscheduled  
16 maintenance or scheduled maintenance or the like so  
17 that OXY can continue to produce its wells without  
18 having to flare or shut in its production.

19 The proposed project area is in  
20 location or an area that OXY refers to as the Lost  
21 Tank area. There are eight wells that OXY is  
22 requesting to be included in this pilot project for  
23 the purposes of temporarily injecting produce gas.  
24 Those are identified in our application and our  
25 pre-hearing statement and we'll walk through those

1 during the hearing.

2 And then they are asking for a maximum  
3 surface injection pressure of approximately 1,300 psi  
4 with a maximum injection rate of 4,000 standing cubic  
5 feet per day.

6 There are two pool codes here, both  
7 within the Bone Spring. We'll identify those as we  
8 walk through those exhibits. One additional wrinkle  
9 is that there's a well for which OXY is requesting an  
10 exception for the Division's standard packer setting  
11 depth requirement. And we'll touch on that as we walk  
12 through the testimony.

13 And otherwise, we believe that  
14 everything else that is required by the Division under  
15 its guidance for these applications has been  
16 submitted.

17 With that, Mr. Examiner, I will -- and  
18 ask that our first witness be called to the stand --  
19 Mr. Steven Janacek.

20 HEARING EXAMINER HARWOOD: Sure.

21 Mr. Janacek and all the witnesses, just  
22 reminding, you know, you're under oath -- all your  
23 testimony.

24 //

25 //

1 DIRECT EXAMINATION

2 BY MR. RANKIN:

3 Q Mr. Janacek, will you please state your full  
4 name for the record?

5 A Yes. My full name is Steven Janacek.

6 THE WITNESS: And also, can y'all hear  
7 me okay?

8 MR. RANKIN: Yeah. We can hear you  
9 great.

10 THE WITNESS: Okay. Great.

11 BY MR. RANKIN:

12 Q By whom are you employed and in what  
13 capacity?

14 A I'm employed by OXY USA Incorporated as  
15 a -- a petroleum engineer.

16 Q Have you previously testified --

17 HEARING EXAMINER HARWOOD: Mr. --

18 MR. RANKIN: Yes?

19 HEARING EXAMINER HARWOOD: Hold on just  
20 a second, Mr. Rankin, if you don't mind.

21 MR. RANKIN: Yep.

22 HEARING EXAMINER HARWOOD: And let me  
23 just -- I don't mean to interrupt your questioning.

24 But let me just ask Mr. McClure or  
25 Mr. Goetze, are there things that you all particularly

1 need to hear from these witnesses and/or things that  
2 you don't need to hear from this witnesses in this  
3 type of case?

4 This is just for the benefit of  
5 possibly being able to streamline and shorten the  
6 testimony needed in these cases, not to impede your  
7 presentation, Mr. Rankin.

8 TECHNICAL EXAMINER MCCLURE: Yes,  
9 Mr. Harwood. I mean I would definitely say the  
10 Division's interested and this is definitely to  
11 streamline as much as possible.

12 Now, understanding that Mr. Rankin  
13 probably already has his presentation prepared I  
14 suppose our hope would just be to, you know -- I guess  
15 just to repeat myself -- streamline as much as  
16 possible.

17 There are definitely some things I  
18 guess that are, you know, very basic that's the same  
19 on all of these projects that we don't necessarily  
20 need to go into as much detail as we have in the past.

21 MR. RANKIN: Thank you, Mr. McClure.

22 And thank you, Examiner Harwood.

23 How about this? In order to have a  
24 complete record, I'll make sure that we just touch on  
25 everything that's required under the Division's

1 guidance. However, I'll ask each of our witnesses  
2 to -- each of whom have already presented similar  
3 cases -- to kind of touch only at a high level on the  
4 topics or issues that I ask of them.

5 That way, we can move a bit more  
6 quickly through the material. And if there's anything  
7 the Division wants to probe more directly or in  
8 clearer detail, they can ask on their cross.

9 HEARING EXAMINER HARWOOD: Exactly.  
10 Perfect. Thank you.

11 MR. RANKIN: Okay. With that in mind  
12 then I'll skip as fast as I can through the  
13 formalities.

14 BY MR. RANKIN:

15 Q Mr. Janacek, have your credentials as an  
16 expert in petroleum engineering been accepted by  
17 Division and made a matter of record?

18 A Yes. They have.

19 Q And are you familiar with the application  
20 that was filed in this case?

21 A Yes.

22 MR. RANKIN: At this time,  
23 Mr. Examiner, I would retender Mr. Janacek as an  
24 expert witness in petroleum engineering.

25 HEARING EXAMINER HARWOOD: He'll be so

1 accepted. And I think you can say the same for your  
2 other two witnesses.

3 MR. RANKIN: Okay. Thank you.

4 Mr. Examiner, I think I have available the exhibit  
5 packet that was presented and filed on Tuesday. I'll  
6 only bring it up as and when it's necessary. And for  
7 everyone's benefit, I will refer to each exhibit by  
8 number. We've filed Exhibits 1 through 9.

9 Exhibit 1 is the application that was  
10 filed with its attachment. And as necessary, I will  
11 call it up on the screen, but in order to streamline  
12 and try to speed through, I will only refer to it as  
13 necessary on the screen, if that's okay with  
14 everybody.

15 (23633 Exhibit 1 was marked for  
16 identification.)

17 BY MR. RANKIN:

18 Q Mr. Janacek, is Exhibit 1 that was filed  
19 with the Division a copy of the application that OXY  
20 filed in this case along with all the supporting  
21 materials?

22 A Yes.

23 Q Can you just briefly explain what it is that  
24 OXY's requesting with this application?

25 A Yeah. So to review what you stated

1 previously, OXY here is seeking the Division's  
2 approval for a closed-loop gas capture injection pilot  
3 project here in our Lost Tanks area. And from this  
4 point forward, I'll probably call it closed-loop gas  
5 capture or may be referred to as gas storage.

6 Another thing we're requesting here is  
7 the -- the authority to intermittently inject the  
8 produced and treated gas into these eight horizontal  
9 producing wells during our gas sales interruptions.  
10 And this gas that will be stored would otherwise be  
11 flared during a -- during a interruption or it would  
12 require OXY to shut in the wells in the gas-gathering  
13 system.

14 And as was previously stated, we're  
15 requesting a maximum-allowable surface pressure of  
16 1,300 psi, which corresponds with our maximum pressure  
17 for the centralized gas-lit facilities. We're also  
18 requesting an exception to the hundred-foot packer  
19 setting depth requirement applied to vertical wells  
20 because these are horizontal wells.

21 And then furthermore we're requesting a -- a  
22 further exception for the packer set on the top spot  
23 1213 [sic] Federal Com No. 11H. And this is addressed  
24 in a later exhibit.

25 Q And, Mr. Janacek, in the application, the

1 pilot project as proposed is described as a certain  
2 acreage with certain sections of land. Rather than  
3 going through all that in detail, can you confirm that  
4 the acreage in the pilot project area is as described  
5 in the application?

6 A Yes. It is.

7 Q Now, have you prepared otherwise an analysis  
8 demonstrating that the proposed projects meets the  
9 Division's guidelines for closed-loop gas capture  
10 pilot projects?

11 A Yes.

12 Q And is that information either provided as  
13 attachments to the application that was filed or with  
14 the exhibits that were submitted in advance of today's  
15 hearing?

16 A Yes.

17 Q Now, I mentioned this is in the opening,  
18 what formation is OXY targeting here with this  
19 temporary gas injection?

20 A We are targeting three different formations  
21 within the Bone Spring. Those are the Avalon, the  
22 first Bone Spring Sand, and the second Bone Spring  
23 Sand.

24 Q And across the project area, is there more  
25 than one pool or what pools designated by Division

1 will be subject to this injection?

2 A There are two different Bone Spring pools.  
3 One is the Bill Bree [ph] Basin. Bone Spring with  
4 pool code 5695. And then we also have the Bill  
5 Bree [ph] Bone Spring South and the pool code is  
6 97336.

7 Q Now, in previous orders the Division has  
8 prepared, along with its application -- along with its  
9 order rather -- orders -- Exhibit A and B with the  
10 orders?

11 A Yes. That's correct.

12 Q And did you prepare sample orders for the  
13 Division?

14 A Yes. We did.

15 Q I'm sorry. Sample exhibits?

16 A Yes. We -- from -- we put together and  
17 provided sample OCD exhibits to help with the drafting  
18 of those orders.

19 Q Okay. And those were attached with the  
20 exhibits that were filed on Tuesday as  
21 Exhibits 1 [sic] and 2?

22 (23633 Exhibit 2 and Exhibit 3 were  
23 marked for identification.)

24 A Yes. That's correct.

25 Q And just if you would just briefly explain

1 what those two exhibits show.

2 A Yes. The first exhibit -- let me pull it up  
3 in front of me. The first exhibit refers to standard  
4 information about the project area -- the project  
5 pools, the CLGC -- wells in Exhibit A. And then in  
6 the second exhibit -- the second example exhibit --  
7 OCD Exhibit B -- we have an overview of the CLGC wells  
8 and offset wells in the project area.

9 Q Thank you. I think I referred to those --  
10 to correct myself, those are marked as Exhibits 2 and  
11 3 that were filed with the Division. That's correct?

12 A Yes.

13 Q Okay. Now, these wells are proposed to  
14 inject at various depths corresponding to the proposed  
15 injection intervals. Those will be -- and you  
16 mentioned them -- the first Bone Spring, the Avalon,  
17 and the second Bone Spring?

18 A That's correct.

19 Q Okay. And have you also prepared an exhibit  
20 depicting the proposed closed-loop gas capture  
21 injection wells and any offset wells with a gun-barrel  
22 view?

23 A Yes. We've provided gun-barrel views for  
24 the project area.

25 Q That's Exhibit 4 that was filed.

1 (23633 Exhibit 4 was marked for  
2 identification.)

3 A I believe so, yes. That is Exhibit 4.

4 Q Anything to comment on there, Mr. Janacek?  
5 Anything of note to identify for the Division?

6 A Only major thing to note is that there are  
7 very few direct offset wells in this project area.  
8 And that's because there's very little development in  
9 the Bone Spring in this area. And that is reflected  
10 in the gun-barrel views.

11 Q So if you would, just what's the range of  
12 depth from shallowest to deepest across which the  
13 injection will occur within the Bone Spring?

14 A Yes. Our shallowest well is in the Avalon  
15 at approximately 9,005 feet TBD. And then our deepest  
16 well in the second Bone Spring is at approximately  
17 10,699 feet TBD.

18 Q Okay.

19 MR. RANKIN: So I'm going to actually  
20 at this point pull up on the screen, Mr. Janacek, a  
21 image of the project area location so that I think  
22 it's probably at this point easier just to have it on  
23 the screen.

24 But while I do that, if you would --  
25 and I'm going to be referring to the overview map that

1 identifies the project area boundaries and the  
2 location of the facilities.

3 And while I pull that up, if you would  
4 start just explaining what -- you know, the layout of  
5 the project and what we're looking at when I pull this  
6 map up for the examiners.

7 THE WITNESS: Sure.

8 MR. RANKIN: Let me know when you all  
9 can see my screen.

10 THE WITNESS: Yes. I can see it.

11 MR. RANKIN: Okay. Great. It's a  
12 little small. I'll try to make it bigger so we can  
13 see.

14 BY MR. RANKIN:

15 Q But go ahead and explain how the project is  
16 set up and what the different facilities are.

17 A Sure. So in this -- in this map, what we're  
18 seeing is a high-level overview of the Lost Tanks area  
19 and the corresponding wells and facilities involved in  
20 that project.

21 While we are zoomed out here at the high  
22 level, you -- you can see the blue dotted rectangles  
23 which outline the various HSUs associated with the  
24 project area. There are top spot wells -- three top  
25 spot wells in the upper left-hand part of the map.

1           Then we have -- on the bottom southern part  
2 of the map, there is one Lost Tanks well. And then on  
3 the right-hand side there are four additional Dr. Pi  
4 wells. So those are the HSUs associated with it.

5           THE WITNESS: And then if you would,  
6 Mr. Rankin, zoom in to the middle of that map. There  
7 we go. Hopefully that's a little bit easy -- easier  
8 to see.

9           You can also see we're straddling the  
10 two counties here -- Eddy on the left and Lea on the  
11 right -- but that's not pertinent. What is pertinent  
12 is we're also showing the representation of these  
13 storage wells with the black lines showing the -- the  
14 trajectories of the gas storage candidate wells with  
15 the first take point, last take point noted on there  
16 as well.

17           And then near the service hole  
18 locations, you can see the green flow lines. And some  
19 other components on here are the central tank battery  
20 in the salmon-colored rectangle and the low-pressure  
21 gas-gathering line indicated in red, which leads over  
22 to the centralized gas-lit compressors.

23           And then from there the centralized  
24 gas-lit compressors pressure up the gas to around  
25 1,200, 1,250 psi, where it is then sent back to the

1 other wells in the system on the orange line there  
2 that is the high-pressure gas-lift line.

3 Some other components on here to note  
4 are also the red stars. The red stars indicate where  
5 we have facility flares in place. And then we are  
6 also showing the blue stars. And the blue stars  
7 represent where the pipelines gives for our  
8 third-party gas takeaway.

9 BY MR. RANKIN:

10 Q Are there two gas takeaway options for this  
11 project area?

12 A For here, yes. At the moment there are due  
13 to some temporary facilities, but eventually it will  
14 be just one takeaway.

15 Q Thank you. Is this project area, is it all  
16 behind a single comingling order?

17 A Yes. It is.

18 Q And is that PLC867A?

19 A Yes. It is.

20 Q Okay. And does that include all the source  
21 wells that will be producing gas for injection as  
22 well?

23 A Yes. It does.

24 Q Now, I think we've gone through this before,  
25 Mr. Janacek, so I won't belabor it, but you've

1 explained previously how the system will work. If you  
2 would just at a high level explain how the project  
3 will transition from production to injection when  
4 there's an upset?

5 MR. RANKIN: And I will share my screen  
6 briefly so you can kind of at a very high level  
7 explain what we're looking at here.

8 THE WITNESS: Sure.

9 MR. RANKIN: Whoops. Showing the wrong  
10 screen. One second.

11 THE WITNESS: I will try my best to be  
12 brief in this detailed facility diagram.

13 MR. RANKIN: Yeah. Okay.

14 BY MR. RANKIN:

15 Q Go ahead.

16 A So if we focus in -- before we focus in,  
17 what we are looking at here on this page is a diagram  
18 for the Lost Tanks gas process and the gas-gathering  
19 system.

20 Two things to note before we dive in. One  
21 is we have some temporary facilities on the left-hand  
22 side, which are outlined and highlighted in the blue  
23 area.

24 And then in the center part you can see some  
25 facilities that have not yet been built or connected

1 to the system and these are highlighted in the yellow  
2 or oranges -- orange area.

3 So we are straddling two different  
4 facilities and different facility flow diagrams, but  
5 for the intent of reviewing the project and how the  
6 system will work, we'll just focus on the right-hand  
7 side of the diagram.

8 So with the gas storage project here -- the  
9 closed-loop gas capture project -- we're utilizing our  
10 existing centralized gas lift system and network to  
11 temporarily inject and -- and store gas in wells.

12 So if we orient ourselves in the diagram  
13 looking at the wellbore in the bottom right-hand  
14 corner, in this system on the right we have seven of  
15 the gas storage wells -- the Dr. Pi, Top -- and Top  
16 Spot wells.

17 And during normal operations, these wells  
18 will produce the fluids up the tubing and down the  
19 green flow line to the central tank batteries here at  
20 Steve Aus [ph] tank 18 central processing facility.

21 At this -- at this facility we will separate  
22 our oil, water, and gas. The oil will be sold. The  
23 water will be sent to disposal. And the gas will  
24 enter the low-pressure gas pipeline, here indicated in  
25 red.

1           There's also a connection there to our --  
2   our flare if we need to flare, but continuing through  
3   the diagram up at the left, looking at the red  
4   low-pressure gas pipeline. That leads over to the  
5   Lost Tank 13 CGL station. And it is -- this is where  
6   the gas is -- is pressurized, brought up to anywhere  
7   between 1,200 and 1,300 psi.

8           And then it has two pathways after the CGL.  
9   It can be sold to the -- the gas takeaway -- primary  
10   gas takeaway and then it can also go to the gas -- gas  
11   lift lines back to our producing wells.

12           So that's a full cycle of the current  
13   production and current facilities. And during a gas  
14   lift storage event, what will occur is the gas storage  
15   candidates will be shut in and they will be shut in by  
16   closing the SDV -- or the safety shutdown valve --  
17   that is just downstream of the wellhead.

18           And at this point as gas lift and  
19   compression is continued the gas will therefore be  
20   stored in these storage wells as all the other wells  
21   are kept online, producing oil and water and gas --  
22   system.

23           And once the storage event has ended and we  
24   are selling gas again, we will bring these gas storage  
25   wells back online and we will start to open up that

1 safety shutdown valve and put the wells back on  
2 production.

3 So that's an overview of the normal  
4 operations and what operations succinctly look like  
5 during a gas storage event.

6 Q And just for the benefit of the Division,  
7 there's any difference here in this operation compared  
8 to what you've previously presented to the Division?

9 A That is correct. There is a -- there's no  
10 difference between what's previously been presented to  
11 the Division.

12 Q Now, for each of the wells that are proposed  
13 for injection, have you provided an as-drilled C-102  
14 as part of your exhibit packet?

15 A Yes. I have.

16 Q And those also identify the designated pool  
17 codes for each of those wells?

18 A Yes.

19 Q Those were located on pages 18 to 25 of the  
20 exhibit packet. Is that correct?

21 A Yes. That's correct.

22 Q Okay. Let's see. Now, starting here,  
23 it's -- and when I refer to the pages, I will refer to  
24 the OCD stamp page here. It's page 18 is the start of  
25 the C-102s.

1           Now, have you also prepared a proposed  
2 injection well data sheet for each of the wells --

3           A     Yes.

4           Q     -- that provides details on the well-casing  
5 cement and wellbore schematics?

6           A     Yes. I have.

7           Q     And those are also included in the exhibit  
8 material that was filed with the Division.

9           A     Yes.

10          Q     Anything of note there, Mr. Janacek? Rather  
11 than walking through them, I'll just ask you to point  
12 out if there's anything of note or anything that's  
13 different than what OXY's otherwise presented in these  
14 cases to the Division?

15          A     Only thing to note is the packer depth on  
16 the Top Spot 11H. That will be covered in detail in  
17 the affidavit that's filed as one of the exhibits.

18          Q     Okay.

19          A     Besides that, there's nothing else to note  
20 of -- of relevance.

21          Q     Okay. Well unless you want to address  
22 anything on that, I'll review it and point the  
23 examiners to the affidavit that was prepared as part  
24 of the exhibit packets.

25          A     Yes. I think having you point to it will

1 work well. And if there are any questions afterward,  
2 I can try my best to answer or we can provide  
3 supplemental information.

4 Q Okay. Thank you. On the one item that was  
5 not included in the exhibit packets simply because of  
6 the size and the Division's preference for having  
7 electronic versions are cement bond logs for each of  
8 the wells. Has OXY submitted or uploaded electronic  
9 copies of the cement bond logs for each of the wells  
10 that are proposed for injection to the Division's  
11 online database?

12 A Yes. Those CBLs were submitted yesterday to  
13 the OCD records.

14 Q Okay. Now, have you also conducted  
15 calculations based on the proposed maximum-allowable  
16 surface pressure for each of the Division's  
17 closed-loop gas capture guidelines elements?

18 A Yes. We have done some calculations.

19 MR. RANKIN: I'm going to skip over to  
20 that. Let me find it. Let's see. Sorry.

21 BY MR. RANKIN:

22 Q Just at a high level, Mr. Janacek, based on  
23 these calculations here in the exhibit packet, have  
24 you confirmed that the Division -- or rather that OXY  
25 falls within the requirements and thresholds for each

1 of the elements required by the Division in these  
2 types of cases?

3 A Yes. That's what we concluded.

4 Q Okay. So unless the Division has any  
5 questions this, I'll let the exhibit speak for itself  
6 and we don't need to walk through each of the  
7 elements.

8 But essentially, Mr. Janacek, as you  
9 mentioned, you're seeking a maximum-allowable surface  
10 "injecture" pressure of 1,300 psi?

11 A Yes. That's correct.

12 Q And a maximum injection rate of four million  
13 standing cubic feet per day of gas?

14 A Yes, roughly.

15 Q Okay. And then you also have an exhibit  
16 here, Mr. Janacek, that just sort of gives an overview  
17 of the wellhead. Is there anything of note here,  
18 rather than walk through in detail, that is worthy of  
19 pointing out? Or does this well diagram comport with  
20 what OXY has previously presented to the Division on  
21 these cases?

22 A Nothing major of note here. I would just  
23 add to what you said. This is what we had previously  
24 submitted in previous gas storage cases. And this is  
25 also the wellhead diagram and setup that is very

1 similar to our -- our gas lift operations.

2 Q So nothing has to change in order to conduct  
3 this operation of -- to break gas storage.

4 A The only thing that's changing is there are  
5 some additional pressure transducers installed on some  
6 of the casing annuli that are not normally there, but  
7 everything else will remain the same.

8 Q Okay. Now, on each of these wells has OXY  
9 prepared or conducted a mechanical integrity test to  
10 confirm the integrity of each of these wells?

11 A We have conducted mechanical integrity tests  
12 during completion operations that were earlier this  
13 year and late last year when these wells were drilled  
14 and completed. And we have not yet completed a MIT --  
15 a -- a new MIT per the OCD's guidance. And we plan to  
16 do so.

17 Q Okay. So as condition of approval or prior  
18 to commencement of injection, OXY intends to conduct  
19 an updated MIT for each of the wells.

20 A That is correct.

21 Q Now, in this packet, did you also include a  
22 list of source wells that were providing gas during  
23 these temporary injection events?

24 A Yes. We did.

25 Q And that's page 45 of the exhibit packet.

1 A Yes. It is.

2 Q And I mentioned previously, these are all  
3 wells that are approved behind the existing surface  
4 comingling permit -- PLC867A?

5 A That's correct, yes.

6 Q And you've prepared a gas sample analysis  
7 for the source gas that will be subject to the  
8 injection.

9 A Yes. We have.

10 Q And that information is also summarized in  
11 the exhibit packet that we supplied?

12 A Yes. It is. And there was one additional  
13 exhibit that was filed before the hearing which shows  
14 the gas analysis I believe for the Avalon Formation.  
15 That was not included in the original application.

16 Q Right. Mr. Janacek, that would be noted as  
17 Exhibit 5? Is that correct?

18 (23633 Exhibit 5 was marked for  
19 identification.)

20 A Yes. That is correct.

21 Q So yeah. So you have a gas source for each  
22 of the three -- or rather a reservoir analysis for  
23 each of the three target intervals?

24 A That's correct.

25 Q Have you identified any compatibility issues

1 between the injection-produced gas and the reservoir  
2 fluids or reservoir gas that will potentially result  
3 in corrosion or other adverse effects on the wellbore  
4 or production?

5 A No. We haven't seen any compatibility  
6 issues.

7 Q And this is the same gas you're already  
8 using for gas lift. So if there were issues, you  
9 likely would've already seen them?

10 A That is correct.

11 Q But you also have a gas -- rather a  
12 corrosion prevention plan in place existing with these  
13 wells?

14 A Yes. That's correct. We are showing the  
15 corrosion prevention plan, which is identical to how  
16 we treat our gas-lift gas.

17 Q And a summary of that gas corrosion  
18 prevention plan is included in the exhibit packet that  
19 was submitted to the Division. Is that correct?

20 A That's correct.

21 Q Now, following the guidelines from the  
22 Division, did you also prepare a summary operational  
23 plan for how OXY proposes to operate these temporary  
24 gas injection events?

25 A Yes. We did.

1 Q That's marked at pages 54 through 56 of the  
2 exhibit packet that was filed?

3 A That's correct, yes.

4 Q And the same operation plan that has  
5 previously presented and approved by the Division?

6 A Yes.

7 Q So no differences or anything of note and  
8 with respect to that operational plan?

9 A No.

10 Q So you'll have the same preset alarms and  
11 automatic shut-in safety valves that will prevent the  
12 exceedance of the maximum-allowable surface pressure.

13 A Yes. That's correct.

14 Q Okay. Let's get on to the area of review.  
15 You prepared an area review analysis, including maps  
16 and identification of wells within the 2-mile and  
17 half-mile areas of review?

18 A Yes.

19 MR. RANKIN: You'll see a map here that  
20 I'm showing on the screen. It's a little hard to read  
21 because there's a lot of small things, but essentially  
22 this is a -- let's see. What is this area here?

23 THE WITNESS: I believe that is the  
24 mineral estate map.

25 MR. RANKIN: Oh, yeah.

1 BY MR. RANKIN:

2 Q So this is the 2-mile area review map? Is  
3 that correct?

4 A That's correct.

5 Q Okay. So you've identified each of the  
6 wells within the 2-mile area surrounding the project  
7 area.

8 A Yes. We have.

9 Q Okay. And then on the next map here, this  
10 is the same 2-mile area, but identifies the -- what  
11 does this one identify? I'm sorry.

12 A This one is the same as before, but we've  
13 reviewed the mineral interest.

14 Q I see. Okay.

15 A The mineral estate, but identical map there.

16 Q Okay. Thank you. Sorry. I missed that.  
17 So this last map here is a half-mile area of review,  
18 identifying each of the candidate injection wells  
19 along with the wells that fall within that half-mile  
20 area of review?

21 A Yes. That's correct.

22 Q And just explain, if you would, what this  
23 map shows, what the numbers signify, and how they  
24 relate to the tabulation of data that follows.

25 A Yes. So walking through it, this is the

1 half-mile AOR map. And so we have a corresponding  
2 half-mile AOR buffer around each of our proposed gas  
3 storage candidates. And the gas storage candidates  
4 are noted by the red circles and numbers for their --  
5 at their service hole locations. And then we can also  
6 see the north and south well trajectories for these  
7 gas storage candidates.

8           Additionally, we have some other items  
9 notated on here. There are some yellow circles with  
10 black numbers and those are showing the offset wells  
11 that penetrate the top of the Bone Spring pool here.  
12 And I believe that is the -- those are the major  
13 pertinent items of the key here.

14           Q     So any wellbore that is partially or whole  
15 way within that half-mile area is captured within your  
16 analysis?

17           A     Yes. That's correct. It is included in the  
18 AOR table.

19           Q     Okay. Now explain how -- yeah. Explain,  
20 just briefly, this AOR table. This just identifies  
21 each of the elements for each well within the  
22 half-mile area that the Division requires?

23           A     That's correct. This table -- half-mile AOR  
24 table -- corresponds with the half-mile AOR map. And  
25 we are notating the wells in the table with the well

1 I.D. that can be found on the map.

2 And it is showing all the wells that  
3 penetrate partially or wholly the top of the Bone  
4 Spring pool, which is where we have the proposed gas  
5 storage injection.

6 Q And the table includes all the information  
7 required by the Division as to each of these wells?

8 A Yes. That is correct.

9 Q And you've also identified and included a  
10 wellbore schematic for the one well that was plugged  
11 and abandoned within the half-mile area of review that  
12 penetrates the Bone Spring injection intervals?

13 A Yes. That was submitted.

14 Q And I guess it's this well here, which is  
15 the Livingston Ridge 19 Fed 3 well?

16 A Yes. That sounds correct.

17 Q Okay. Now, in your opinion, Mr. Janacek, do  
18 each of the wells that penetrate the injection  
19 interval or the barriers, are they protective of  
20 correlative rights and will they prevent migration of  
21 gas out of the injection intervals in the project  
22 area?

23 A Yes. I believe so.

24 Q Let's move on to notice. Has OXY identified  
25 all the affected parties that are entitled to notice

1 under the Division's guidelines, including surface  
2 owners within a half-mile of the exterior boundaries  
3 of the project area?

4 A Yes. We have.

5 Q And you prepared a map identifying surface  
6 ownership within that area?

7 A Yes. We have.

8 Q So you have given notice to all the surface  
9 owners where the wells are located as well, under the  
10 Division's guidelines, the affected parties. And the  
11 list of affected parties is included in the exhibit  
12 materials starting at page 99 of the Exhibit 1 packet?

13 A Yes. That's correct.

14 Q That include the Bureau of Land Management  
15 and the State Land Office as well?

16 A Yes. It does.

17 Q Now, in addition to the affected parties  
18 that were required to receive notice by the Division,  
19 did OXY also give additional notice to other owners?

20 A Yes. Additional notice was given to other  
21 owners.

22 Q And if you would just explain who in  
23 addition did OXY identify for notice purposes?

24 A Yes. So the additional parties that OXY  
25 notified were all working interest owners and royalty

1 owners for not only the gas storage wells but all the  
2 wells that are in the gas-gathering network.

3 Q So everybody whose gas might -- or has an  
4 interest in the gas that'll be part of this project is  
5 receiving notice?

6 A Yes. That's correct.

7 Q And that's in part because you have a gas  
8 allocation plan whereby OXY is going to allocate --  
9 has a method for allocating between the gas that's  
10 injecting during temporary storage events and then  
11 after the wells are returned to production, how it's  
12 going to allocate between the gas that was injected  
13 and the gas is subsequently produced from that well?

14 A Yes. That's correct. We have a gas  
15 allocation plan that allocates return of storage gas  
16 and then native reservoir gas being produced.

17 Q And are there any differences in the  
18 proposed proposal here compared to what OXY has  
19 previously presented to the Division and have had  
20 approved?

21 A No. There are no differences.

22 Q Okay. Mr. Janacek, in your opinion, will  
23 approval of the application here prevent waste and  
24 protect correlative rights?

25 A Yes. I believe so.

1 Q And, Mr. Janacek, I want to make sure that I  
2 touched on each on each of the exhibits that I think  
3 we were -- referenced. So Exhibit 1 is the  
4 application with the attachments. Exhibit 2 is the  
5 proposed OCD Exhibit A and B that are a part of the  
6 Division's orders.

7 Exhibit 3 is the gun-barrel view of the  
8 proposed injection wells with any offset wells.  
9 Exhibit 4 -- I'm sorry. Did I have that wrong? Yeah.  
10 Exhibit 3 is the OCD Exhibit B proposed that shows any  
11 offset wells to the injection wells.

12 Exhibit 4 is the gun-barrel view. Exhibit 5  
13 is the Avalon gas sample tests data and analysis. And  
14 I think that covers everything. So did you prepare  
15 Exhibits 1 through 5?

16 A Yes. I did.

17 MR. RANKIN: At the time, Mr. Examiner,  
18 I would move for the admissions of Exhibits 1 through  
19 5 into the record.

20 HEARING EXAMINER HARWOOD: Exhibits 1  
21 through 5 will be admitted.

22 (23633 Exhibit 1 through Exhibit 5 were  
23 received into evidence.)

24 BY MR. RANKIN:

25 Q At this time, Mr. Janacek, is there anything

1 that I left off? Because we did kind of moved  
2 quickly. I want to make sure that you've had a chance  
3 to comment on all the important elements here before I  
4 pass you for cross-examination by the examiners.

5 A Thank you, Mr. Rankin. No. I believe you  
6 touched on everything.

7 Q Okay.

8 MR. RANKIN: Then, Mr. Examiner, at  
9 this time I would, as I mentioned, move the admission  
10 of those exhibits and then make Mr. Janacek available  
11 for examination by the Division.

12 HEARING EXAMINER HARWOOD: Okay.

13 Mr. McClure?

14 TECHNICAL EXAMINER MCCLURE: Yes,  
15 Mr. Harwood. I do have some questions for  
16 Mr. Janacek.

17 Mr. Janacek, just for some context so  
18 you know kind of where I'm going I guess, it looks  
19 like of these eight wells that's proposed, three of  
20 them don't have any reported production yet. So I'm  
21 assuming they're brand new essentially.

22 Four of them are producing or have  
23 reported production of greater than 700 barrels per  
24 day on average for the year 2023. And only one of  
25 them has production that's even approaching

1 200 barrels per day for 2023.

2 So I guess in the past our main  
3 restricting factor in terms of oil production and I  
4 suppose gas production as well has been the  
5 requirement that injection incur down the casing and  
6 production up the tubing.

7 Do you kind of have a ore [sic] of  
8 magnitude as to about how much oil production we're  
9 talking about at that point that you make that change  
10 and construct the well in that manner?

11 THE WITNESS: I do not know that --  
12 that critical point to -- at which we convert them.  
13 However, I do know that these wells over here --  
14 specifically the -- the Avalon and first Bone Spring  
15 wells -- they're depleting rather quickly.

16 And so we want to have the permits in  
17 place before -- before we're ready to go with the gas  
18 storage.

19 TECHNICAL EXAMINER MCCLURE: Well I was  
20 going to say I believe the well that's producing or  
21 average 227 barrels per days and 1 point -- almost  
22 1.2 million cubic feet per day, I think it's in its  
23 third or fourth year of production. Correct?

24 THE WITNESS: I would have to check,  
25 but that sounds -- that sounds --

1                   TECHNICAL EXAMINER MCCLURE: About  
2 right? I was going to say -- now, a permit's only  
3 good for two years. So -- I mean before it  
4 hacks [sic] to be extended.

5                   So then would it be safe to say that  
6 the rest of these wells will be producing at a rate  
7 greater than 200 barrels per day at the point that you  
8 would wish to make it -- put it into operation and --  
9 and ready to take injection?

10                  THE WITNESS: That's a good question.  
11 I -- I don't know about that. It might be -- it might  
12 be higher. It might be lower. It also depends upon  
13 the -- the wells in the system. And these were  
14 probably chosen as the lowest-producing wells in that  
15 system.

16                  TECHNICAL EXAMINER MCCLURE: So I guess  
17 what my question is -- well continuance of my  
18 question -- the discussion -- some of the "preinary"  
19 data seemed to perhaps indicate that native oil  
20 production may be slightly suppressed while the gas is  
21 being recovered.

22                  With that in mind, I guess is there a  
23 target as to how low oil production would be allowed  
24 to decline before OXY would wish to put these wells  
25 into operational status and ready for injection?

1 THE WITNESS: I don't know. I think  
2 that depends upon the number of upsets that are  
3 occurring in the system and what is happening and --  
4 and what is best to reduce our -- our flaring in that  
5 system.

6 TECHNICAL EXAMINER MCCLURE: I was  
7 going to say -- yeah. Just give you some further  
8 context. Since you're aware of the Division's concern  
9 here is, you know, ensuring that the interest owners  
10 in these particular wells whose native production  
11 would perhaps be impacted at the benefit of the wells  
12 in the system, making sure that their correlative  
13 rights are -- are being protected I guess.

14 I guess well I -- may be a little bit  
15 more internal discussion as to what we're thinking  
16 here for sure I guess.

17 THE WITNESS: Okay. Well I -- if I  
18 may --

19 TECHNICAL EXAMINER MCCLURE: Go ahead.

20 THE WITNESS: -- I'd like to --

21 TECHNICAL EXAMINER MCCLURE: Go ahead.

22 THE WITNESS: -- add two things to  
23 that. One -- one is that we -- I don't believe we'd  
24 operationally intend to use these gas storage wells --  
25 use these wells for gas storage let's say next week

1 per se. It's going to be on the -- on the timeline of  
2 years. And that was factored into our decision to  
3 move forward with permitting.

4 And so that's why we're looking at  
5 these wells that are just -- that have initially been  
6 put online and haven't been producing much. We're  
7 factoring in the -- the approval timeframe there as  
8 well before we receive the gas storage order.

9 And then a second thing would be  
10 talking to your point. Yes. There -- there were --  
11 there was some data that was previously reviewed, but  
12 we haven't done a deep dive on all the wells that have  
13 been utilized for gas storage and all of the events of  
14 those wells that have had gas storage occur.

15 So I don't think we can say and  
16 conclude that the -- there is a -- a positive or  
17 negative impact on -- on all the wells.

18 TECHNICAL EXAMINER MCCLURE: I  
19 guess -- how about -- I guess let -- let me back up a  
20 bit. I -- I wasn't going to ask question, but I'll  
21 probably just leave the discussion there I guess at  
22 this -- at this juncture on that -- on that particular  
23 topic. I have additional questions.

24 Just to make sure -- I know we've  
25 discussed this in the past, but just to I guess bring

1 it back to the forefront. You were -- OXY is aware  
2 that following gas capture event -- an injection  
3 event, you are going to be required to continuously  
4 meter the injection well for 24 hours following the  
5 event for production. Correct?

6 THE WITNESS: Yes.

7 TECHNICAL EXAMINER MCCLURE: Okay. I  
8 was just confirming 'cause we don't have any reference  
9 to it in your well test allocation method here. So  
10 just confirming that you were aware that was going to  
11 be one of the conditions that was going to be imposed.

12 THE WITNESS: Yes.

13 TECHNICAL EXAMINER MCCLURE: Okay.

14 Regarding the Top Spot 11H well, which you're  
15 requesting the -- the additional variance to be -- I  
16 think you're requesting 44 feet and TBD below the top  
17 of the confining layer.

18 I guess the initial question and if you  
19 do know the answer then -- then it'd be nice to know,  
20 but otherwise I'll retract my question. That is, do  
21 you know if there is kind of a -- a prelimit to  
22 degrees per hundred feet in the dogleg "solarity"  
23 in -- or severity in which OXY would not wish to  
24 rotate their tubing I guess?

25 THE WITNESS: Yes. Good question.

1                   TECHNICAL EXAMINER MCCLURE: Did that  
2 question make sense?

3                   THE WITNESS: Yes.

4                   TECHNICAL EXAMINER MCCLURE: Okay.

5                   THE WITNESS: I agree the -- I do not  
6 know what that number is and what our cut-off is, but  
7 I'm sure there is a value specific to -- specific to  
8 the situation.

9                   TECHNICAL EXAMINER MCCLURE: Okay.  
10 I'll go ahead and withdraw my question then. I don't  
11 think we need additional submittal. Just if you'd had  
12 it, it'd be nice as a reference point I guess just  
13 going forward.

14                   I guess the -- I guess the -- the  
15 keeling upon the topic of the 11H -- are you aware  
16 that there is Brushy Canyon production in this area?

17                   THE WITNESS: Yes.

18                   TECHNICAL EXAMINER MCCLURE: Okay. And  
19 I guess this is I'll follow further on this with  
20 Mr. Troutman I -- I assume would be the most  
21 appropriate, but I'm going to be curious as to if we  
22 have defining layers in the bottom half of the Brushy  
23 Canyon and also where the production is occurring in  
24 the Brushy Canyon in regards to the fact that we're  
25 getting pretty close to the top of what we're

1 considering our confining layer with that packer.

2 THE WITNESS: Sure. I -- I cannot  
3 address those.

4 TECHNICAL EXAMINER MCCLURE: Mm-hmm.

5 THE WITNESS: I will -- I'm sure you  
6 could ask Mr. Troutman.

7 TECHNICAL EXAMINER MCCLURE: Mm-hmm.

8 THE WITNESS: And then if he doesn't  
9 know, we can -- we can provide a supplemental filing.

10 TECHNICAL EXAMINER MCCLURE: Yeah. And  
11 on that one we probably will want supplemental, but  
12 I'll of course readdress the question to Mr. Troutman  
13 once he puts on -- or is -- is up on this -- up for  
14 questioning.

15 I guess the other question I would have  
16 in regards to this Top Spot 11H -- considering that we  
17 do have eight wells here that you're selected, I guess  
18 is there a reason that we need it to be eight instead  
19 of seven?

20 THE WITNESS: I think the more wells  
21 available for operational flexibility, the better.  
22 Again, it'll kind of -- depending upon how these wells  
23 decline, depending upon what other wells are in the  
24 system, we'll select the specific wells that'll be  
25 used for gas storage and -- and use them as we see

1 fit.

2 TECHNICAL EXAMINER MCCLURE: Yeah. And  
3 conceptually speaking I mean I guess it's -- it's  
4 obvious that the more wells, the easy it will be split  
5 out and the more -- more combinations of injections  
6 wells you'd be able to use, but in terms of, like,  
7 actually knowing at this point that you would need the  
8 eighth well, we really don't have any numbers or  
9 anything like that to -- to support that. Do we?

10 THE WITNESS: Not on hand, no, but I  
11 would assume if we were able to utilize eight wells  
12 for gas storage instead of seven, we would be able to  
13 keep more oil production online.

14 TECHNICAL EXAMINER MCCLURE: Thank --  
15 thank you, Mr. Janacek.

16 Thank -- thank you, Mr. Harwood. I --  
17 I have no further questions.

18 HEARING EXAMINER HARWOOD: Any other  
19 questions from OCD technical examiners for  
20 Mr. Janacek?

21 TECHNICAL EXAMINER GOETZE: Yes. There  
22 are two us. I'll go first.

23 Good afternoon, Mr. Janacek.

24 And I believe Million also has a  
25 question.

1           So I'll start off with on the 11H --  
2 following up on that. So currently it's going to be  
3 brain head squeezed -- the notation on the well  
4 indicates that there's going to be a secondary  
5 remediation on this well?

6           THE WITNESS: Yes. That's correct.

7           TECHNICAL EXAMINER GOETZE: Okay. So  
8 that's still pending. Is there any anticipated  
9 schedule with this? Or is this going to be down the  
10 road significantly?

11          THE WITNESS: Last I spoke with  
12 operations it either happened last month or it was  
13 planned for this month, Mr. Examiner.

14          TECHNICAL EXAMINER GOETZE: So it would  
15 not impede any issuing of an order and the success of  
16 it. You'll provide us with a more-accurate result  
17 hopefully. Okay.

18          And looking in your application of the  
19 eight wells, essentially I'm looking at three  
20 clusters -- Dr. Pi, Lost Tank, and then the Top -- Top  
21 Spot. The Dr. Pi wells all seem to second Bone  
22 Springs. And I'm not worried about the individual  
23 well in the Bone Springs.

24          But then our cluster over -- when 12 --  
25 in Section 12 and 13 almost has one in each -- an

1 Avalon, a first Bone Springs, and a second Bone  
2 Springs. Was this intentional as an effort to see  
3 stacking versus something that's spread out in the  
4 same injection interval?

5 THE WITNESS: No. It was not  
6 intentional. I think it was just the -- the wells  
7 that were recently drilled and available.

8 TECHNICAL EXAMINER GOETZE: So this is  
9 a chance of a sequence as opposed to intentionally  
10 seeing if you have a different model for these  
11 injections and see if -- what their impacts are?

12 THE WITNESS: I'm sorry. What's the --  
13 what's the question --

14 TECHNICAL EXAMINER GOETZE: Well I mean  
15 this is -- okay. So it's a -- a selection of wells  
16 available as opposed to intentionally setting up a --  
17 a different type of -- of conceptual model that would  
18 be used in the future.

19 THE WITNESS: Yeah. I don't think  
20 we're -- I don't think we designed it to pick those  
21 overlapping zones. It's -- it was just a matter of  
22 the wells that were drilled and available in the  
23 system as of this year.

24 TECHNICAL EXAMINER GOETZE: Okay. So  
25 availability more than concept.

1 THE WITNESS: Correct.

2 TECHNICAL EXAMINER GOETZE: Let's see.  
3 MITs with tubing in place. These are valved tubing  
4 sets. Historically, we've had some go-between between  
5 OXY and us regarding running MITs. So these are  
6 tubing in places are going to be used to conduct the  
7 MITs for these wells prior to injection.

8 THE WITNESS: Yes. That's correct. We  
9 will perfect a -- a new MIT per the guidelines of the  
10 OCD. The MITs that were completed and shown in the  
11 application were during completion operations and did  
12 not have a -- a packer in the hole.

13 TECHNICAL EXAMINER GOETZE: Okay. Any  
14 concerns with the tubing having valve sets in them?

15 THE WITNESS: Not that I'm aware of,  
16 no.

17 TECHNICAL EXAMINER GOETZE: Okay.  
18 You're confident they'll hold and give you a good MIT.  
19 Okay.

20 That's all I have for now, but I will  
21 say hello to Mr. Foppiano. I'm -- and I'm glad to see  
22 he's still around.

23 I wheel back to Mr. Harwood.

24 MR. FOPPIANO: I'm glad to be around.

25 HEARING EXAMINER HARWOOD: Any other

1 questions from the Division on this for Mr. Janacek?

2 TECHNICAL EXAMINER GEBREMICHAEL: Yes,  
3 Mr. Harwood. I have a -- a quick question.

4 So the eight were -- wells chosen, you  
5 know, during the normal operation, during the gas lift  
6 the pressure envelope ranges from hundred-eleven psi  
7 to around eight hundred fifty psi.

8 Now with this new gas capture, you  
9 know, or using it as intermittent, you know, producing  
10 and injecting, the pressure is going to go up to  
11 1,300 psi. Right? Now, I know you guys -- you do  
12 have the surface safety valves, but most of the gas  
13 storage wells are equipped with subsurface safety  
14 valves. Do those wells have the SSVs?

15 THE WITNESS: No. None of our wells  
16 have a subsurface safety valve installed.

17 TECHNICAL EXAMINER GEBREMICHAEL: Yeah.  
18 Because now, you're involved between injecting and,  
19 you know, producing at the same time at that pressure.  
20 Have you ever considered probably -- because if -- in  
21 case there is some surface damage, you know, all the  
22 surface safety valves and the control valves are  
23 damaged, your only safety line is having the  
24 subsurface safety valve.

25 Most of the gas storage wells, they do

1 have it. So yeah. That's my question. And I -- I  
2 was wondering with this new pilot project probably  
3 having safety -- subsurface safety valve would be  
4 really safe because in case there is some surface  
5 damage, that's your only safety line. So that's my  
6 question. And a suggestion at the same time.

7 THE WITNESS: Sure. Thank you for the  
8 question. No. We have not considered subsurface  
9 safety valves. I -- I do know that operations has  
10 mentioned those can complicate well workovers and have  
11 some issues on their own.

12 And then in additionally to that, I  
13 haven't heard of any issues operationally with any of  
14 our centralized gas-lift systems that we operate very  
15 similar to -- to the gas storage project.

16 TECHNICAL EXAMINER GEBREMICHAEL: Yeah,  
17 but it -- your -- your -- for the gas lift ones that  
18 are lower pressure. Right? Now, with this one,  
19 you're -- you're requesting up to 1,300 psi. There's  
20 a -- an elevation in -- in pressure.

21 THE WITNESS: That -- that is correct.  
22 This is 1,300 psi, but we do also operate other -- we  
23 operate some wells -- when they initially come on,  
24 they'll have a injection pressure of 1,200, 1,300 psi  
25 initially.

1 TECHNICAL EXAMINER GEBREMICHAEL:

2 Mm-hmm. Okay. Thanks.

3 HEARING EXAMINER HARWOOD: Other  
4 questions from OCD examiners for Mr. Janacek?

5 All right. Mr. Rankin, you may call  
6 your next witness.

7 MR. RANKIN: Thank you, Mr. Examiner.  
8 I may have just one follow-up based on the questioning  
9 for Mr. Janacek just because I think it'd be helpful  
10 for the record.

11 HEARING EXAMINER HARWOOD: Okay.

12 BY MR. RANKIN:

13 Q Mr. Janacek, Mr. McClure asked you some  
14 questions about -- he sort of focused on the fact that  
15 some of these wells are relatively new in terms of  
16 production and so that there may -- you know, unlike  
17 some of the other wells that have been selected for  
18 temporary gas injection, they haven't been depleted to  
19 the extent that some of the other wells have been.

20 And he I think referred to some data that  
21 OXY had presented to the Division previously for a  
22 subset of some of its injection for one gas injection  
23 storage event for a period of days. And I just want  
24 to make sure I understood and you understood what  
25 Mr. McClure was referring to. Do you recall

Page 216

1 Mr. McClure's questions around that issue?

2 A Yes. I do.

3 Q And is it your understanding that he was  
4 referring to the presentation that OXY made for its  
5 requested expansion of the Taco Cat and Avogato wells?

6 A Yes. That was my assumption.

7 Q And based on that, Mr. Janacek, the dataset  
8 that you understood Mr. McClure was referring to, is  
9 that just for a number of days? It wasn't the entire  
10 project for that Avogato, Taco Cat injection nor was  
11 it representative of all the gas storage events that  
12 OXY has conducted to date?

13 A That's correct. That data was specific to  
14 that well and specific to that storage event.

15 Q And based on its analysis and its review to  
16 date, OXY has not seen any negative or adverse impacts  
17 on production from any of its well that have been  
18 subject to temporary gas injection or storage.

19 A No. None that I am aware of.

20 Q Okay. And of course we have a reservoir  
21 engineer who will be testifying and can  
22 more-specifically address those questions as we come  
23 to them, but I just wanted to make sure I understood  
24 the basis for -- your understanding for the basis of  
25 Mr. McClure's questions and that, to your

1 understanding, there's been no demonstration or no  
2 data demonstrating negative or adverse impacts on  
3 these wells when they returned to production.

4 A That's correct.

5 Q All right. Thank you.

6 MR. RANKIN: Mr. Examiner, I have no  
7 further questions for Mr. Janacek and I'm prepared --  
8 unless the Division has more questions based on my  
9 questions, we'd like to call Mr. Troutman as our  
10 second witness.

11 HEARING EXAMINER HARWOOD: Okay.

12 Any further questions from OCD for this  
13 witness?

14 TECHNICAL EXAMINER MCCLURE: None --  
15 none from me, Mr. Harwood.

16 HEARING EXAMINER HARWOOD: Hearing no  
17 one else, please call your next witness and remember  
18 to skip the basics, if you would.

19 MR. RANKIN: Thank you, Mr. Examiner.  
20 And based on that, I understand that Mr. Troutman, who  
21 has testified many times before the Division, is  
22 recognized as an expert as a petroleum geologist.

23 DIRECT EXAMINATION

24 BY MR. RANKIN:

25 Q And with that, I will ask Mr. Troutman, have

1 you prepared some slides today, outlining your  
2 analysis of the geology of this proposed project area?

3 A Yes. I have.

4 MR. RANKIN: Mr. Troutman, just because  
5 I know it'll be easier for everyone -- because geology  
6 is a visual art -- I will pull up on the screen for  
7 sharing -- and I know you have your own copy in front  
8 of you -- and especially helpful would be to have a  
9 copy because the text is a little small here.

10 THE WITNESS: Mm-hmm.

11 MR. RANKIN: But I will pull up for the  
12 benefit of everybody so that you can review your  
13 slides as you give your testimony.

14 I think this is the first slide.

15 BY MR. RANKIN:

16 Q And if you would, Mr. Troutman, just kind of  
17 review what this shows, explain the type well log, and  
18 give us the general overview of the confining layers  
19 above and below and then the target injection  
20 intervals for this project.

21 A All right. This slide basically represents  
22 the second Bone Spring injection interval that's  
23 represented by the red circle down there.

24 We have a lower barrier of the third Bone  
25 Spring lime. Beneath that, above the second Bone

1 Spring sand we have an upper barrier, which is this  
2 second Bone Spring limestone. You can see where the  
3 first Bone Spring sand is there, which is another one  
4 of our injection intervals. And above that is the  
5 Avalon.

6 Something I can show better in one of the  
7 later slides, but I can touch on it here that  
8 Mr. McClure asked about -- our Avalon well lands in  
9 the very lower part of the Avalon there. And so  
10 there's still six to seven hundred feet of barrier  
11 above that Avalon well to prevent any communication  
12 with the Brushy Canyon. The very top of this well log  
13 you see here is the base of the Brushy Canyon.

14 Q Is there any more, Mr. Troutman, on this  
15 slide that you want to touch on?

16 MR. RANKIN: And just direct me when  
17 you're ready to move to the next slide and I'll --

18 THE WITNESS: Let's go to the next  
19 slide.

20 MR. RANKIN: Okay. Yeah.

21 THE WITNESS: This is explaining where  
22 the freshwater aquifers are. Our lowest freshwater  
23 aquifers are probably around 850 feet in depth at --  
24 at the top of the Rustler. Those would be still be  
25 very brackish.

1 Well actually at the top of the  
2 Rustler, you may have actually some fresh water, but  
3 at -- near the base of the Rustler, you would have  
4 brackish water. The base of the Rustler is the  
5 Salado.

6 Something I want to point out and  
7 correct. In the fourth bullet point here, I  
8 mistakenly labeled the top of the Salado as 850 feet.  
9 The top of the Salado is actually 1,150 feet.

10 So it -- it's a small point, but I --  
11 you can see in the slide that I've contradicted  
12 myself. I've listed the top of the Rustler the same  
13 as the top of the Salado. So I apologize.

14 I think we could move to the next  
15 slide.

16 MR. RANKIN: Sure.

17 BY MR. RANKIN:

18 Q And I guess the point here too though is to  
19 point out there's good barriers between the injection  
20 and any --

21 A Right.

22 Q -- subsurface sources of water. Right?

23 A Even our shallowest injection in the lower  
24 Avalon is protected by the -- the upper part of the  
25 first Bone Spring lime and the Castile and the Salado.

1 Q Great. And tell us what this next slide  
2 shows here. I guess this is a more of a full  
3 stratigraphic view of the proposed injection.

4 A -- correct. And you can see all three of  
5 our injection zones shown on this by the red dots.  
6 The lower Avalon is much more clear in this example.  
7 And you can see a large carbonate barrier above it and  
8 another carbonate barrier above that.

9 I -- with -- in between those two carbonate  
10 barriers is a very low-permeability shale. So -- oh,  
11 that's our -- our barrier between the Brushy Canyon  
12 and the lower Avalon. Again, you can see the barrier  
13 above the first Bone Spring between the Avalon and the  
14 first Bone Spring sand. And I -- that really explains  
15 what I've covered.

16 Q All right.

17 A I'm -- without being redundant.

18 Q And then this next slide shows a  
19 cross-section of the --

20 A It does.

21 Q -- injection intervals. Yeah?

22 A And I've used the same cross-section for all  
23 three intervals. I've just highlighted the injection  
24 interval so that you can see what it looks like in the  
25 cross-section clearly. This one is showing second

1 Bone Spring sand. This is a structure map of the top  
2 of the second Bone Spring sand.

3 I've color-coded the wellbores so that you  
4 can see the pink wellbores are the second Bone Spring  
5 sand, the orange wellbores are first Bone Spring, and  
6 the Avalon well is in purple.

7 Q Think your --

8 A My cross-section is the green line.

9 Q Now, you provided updated -- or corrected  
10 isochore maps for each of the injection intervals and  
11 I can skip over to those. Those were submitted as  
12 Exhibit 6. Is that correct, Mr. Troutman?

13 (23633 Exhibit 6 was marked for  
14 identification.)

15 A Yes.

16 Q Do you want to just review -- or I'll go  
17 ahead and go through these -- so the isochore maps  
18 here if you would. This is the second Bone Spring  
19 isochore map.

20 A Right. This is just showing thickness of  
21 second Bone Spring. I've labeled my thicknesses of my  
22 data points. And the contours of course are labeled.  
23 These are 25-foot contours. This is the first Bone  
24 Spring isochore. And the lower Avalon isochore.

25 MR. RANKIN: And I'm going to get down

1 to there.

2 BY MR. RANKIN:

3 Q So in each of those cross-sections,  
4 Mr. Troutman, is the injection interval consistent  
5 kind of generally across the project area?

6 A It is consistent.

7 Q Anything that see -- after the isochore maps  
8 and you had also included some structure maps showing  
9 that there no faulting or pinch-outs or other geologic  
10 impediments that break up the project area, would  
11 impede effective injection across the area?

12 A That's correct.

13 Q And you may not know the answer to this  
14 question, Mr. Troutman, because we haven't discussed  
15 it, but -- now, I forget whether Mr. Goetze or it was  
16 Mr. McClure, but one of the examiners asked you about  
17 whether you're aware of there being existing Brushy  
18 Canyon production. Do you happen to know the distance  
19 from the project area where that Brushy Canyon  
20 production is occurring?

21 A It -- no. I don't.

22 Q Okay.

23 A I mean and those wells are within the Lost  
24 Tank area, but I don't know the exact distance for any  
25 of them.

1 Q Okay. That's fine. Now, in anticipation of  
2 the next witness who's going to be discussing  
3 reservoir modeling that was conducted by OXY and is  
4 based on the OXY Cedar Canyon project area, which you  
5 were -- just explain what this slide shows and how it  
6 relates to the upcoming engineering testimony that  
7 we're going to be hearing shortly.

8 A Yeah. Cedar Canyon I believe was our first  
9 pilot project and the one that we probably have the  
10 most data on. So I compared it to Lost Tank just to  
11 show the similarity of the geology.

12 The stratigraphy is -- is very similar.  
13 It's almost exactly the same. Reservoir heights are  
14 very similar. Permeability is similar. And -- and  
15 mineral composition is similar. So there's very  
16 little difference except the entire basin dips to the  
17 east. So Lost Tank is quite a bit deeper.

18 Q All right. And so essentially the point  
19 here is just that there's a geologic basis for using  
20 the Cedar Canyon as an analogous -- you know, a  
21 geologic system for gas injection.

22 A Right.

23 Q Yeah. Now, Mr. Troutman, you've also  
24 prepared an affirmative statement confirming that  
25 you've reviewed the geologic data within the area and

1 have confirmed that there's no evidence of open  
2 faulting or hydrologic connections between the  
3 injection zone and any sources of underground drinking  
4 water? Is that correct?

5 A Correct.

6 Q And in your opinion, the proposed temporary  
7 injection that OXY's seeking to conduct here will be  
8 protective of fresh water sources?

9 A Yes. I'm -- believe that's true.

10 Q Based on your review of the geology and the  
11 overlying barriers -- the barriers to migration, is it  
12 your opinion that the approval of the proposed  
13 injection project here will protect correlative  
14 rights?

15 A Yes.

16 Q And you prepared the geology exhibits that  
17 we just reviewed, Mr. Troutman?

18 A Yes.

19 Q Mr. Troutman, I think we've covered  
20 everything, but just before I let you go, is there  
21 anything that you didn't address that you would like  
22 to address for the examiners at this point?

23 A No.

24 MR. RANKIN: Mr. Examiner, at this time  
25 I would make Mr. Troutman available for questions by

1 the examiners.

2 HEARING EXAMINER HARWOOD: All right.  
3 Thank you, Mr. Rankin.

4 OCD, who wants to go first? Who's got  
5 the most-burning questions for Mr. Troutman? I'm not  
6 hearing any.

7 TECHNICAL EXAMINER GOETZE: No. We  
8 don't -- I don't -- I don't have any questions for  
9 Mr. -- Mr. Troutman, but I do have a comment with a  
10 regards to Mr. Rankin's referral to geology as a  
11 visual art. And I would say thank you very much.

12 TECHNICAL EXAMINER MCCLURE: Yeah,  
13 Mr. Harwood. I -- I do have some questions for Mr.  
14 Troutman.

15 Mr. Troutman, just to provide you a  
16 little bit more context for why I was asking my -- or  
17 had brought it up with Mr. Janacek.

18 I guess we do have an understanding  
19 that the injection interval is towards the bottom of  
20 the Avalon shale, but where the tubing packer's set at  
21 is very near the top of the Avalon shale.

22 THE WITNESS: Right.

23 TECHNICAL EXAMINER MCCLURE: And -- and  
24 essentially where we're actually testing our casing  
25 during MITs -- at least these follow-up MITs -- is

1 only going to test from that point upward is -- is the  
2 reason for my additional caution here I guess.

3 So towards that end, do you know where  
4 the target -- or the way the pay zone is in the Brushy  
5 Canyon in regards to is it, like, towards the top? Is  
6 it -- is -- or is there additionally production in the  
7 bottom of the Brushy Canyon in the area?

8 THE WITNESS: -- I believe in the tanks  
9 that most of the production out of the Brushy Canyon  
10 is what we call a Brushy Canyon G, which is the upper  
11 part of the Brushy Canyon.

12 TECHNICAL EXAMINER MCCLURE: Mm-hmm.

13 THE WITNESS: I don't know -- I can't  
14 speak to whether or not there is any production out of  
15 the Brushy Canyon A, but I do know that most of it has  
16 been out of the G. The A would be the lowest part of  
17 the Brushy Canyon.

18 TECHNICAL EXAMINER MCCLURE: Now, do  
19 you know if we have any layers within the lower part  
20 of the Brushy Canyon that would serve as defining  
21 layers?

22 THE WITNESS: I don't believe we do.

23 TECHNICAL EXAMINER MCCLURE: Okay.

24 Thank you.

25 Question I have in regards to a type

1 logs we have here. We have, like, a -- I mean we have  
2 it stretching across several pages. I guess I was  
3 just wanting to confirm, is all of these logs were  
4 depicted is derived from the Nef [ph] 13 Federal 1.  
5 Correct?

6 THE WITNESS: Yes.

7 TECHNICAL EXAMINER MCCLURE: Okay.

8 THE WITNESS: I --

9 TECHNICAL EXAMINER MCCLURE: Oh, go  
10 ahead.

11 THE WITNESS: Well I believe that's  
12 true, yes.

13 TECHNICAL EXAMINER MCCLURE: Okay. If  
14 you looking at some of our -- our later logs, it's  
15 pretty difficult to make out the measured depth on the  
16 logs.

17 THE WITNESS: Right.

18 TECHNICAL EXAMINER MCCLURE: We can see  
19 the subsurface, but what I -- what I really -- let me  
20 slow down. What I would like if you could submit to  
21 us would be a measured depth picks for both the top  
22 and the base of the upper confining layers for each of  
23 the formations.

24 They're would definitely be  
25 youthful [sic] for myself going forward. In the past,

1 I've been kind of picking them off of what would be on  
2 your page 67 of 127.

3 THE WITNESS: Sure.

4 TECHNICAL EXAMINER MCCLURE: Because I  
5 can kind of -- I could usually make them out, but it  
6 would actually -- moving forward, it'd actually be a  
7 lot easier if I just --

8 THE WITNESS: I -- I -- I'd be happy to  
9 do --

10 TECHNICAL EXAMINER MCCLURE: -- you  
11 know, actually had them I guess.

12 THE WITNESS: And I -- I sympathize and  
13 understand your difficulty reading the -- the depths  
14 on these because I -- it's hard to fit a log onto a  
15 PowerPoint slide.

16 TECHNICAL EXAMINER MCCLURE: Yeah.  
17 With the appropriate resolution to --

18 THE WITNESS: Right.

19 TECHNICAL EXAMINER MCCLURE: -- be able  
20 to see the entire scales and all -- yeah. Yeah. I'm  
21 with you.

22 I think that is all the questions I  
23 have for you, Mr. Troutman. Thanks a lot.

24 THE WITNESS: Okay.

25 TECHNICAL EXAMINER MCCLURE: And thank

1 you, Mr. Harwood.

2 HEARING EXAMINER HARWOOD: Thank you,  
3 Mr. McClure.

4 And, Mr. Rankin, any follow-up  
5 questions based on the examiner's questions?

6 MR. RANKIN: I have none, but just so  
7 I'm -- you know, can touch with -- make sure we get  
8 what Mr. McClure's asking for.

9 You want a list of the measured depths  
10 for the upper confining layers for each of the  
11 injection zones? Is that right?

12 TECHNICAL EXAMINER MCCLURE: That is  
13 correct, Mr. Rankin. Essentially the -- the top and  
14 the base of each of the upper confining layers.

15 MR. RANKIN: Okay.

16 TECHNICAL EXAMINER MCCLURE: So in this  
17 case, we'd essentially have your Avalon shale, your  
18 first Bone Spring lime, and your second Bone Spring  
19 lime I believe. But it's -- it's whatever you guys  
20 have listed out here.

21 MR. RANKIN: Yeah. Okay. Just want to  
22 make sure we understood what the request was for --

23 TECHNICAL EXAMINER MCCLURE: Mm-hmm.

24 MR. RANKIN: Okay.

25 No other questions from myself. Thank

1 you, Examiner Harwood. And with that, I guess we'll  
2 call our last witness -- Mr. Rahul Joshi.

3 THE WITNESS: Okay.

4 HEARING EXAMINER HARWOOD: Okay.

5 Mr. Joshi, you're under oath -- just a  
6 reminder.

7 MR. RANKIN: And again, as with the  
8 previously witnesses, Mr. Joshi has previously  
9 testified as an expert in petroleum engineering and  
10 has had his credentials accepted by the Division. So  
11 I will skip those formalities.

12 DIRECT EXAMINATION

13 BY MR. RANKIN:

14 Q Mr. Joshi, did you prepare a set of slides  
15 summarizing your study and analysis, confirming that  
16 the injection intervals here are suitable for  
17 temporary gas storage?

18 A Yes. I have.

19 Q And I think you might have cut out, but I  
20 think you said yes. Is that right?

21 A Yes. Yes.

22 Q Okay.

23 MR. RANKIN: You're a little soft on  
24 your volume for me anyway.

25 THE WITNESS: -- sorry. Oh, can you

Page 232

1 hear me?

2 MR. RANKIN: Yeah. Yeah.

3 THE WITNESS: Okay.

4 MR. RANKIN: It's just a little soft.

5 THE WITNESS: Okay. Okay. Can you  
6 hear me better?

7 MR. RANKIN: Yeah.

8 THE WITNESS: All right.

9 BY MR. RANKIN:

10 Q And rather than walk through in detail,  
11 Mr. Joshi, because I think the folks here are pretty  
12 familiar with the model that OXY has prepared to  
13 supports its injection, I'll just ask you a couple  
14 questions. And then maybe we can point out a couple  
15 details.

16 But in short, the reservoir model that OXY  
17 is relied on here is to justify the injection proposal  
18 is the same model that was previously presented to the  
19 Division in prior cases. Is that correct?

20 A Yes. That's correct.

21 Q And no other changes or updates have been  
22 made since the last time you presented this model to  
23 the Division?

24 A No.

25 MR. RANKIN: I'm trying to get to the

1 page where I think you show some of the differences.  
2 One moment. There we go. I'm going to share my page  
3 here. And I think this will be a good item to touch  
4 on. You see the screen that --

5 THE WITNESS: Yes.

6 MR. RANKIN: -- I'm showing here,  
7 Mr. Joshi? This is one of your slides that you  
8 prepared.

9 THE WITNESS: Yes. Yes.

10 BY MR. RANKIN:

11 Q And so the model that you used to infer the  
12 propriety of injection here is based on the Cedar  
13 Canyon project that OXY has conducted. Is that  
14 correct?

15 A Yes. That's correct.

16 Q And if you would just explain what this  
17 particular slide shows relative to the Cedar Canyon  
18 data that you used as the basis for your model and the  
19 model that was used to confirm the propriety of  
20 injection here.

21 A Sure. So as you can see here, the model --  
22 the original models, which were buried -- you could  
23 see on the left, which says the -- injections in 2017,  
24 that was when OXY did the gas injection project --  
25 high-pressure gas injection project. We have lot of

1 data from that, including the injection rates and  
2 pressures from the CC167H, which injected in second  
3 Bone Springs. We saw the offset breakthrough through  
4 the fractures in the offset wells. And we also did a  
5 huff and puff on this well.

6 So we used all this data and built a  
7 reservoir simulation model for this. And what we've  
8 discovered is we can still use this model to predict  
9 any gas storage project. And some of the reasons for  
10 this, as you can see, is the commonality is there in  
11 the same general area. We are going to inject the --  
12 we had -- this is a composition model and we are going  
13 to inject produced gas.

14 We are dealing with hydraulically-fractured  
15 wells in Taylor Canyon at the way that we all have  
16 them in Lost Tank. This is in Bone Springs Reservoir.  
17 And both our -- and -- and the Lost Tank wells are at  
18 four wells per section. The pilot area in Section 16.  
19 We also did this project on the four-wells-per-section  
20 spacing.

21 The only small difference here is the  
22 CC167H, which injected. It -- was that a 5K well and  
23 these gas storage wells are going to be 10K well.

24 The other difference, which is mainly an  
25 operationally difference, is the high -- the 2017

1 project was a high-pressure injection. So we injected  
2 at around 4,250 psi surface pressure, which roughly  
3 translates to around 5,200 psi bottom well pressure,  
4 whereas this gas storage project is going to be  
5 injected at 1,300 psi surface pressure, which we  
6 estimate will be about 1,750 to 1,800 psi bottom well  
7 pressure.

8 So just with that difference, that changing  
9 operating conditions, our model is still good to  
10 predict what we will happen when we inject gas into  
11 the fractures in these horizontal wells.

12 Q So similar to what Mr. Troutman presented,  
13 comparing the geology, this slide is intended to just  
14 demonstrate that the basis for your model or the  
15 engineering basis for your model suggests that it's an  
16 appropriate comparison and basis for your engineering  
17 analysis in this case.

18 A Yes. It is.

19 Q So we mentioned this previously and I think  
20 it's worth just touching on to establish the record  
21 here, but if you would just explain at very high level  
22 how you ran this model based off that Cedar Canyon  
23 data for this particular instance.

24 A Yeah. So our standard process for doing  
25 simulation work is to take all the primary history of

1 a history mash down to make sure that a model  
2 reproduces the primary history -- whatever was  
3 available.

4 And then we also did the -- we also had  
5 matched it to the high-pressure gas injection. So for  
6 a given gas injection rate, the -- the CC167H model  
7 was able to match the injection pressures.

8 We also saw a breakthrough in the offset  
9 wells. Now, only thing I would add here is they  
10 actually did a post hoc or an ad hoc modification to  
11 fractures to match this observed breakthrough in the  
12 offset wells.

13 And then once had this model ready, we -- we  
14 use the same model now for the gas storage project.  
15 The only difference we do is we switch the BHP control  
16 to around 1,700 psi and then we just let -- we see how  
17 long the -- at what rate the well takes the -- the  
18 injection.

19 We typically have done a three million  
20 injection for seven -- for seven days. So there's --  
21 this -- this particular case shows that we're  
22 injecting a constant rate, but we also have some --  
23 with these wells. We've done it at constant BHP.

24 And then once we inject for seven days,  
25 which means we are injecting a total of about

1 21 million gas -- that's cumulative volume injected,  
2 we produce the well post-injection. We flow the same  
3 well back. And we see the effect that this injection  
4 has happened on the oil and gas recovery of the  
5 injected well as well as the offset wells.

6 And what we've discovered from our modeling  
7 is we do not see any positive or negative effect on  
8 the injection well, on the -- on the gas storage well,  
9 or the offset wells.

10 Q And that model results so far has been  
11 substantiated broadly by the data OXY has been  
12 recovering from these projects?

13 A Yes. Yes. The data that we have seen so  
14 far has not indicated any positive or negative change  
15 to the oil or gas -- the -- the oil injection rate.

16 Q Okay. Turning back to the model --

17 A -- production rate. Sorry about --

18 Q Oh, it's okay. Didn't mean to interrupt.

19 Turning back to the model, if you would just  
20 explain -- this has been presented previously, but in  
21 short, the model predicts that the injected gas is  
22 going to what? Explain what this model represents.

23 A Yeah. So -- so what you see is a -- okay.  
24 So this is something which is a post-product of the  
25 simulation. So I will explain.

1           What you are trying to -- what you seeing  
2 here is the gas saturation. Now, the scale is very  
3 low, but the -- the cooler colors -- the blue  
4 indicates zero scale. The red indicates hot or the  
5 hundred -- or -- or 1.0 saturation. So what you're  
6 seeing here is you see this wells then -- I'm sorry  
7 for this picture is not -- a little faint, but you see  
8 that you have gas in the fractures of the wells. You  
9 see three major wells -- the long four -- four and  
10 half-K wells. These are the actual wells in -- in  
11 Section 16. The middle well is the 7H and the one  
12 that's north is 8H and the one below is it 6H.

13           Now, what we have done -- what we did is we  
14 did registry matching for this model. And what you  
15 can see is before injection, these wells are depleted  
16 and in the fractures, pressure is very, very low and  
17 therefore you have gas saturation in the fractures,  
18 you know, well below bubble point. And you can see  
19 how you have gas in the fractures.

20           You see the other region where you see blue  
21 color? That's where that is all matrix. And the gas  
22 saturation is zero because the pressure is still above  
23 over point. So that's what it shows before injection.

24           Then on to your right, you see what happens  
25 in the fractures when you inject three million gas for

1 one week. That is total 21 million gas. And you are  
2 injecting gas in the middle well here. Now,  
3 what -- now, if you see the strips below, that shows  
4 you the blow-up of the middle well.

5 So if you look below the top strip there  
6 shows the 7H well in which we are injecting the  
7 21 million gas. And what you will see if we compare  
8 the top lop and -- the -- the top strip and the bottom  
9 strip. You see the hot -- colors becoming hot moving  
10 from blue towards green. And that shows an increase  
11 in gas saturation.

12 So all basically it's saying is that all the  
13 injected gas is just moving away -- it's mainly in the  
14 fractures, staying in the fractures, close to -- close  
15 to perforations. Maybe 50 to a hundred feet away from  
16 the -- from the perforations.

17 And that's where you'd see all that increase  
18 in gas saturation. The increase in gas saturation as  
19 demonstrated by the change in colors towards the  
20 hotter color -- if I may say, from blue to green is  
21 all the gas that has been injected -- 21 million gas  
22 that has been injected there. And it sits there in  
23 the fractures.

24 Q And the next slide. What's the difference  
25 between what this shows and the previous?

1           A       Yeah.  So this is really a -- this is just  
2 the pressure profile.  Now, you know, gas saturation  
3 is dependent on pressure profiles.  So this is  
4 actually what is causing -- which is a driver of  
5 everything.

6                   And as you can see, before injection --  
7 again, the scale is too small to read, but the initial  
8 reservoir pressure here in the matrix is 4,500 psi.  
9 That is shown by the hot colors -- red.  And you can  
10 see that most part of the reservoir where you have the  
11 matrix, the pressure how not depleted and still is  
12 original pressure.

13                   Close to the wells you see the blue.  That's  
14 where the fractures are.  The blue is very -- is low  
15 pressure.  So according to scale, the blue is  
16 around -- close to thousand psi.  So that -- and shows  
17 that all the -- the pressure in fractures is depleted.  
18 And -- and then the pressure around the SRV is  
19 slightly more depleted, which is intermediate in  
20 green.

21                   Then what all you see here is -- again, if  
22 you're on -- on the right -- top right shows what  
23 happens when you inject gas for one week -- three  
24 million gas, ten million cubic feet per day for one  
25 which, which is around twenty-one million gas.

1           But the blow-ups below, all the blow-up is  
2 showing there is that injected gas is just pressuring  
3 up the fractures a little bit. So again, it's a  
4 little -- it's a little subtle, but if you compare the  
5 top and the bottom picture, you will see that again,  
6 in the bottom picture, the pressure moves from blue  
7 towards green, which is just an increase in pressure  
8 towards maybe 1,800 to 2,000 psi.

9           So all that's showing is -- this, coupled  
10 with the previous slide, just shows that all the gas  
11 injected goes into the fractures if the fractures are  
12 depleted, stays there, and it's still pressuring up  
13 the fractures very slowly because the gas -- high  
14 compressive -- low pressure. It just sits there.

15           Q     And what does this chart -- if you would  
16 just explain what this chart shows.

17           A     Yeah. So these are the wells which are the  
18 candidate storage wells. And what it shows, it shows  
19 the total volume of fractures converted to equivalent  
20 gas at around 1,800 psi pressure. So this shows that  
21 you could inject this much volume of gas in each of  
22 these wells and fill up the fracture volume before gas  
23 starts to migrate out of these fractures.

24           So you see a tremendous amount of gas can be  
25 put into these fractures close to around -- on an

1 average 250 million cubic feet per day. Generally,  
2 most of the gas storage events that OXY has done so  
3 far or intends to do are very short-term events and  
4 where we are injecting gas of the order of ten to  
5 fourteen or fifteen million cubic feet.

6 So looking at this and putting this together  
7 with our simulation, what shows that all the gas that  
8 we inject, which is going to be a fairly small volume  
9 of the total fracture volume, is going to set into the  
10 fractures very close to the well.

11 Q Mr. Joshi, in previous presentations, OXY  
12 has generally included an additional column in this  
13 table that I believe shows the volume of the depleted  
14 gas from the matrix following production for each  
15 well. Can you explain why that isn't shown here just  
16 so the examiners understand?

17 A Yeah. That is as -- there was some  
18 discussion earlier on with respect to when do you  
19 start injecting in these wells. And it makes sense  
20 that you can -- with that hurting under psi surface  
21 pressure. You need the fractures to be depleted  
22 before you can put in any more of gas.

23 These wells are -- as -- as was mentioned  
24 earlier, the three of these wells are just completed  
25 without any production and two wells -- most of these

1 wells are fairly new. So their cumulative production  
2 is very less.

3 So considering the fact that I -- some of  
4 these wells do not have cumulative production and some  
5 of these wells have very less cumulative production  
6 because they've -- they've been online for very short  
7 period of time, we chose not to put that data in here  
8 because it would just be either zero or very little  
9 gas volume there, which is really not -- it's -- it's  
10 not a reflection of -- of the condition of the  
11 reservoir when you would actually inject gas into  
12 these reservoirs. We don't intend to inject gas into  
13 these reservoirs any time soon -- or at least in next  
14 coming few months.

15 Q And then I think you mentioned that the  
16 injected volumes that OXY, you know, anticipates  
17 injecting during these short-term storage events is a  
18 fraction of what the fracture gas volume would be.  
19 What approximately is the fraction? Is it we're  
20 talking 10 percent of the fracture volume for each of  
21 these wells?

22 A Yeah. I would say that, you know, ten --  
23 ten million out of two hundred thirty. So it would  
24 be -- yeah. If I calculate it quickly here would  
25 be -- well 4 -- 4 to 5 percent. So yeah. And maybe

1 10 percent is the worst-case scenario if you -- if  
2 you're very conservative on that.

3 Q So the point being that even though these  
4 wells haven't yet in some cases produced and the  
5 matrix hasn't been depleted, there's nevertheless, you  
6 know, several factors more of volume accessible here  
7 for gas --

8 A Yes.

9 Q -- storage within the fracture network  
10 alone.

11 A Yes. That is correct.

12 Q Thank you. Just if you would just kind of  
13 give us the summary of your conclusions based on your  
14 analysis and that review of the data and the model  
15 that you prepared.

16 A Yeah. So again, reiterating what we just  
17 discussed. Generally, the storage events that we've  
18 seen in OXY so far, which OXY also intends to do. We  
19 are not injecting -- the maximum we've injected is  
20 around 30.5 million. So ten to fifteen million is  
21 all -- is the general order of totally cumulative  
22 injection for these storage events.

23 And looking at the fracture volume, this  
24 represents anywhere from 5 to 10 percent of the  
25 capacity of the hydraulically-created fractures. And

1 then looking at this, along with the simulation study  
2 indicates that this gas is just going to sit into the  
3 fractures fairly close to the well corporations --  
4 maybe hundred foot out into the fractures at the most.  
5 So some of these fractures are going about 500 to  
6 600 foot in length.

7 And also when we flow these well back, both  
8 our simulation as well as the data that we've seen  
9 does not indicate any positive or negative effect on  
10 the oil rate of the storage wells or the offset wells.

11 Q Did you also prepare an affirmative  
12 statement, confirming you have reviewed the  
13 engineering data and determined that the recoverable  
14 volume of hydrocarbons from the reservoirs here will  
15 not be adversely affected by the proposed injection?

16 A Yeah. That's correct.

17 Q And that the gas composition will not damage  
18 the reservoir?

19 A That is correct.

20 Q In your opinion, Mr. Joshi, will the  
21 approval of this application prevent waste and protect  
22 correlative rights?

23 A Yes. It will.

24 Q And, Mr. Joshi, you prepared the slides that  
25 were presented here under the engineering analysis as

1 part of the Exhibit 1?

2 A Yes.

3 MR. RANKIN: Mr. Examiner, at this time  
4 I would move the -- actually not to move the admission  
5 because it's already been moved, but I will pass  
6 Mr. Joshi off for questions by the examiners at this  
7 time.

8 HEARING EXAMINER HARWOOD: Thank you,  
9 Mr. Rankin.

10 Mr. McClure, questions?

11 TECHNICAL EXAMINER MCCLURE: Thank you.  
12 Yes, Mr. Harwood. I do have couple quick questions  
13 for Mr. Joshi.

14 Mr. Joshi, conceptionally, as a -- as  
15 the reservoir is more depleted -- I guess obviously  
16 there's going to be an additional total volume that  
17 you'll be able to inject, but I guess what my question  
18 is -- do you see the degree of depletion making a  
19 difference upon the ease with which your injected gas  
20 is recovered? And if so, is it better to have it more  
21 depleted or less depleted?

22 THE WITNESS: So we like to deplete it  
23 to the point where it can inject the gas. And then  
24 once -- once you have injected -- I'm not -- so far  
25 I'm -- I'm not sure whether it's going to cause a huge

Page 247

1 difference in how much you can get in terms of  
2 recovery.

3 TECHNICAL EXAMINER MCCLURE: I guess --  
4 oh.

5 THE WITNESS: -- a significant  
6 difference in recovery, whether it's -- whether it's  
7 extremely depleted or not so much depleted.

8 As long as you go below that level  
9 where you're able to inject gas, your depletion -- if  
10 the gas stays in the fractures, it's easier to recover  
11 that gas. That's -- that much is true. If it goes  
12 into the matrix, the -- pump in matrix is so much less  
13 for gas.

14 TECHNICAL EXAMINER MCCLURE: Mm-hmm.

15 THE WITNESS: Has to compete with  
16 water. And so it can be --

17 TECHNICAL EXAMINER MCCLURE: I guess --

18 THE WITNESS: -- trapped. There is a  
19 possibility. So I would say that as long as gas stays  
20 in fractures, which it -- which it does in this case,  
21 it's fairly easy to recover gas.

22 TECHNICAL EXAMINER MCCLURE: And I was  
23 going to say I guess if it's less depleted, would it  
24 be reasonable to conclude that your gas would extend  
25 less distance into the stimulated reservoir? Or do

1 you think it would make much difference?

2 THE WITNESS: I -- I don't think it  
3 makes much difference. If it's less depleted, it's  
4 also -- it's just the cumulative volume -- and how  
5 much -- if you -- the more cumulative volume you put,  
6 the more it will move out into the fractures.

7 So sometimes if it's less depleted,  
8 you -- within the given period of time, you may not be  
9 able to pack in as much total volume of gas. And so  
10 it will just stay closer to the perforations in the --  
11 in -- in the fracture.

12 TECHNICAL EXAMINER MCCLURE: Okay. So  
13 I want to make sure understand what -- what you just  
14 said. If it's less depleted then it would likely stay  
15 closer to the wellbore. Is that correct?

16 THE WITNESS: Yes. Yes. It's -- it's  
17 still -- it's -- everything is proportionally to the  
18 volume that is pumped in -- volume of the gas that is  
19 injected.

20 TECHNICAL EXAMINER MCCLURE: But I  
21 guess to further that question, you -- do you feel  
22 that that would make a difference on your ability to  
23 recover that gas?

24 THE WITNESS: I think -- again, on --  
25 as long as the gas is staying into the fractures,

1 whether it's staying, say, ten feet or whether it's  
2 going off hundred and fifty feet, it's still -- it's  
3 going to be the same to recover the gas. I do not  
4 foresee a much difference in the two recovery.

5 TECHNICAL EXAMINER MCCLURE: Okay. And  
6 then based upon -- well essentially upon your -- your  
7 statement that we've already got signed here, but just  
8 to confirm, you -- you don't have any reason to  
9 believe that regardless of the state of depletion of  
10 the well that the oil recovery will be affected by  
11 injecting into the wells. Is that correct?

12 THE WITNESS: Yes. That's correct.

13 TECHNICAL EXAMINER MCCLURE: Okay.

14 Thank you, Mr. Joshi.

15 Thank you, Mr. Harwood. I don't have  
16 any other questions.

17 HEARING EXAMINER HARWOOD: Thank you,  
18 Mr. McClure.

19 Mr. Goetze?

20 TECHNICAL EXAMINER GOETZE: No  
21 questions for this witness. Thank you.

22 HEARING EXAMINER HARWOOD: How about  
23 Mr. Gebremichael? I'm not sure if I'm pronouncing  
24 that correctly.

25 TECHNICAL EXAMINER GEBREMICHAEL: No.

1 You did pronounce it correctly. That -- no questions  
2 at this time. Well I have actually what -- what --  
3 just a -- a very short question for the reservoir  
4 engineer.

5 Usually with these storage wells,  
6 you -- you need to leave some cushioned gassed.  
7 Right? You know, in order to facilitate your  
8 withdrawal of the gas fill. That goes along with  
9 Dean's question -- if it matters -- the degree of  
10 depletion. So it seems to me -- don't you have to  
11 leave some cushioned gas in the -- in the reservoir?

12 THE WITNESS: I'm -- I'm sorry. I  
13 didn't quite understand.

14 TECHNICAL EXAMINER GEBREMICHAEL: So --  
15 well the degree of depletion is we need to leave some  
16 kind of gas in order to facilitate your withdrawal,  
17 you know, when the time is to produce it. And then  
18 the further it's depleted, wouldn't that hamper  
19 your -- or kind of prevent you from efficiently  
20 withdrawing the gas? No?

21 THE WITNESS: I think -- multiple --  
22 multitude of facts that will control --

23 TECHNICAL EXAMINER GEBREMICHAEL: I --  
24 I cannot hear you. Can you come close to the mic --

25 THE WITNESS: Oh, sorry. I'm sorry

1 about that. Can you hear me?

2 TECHNICAL EXAMINER GEBREMICHAEL: Yes.  
3 I can hear you now.

4 THE WITNESS: Okay. All right, yeah.  
5 I think there a multitude of factors that will control  
6 how much gas you can recover. We think, based on  
7 simulation modeling and some of the effort that we're  
8 doing, including AOR, is once your gas gets into the  
9 matrix, it's going to be much more challenging to  
10 recover gas.

11 It -- we -- you will recover it. It  
12 just takes time to recover that gas as opposed to  
13 keeping it in fractures. So as long as you keep the  
14 gas in fractures, it should be relatively easy.

15 All of the effects are probably not  
16 going to impede your gas recovery as much as once this  
17 goes into the matrix.

18 TECHNICAL EXAMINER GOETZE: Okay.  
19 Yeah. All right. Thanks.

20 HEARING EXAMINER HARWOOD: Any  
21 additional questions from OCD?

22 Mr. Rankin, additional questions of  
23 this witness based on OCD questions?

24 BY MR. RANKIN:

25 Q I guess, Mr. Joshi, one thing that occurred

1 to me during the course of questioning around impacts  
2 to production -- are you aware of other operators --  
3 in particular Chevron, who has also conducted some of  
4 these temporary gas storage projects in New Mexico?

5 A I am aware that they've done it, but I'm not  
6 fully kind of gone over their results. But I know  
7 they did -- they have published some work --

8 Q Yeah. You understand they recently  
9 published a paper that addresses some of their  
10 results. And is it your understanding that their  
11 paper conclusions are that there were no negative or  
12 adverse impacts to production?

13 A Yes. They did say that, but I'm -- yeah. I  
14 think it agrees with what we have -- we've looked at  
15 too.

16 Q Okay.

17 MR. RANKIN: That's all. I just wanted  
18 to bring that up because I think it's helpful to know  
19 that now we have, you know, peer-reviewed published  
20 paper --

21 BY MR. RANKIN:

22 Q And understand that paper peer reviewed. Is  
23 that your understanding too?

24 A No. I did not know.

25 Q Okay. I don't know either. Actually --

1 going to ask that question before I said it.

2 MR. RANKIN: With that, no further  
3 questions for Mr. Joshi. Thank you very much.

4 THE WITNESS: Thank you.

5 HEARING EXAMINER HARWOOD: And that  
6 concludes the presentation and testimony at least of  
7 live witnesses for you, Mr. Rankin. Is that correct?

8 MR. RANKIN: That is true. And I'm  
9 happy to just let the affidavit of Mr. Logan  
10 Millsaps [ph] stand for itself, since there's really  
11 no purpose in having me, a lawyer, try to decipher a  
12 technical affidavit.

13 But with that, I would just ask that  
14 this exhibit -- Exhibit No. 7, which has been marked  
15 and filed with the Division, along with Exhibit 6,  
16 which was presented by Mr. Troutman, be moved and  
17 accepted into the record.

18 (23633 Exhibit 7 was marked for  
19 identification.)

20 HEARING EXAMINER HARWOOD: Okay. Yeah.  
21 I think we'd admitted all your exhibits, but we'll  
22 admit them again and including any new ones that may  
23 have come up.

24 (23633 Exhibit 6 and Exhibit 7 were  
25 received into evidence.)

1 MR. RANKIN: And I'll obviously stand  
2 for questions. And Mr. Janacek may be able to answer  
3 some of the questions regarding the Top Spot 11H,  
4 which is the packer setting issue. The last two  
5 exhibits, Mr. Examiner, relate to the notice issues.  
6 And if I might just take a moment to present those.

7 Exhibit 8 is the copy of an affidavit  
8 that was prepared by myself and our office, reflecting  
9 that we had provided notice to each of the parties  
10 identified to us by OXY as being affected parties as  
11 well as the additional interest owners and royalty  
12 owners within the wells that are subject to this  
13 application.

14 (23633 Exhibit 8 was marked for  
15 identification.)

16 The affidavit identifies the date that  
17 notice was provided as well as the date that the  
18 notice of publication was published in the newspaper.

19 Following my affidavit is a copy of the  
20 letter that we sent out along with the certified  
21 receipts -- confirmations of each of the certified  
22 mailings that went out, showing the status as of I  
23 believe it was June 27th.

24 And then, as Mr. McClure noted, the  
25 affidavit of publication reflects that the notice in

1 the newspaper was published on June 23rd, which was  
2 two days after the deadline for ten business days  
3 prior to the hearing. The affidavit of publication  
4 does reflect that we identified each of the parties by  
5 name.

6 (23633 Exhibit 9 was marked for  
7 identification.)

8 And so given the timeframe there and to  
9 ensure that we have properly given notice, both  
10 direct-most by mail and also constructive notice, we  
11 ask that this case be continued for two week to the  
12 next docket so that we can perfect notice by  
13 publication.

14 With that, I'd ask that the Exhibits 8  
15 and 9 be moved into the record as well.

16 HEARING EXAMINER HARWOOD: And  
17 Exhibits 8 and 9 will be admitted based on  
18 Mr. Rankin's statements.

19 (23633 Exhibit 8 and Exhibit 9 were  
20 received into evidence.)

21 Are there additional questions from OCD  
22 regarding notice issues?

23 TECHNICAL EXAMINER MCCLURE: None from  
24 me, Mr. Harwood.

25 HEARING EXAMINER HARWOOD: Is there any

1 heartburn over Mr. Rankin's suggestion that this case  
2 now be continued for two weeks to satisfy and/or  
3 perfect deficiencies in the notice requirement? Any  
4 objections by OCD to that request?

5 TECHNICAL EXAMINER MCCLURE: None from  
6 me, Mr. Harwood. Looks like Marlene might -- would be  
7 speaking though.

8 MS. SALVIDREZ: -- yes. This is  
9 Marlene. I will continue the case to July 20th.

10 HEARING EXAMINER HARWOOD: Okay. As if  
11 we didn't have enough on that docket, but we'll add  
12 one more.

13 MR. RANKIN: It'll take two minutes.

14 HEARING EXAMINER HARWOOD: We may make  
15 you laugh still, Mr. Rankin, just because --

16 MR. RANKIN: That's fine. I have one  
17 thing before we do go -- and this is for Mr. McClure's  
18 benefit. I want to make sure that I understand that  
19 as far as outstanding items that he has asked for --  
20 he's asked for the measured depth picks for the top  
21 and the base of the upper confining layers for each of  
22 the injection zones. That's one thing.

23 He did have some questions around  
24 Brushy Canyon production, but I don't know if he had  
25 any specific requests on Brushy Canyon production.

1 And if so, I just want to make sure we know what those  
2 are so that we can provide it.

3 TECHNICAL EXAMINER MCCLURE: Yes,  
4 Mr. Rankin. I -- I did kind of reference that when I  
5 was speaking to Mr. Janacek, but I mean if we don't  
6 necessarily believe that there may be confining layers  
7 in the bottom part of the Brushy Canyon then I'm not  
8 sure as it's really relevant.

9 So I'll -- I'll withdraw any reference  
10 to perhaps asking for anything there and just fall  
11 back on what you'd already listed out -- that being  
12 the -- the picks for the confining layers.

13 MR. RANKIN: Okay. So you don't want  
14 any supplemental information about offsetting Brushy  
15 Canyon production or anything -- or what zones that  
16 production's producing from or anything along those  
17 lines.

18 TECHNICAL EXAMINER MCCLURE: No. No.  
19 Not -- not at this juncture anyway.

20 MR. RANKIN: Okay. Okay. Thank you.  
21 I just wanted to make sure.

22 TECHNICAL EXAMINER MCCLURE: Okay.  
23 Thank you.

24 HEARING EXAMINER HARWOOD: Yeah.  
25 Is there anything else in case

1 no. 23633?

2 All right. Hearing nothing, I will at  
3 least reference at this point the last item -- no. 42.  
4 Case no. 23551 -- Nordstrand Engineering,  
5 Incorporated.

6 May I have an entry of appearance for  
7 the applicant in that case?

8 MS. SHAHEEN: Thank you, Mr. Examiner.  
9 Sharon Shaheen, Montgomery & Andrews on behalf of  
10 Nordstrand.

11 HEARING EXAMINER HARWOOD: Thank you,  
12 Ms. Shaheen.

13 Are there other parties in this case?  
14 If so, please enter your appearance.

15 MR. MOORE: Good afternoon, Hearing  
16 Examiner. Richard Moore on behalf of the Commissioner  
17 of Public Lands and New Mexico State Land Office.

18 HEARING EXAMINER HARWOOD: Richard  
19 Moore. Thank you, Mr. Moore.

20 Any other parties to this case?

21 MR. NORDSTRAND: Paul Nordstrand.

22 HEARING EXAMINER HARWOOD: All right.  
23 Mr. Nordstrand. Okay. Okay.

24 Any other parties to this case?

25 Are there interested persons that wish

1 to enter an appearance in this case?

2 All right. Let me just ask -- we've  
3 been going for quite a while. Why don't we take a  
4 five-minute break? It's 40 minutes after the hour.  
5 Let's come back at 2:50 New Mexico Time. So we'll  
6 take a ten-minute break and then we'll reconvene and  
7 take up the issue of case 23551.

8 MS. SHAHEEN: Thank you.

9 MR. MOORE: Thank you.

10 HEARING EXAMINER HARWOOD: Mm-hmm.

11 (Off the record.)

12 HEARING EXAMINER HARWOOD: And so with  
13 this case, within the last couple of days I guess  
14 there was a written request from Mr. Nordstrand, which  
15 the Division treated as a motion for continuance.  
16 That's essentially what the letter requested.

17 The request for a continuance was  
18 untimely, but even if it hadn't been untimely, I think  
19 you all can guess what the ruling is going to be on  
20 this by virtue of the fact that this is the last case  
21 on the docket.

22 Mr. Nordstrand, we were not persuaded  
23 that there's a reasonable basis for continuing this  
24 case again --

25 TECHNICAL EXAMINER GARCIA:

1 Mr. Harwood?

2 HEARING EXAMINER HARWOOD: Yes --

3 TECHNICAL EXAMINER GARCIA: Just for  
4 clarifying the record, I think the letter was  
5 submitted by Northern Pacific Santiago Garcia.

6 HEARING EXAMINER HARWOOD: Oh. Oh,  
7 Mr. Garcia. Okay. All right.

8 TECHNICAL EXAMINER GARCIA: Yeah.  
9 Santiago Garcia, as CEO of Northern Pacific, has  
10 submitted the request for continuance. Just for  
11 record.

12 HEARING EXAMINER HARWOOD: Okay. All  
13 right. Thank you. Thanks for the clarification,  
14 Mr. Garcia.

15 Anyway, I want to go ahead and explain  
16 the ruling. We didn't believe that there was a  
17 sufficient basis for continuing the case. The letter  
18 suggested that there were difficulties in locating New  
19 Mexico counsel to represent the applicant, but, you  
20 know, these are informal hearings. They don't even  
21 require a lawyer, much less a lawyer admitted to  
22 practice law in the state of New Mexico. And it can  
23 be handled by anybody from anywhere.

24 You know, under normal circumstances,  
25 requests for continuance generally get granted because

1 we prefer to decide issues, you know, when people are  
2 fully prepared, but in this case, we believe the  
3 applicant should be prepared to proceed on the merits  
4 today.

5 And it's important to do so because  
6 there are interests at stake beyond those of the Oil  
7 Conservation Division -- namely, those of the State  
8 Land Office.

9 And so we're -- all right. The motion  
10 is denied and we're going to proceed on the merits of  
11 case no. 23551.

12 So I'm a little confused about who is  
13 presenting that case for Nordstrand Engineering, but  
14 whoever it is, you're on deck.

15 MS. SHAHEEN: Thank you, Mr. Examiner.  
16 I'll clarify for the record. Mr. Nordstrand -- Paul  
17 Nordstrand, who entered an appearance, is actually the  
18 witness for Nordstrand Engineering today. So he's not  
19 appearing as a separate party, but he's submitted the  
20 self-affirmed statement that is submitted as an  
21 exhibit in this matter.

22 So I'm not sure how you would like for  
23 me to proceed. We weren't sure whether Mr. Garcia or  
24 Northern Pacific would otherwise be appearing today,  
25 but we're happy to have Mr. Nordstrand walk through

1 his self-affirmed statement if you like.

2 In the alternative, if you prefer, we  
3 can just simply stand with his statement and I can run  
4 through it along with the exhibits as if this were  
5 being presented by affidavit. Whichever the hearing  
6 examiners prefer.

7 TECHNICAL EXAMINER GARCIA:

8 Mr. Harwood, I do have one topic I like to discuss,  
9 which may be pretty critical to this case and may  
10 cause actually wrenches in your statement a second ago  
11 if I may.

12 HEARING EXAMINER HARWOOD: Sure.

13 TECHNICAL EXAMINER GARCIA: And,  
14 Ms. Shaheen, correct me if I'm wrong on the purpose of  
15 this case, but essentially -- I had more time to  
16 review today than I did yesterday. Due -- due to our  
17 last case, I had some free time.

18 And so I was looking at it. And  
19 essentially you're asking for a C-145 transfer except  
20 via hearing order is what it appears to be. Is that  
21 correct?

22 MS. SHAHEEN: I think you could  
23 characterize it that way. I'm not sure the procedure.  
24 I'm not even sure whether the Division has done this  
25 recently. But we're asking for the unilateral change

1 of operator under the applicable reg.

2 And if that is submitting a C-145 with  
3 an order from the Division attached to it, we're happy  
4 to have it accomplished that way. Whichever you  
5 prefer.

6 TECHNICAL EXAMINER GARCIA: Yeah. And  
7 just for everyone's sake, 'cause I -- I forget  
8 everyone doesn't deal with these form numbers every  
9 day -- a change of operator is typically handled  
10 through a C-145, which is, you know, when Company A,  
11 Company B are in agreement that this well should be  
12 transferred, they both sign. Our bonds and  
13 "compliance" process it. Everyone goes on with  
14 their day pretty happily.

15 I understand your reason for being at  
16 hearing 'cause I read a lot of the files that were  
17 there -- not all of them, but most of them. But  
18 essentially it's a change of operator -- again,  
19 typically done administratively through a C-145.

20 My biggest concern with this case --  
21 and I'm not sure if it's how to handle it, to be  
22 honest with you, is one of our main criteria for doing  
23 a change of operator is the new operator must be in  
24 compliance with 5.9, which is our inactive well rule.

25 And according to our database,

1 Nordstrand has four wells assigned to them. And all  
2 four wells are inactive, which is a violation of that  
3 rule, and they have not been touched or produced since  
4 what appears to be late 2019, early 2020.

5 And so I mean one of our main criteria  
6 for approving change of operators is operator must be  
7 in compliance with 5 -- Rule 5.9 and I believe  
8 Nordstrom [sic] is. And so I'm not sure how to handle  
9 this case to begin with.

10 MS. SHAHEEN: Yes, Mr. Examiner. I  
11 probably should take a look at that to really answer  
12 that question as thoroughly as I would like to.

13 What I would say is this may be one of  
14 the inactive wells. And this is what's necessary for  
15 us to deal with the inactive well.

16 TECHNICAL EXAMINER GARCIA: So --

17 MS. SHAHEEN: Kind of a Catch-22  
18 situation, if you will.

19 TECHNICAL EXAMINER GARCIA: So this  
20 well is currently not under Nordstrom's [sic] name,  
21 from what I saw.

22 MS. SHAHEEN: Okay.

23 TECHNICAL EXAMINER GARCIA: They have  
24 the four wells that are different. All four wells are  
25 inactive. And they're asking to bring in a fifth

1 well, which again, administratively, this would've  
2 been not -- denied, no questions asked 'cause of  
3 inactive 5.9 compliance.

4 If I'm not sure -- what I would highly  
5 recommend -- and I don't know if we should hear this  
6 case or if it's right for hearing or if we hear and we  
7 continue is Nordstrom [sic] would need to get with  
8 probably Joe Cruz -- our administrative bureau  
9 chief -- over bonds and compliance and probably  
10 discuss the -- the status of their -- the wells that  
11 they currently have on record for them.

12 Again, they haven't been produced or  
13 touched or -- we don't even have record of them being  
14 in TA status or shut-in status since 2019. Our  
15 records are kind of just empty for these four wells.

16 And I understand Slow has -- I think  
17 Slows appears to be maybe the driving force behind  
18 this case too. It sounds like you guys have some  
19 litigation issues going on.

20 And so I'm not sure if Slow's aware of  
21 this either, but it's a pretty big thing for OCD to be  
22 able to transfer a well is operators need to be in  
23 compliance with 5.9.

24 And neither of the operators in this  
25 case are, which just makes this case even worse.

1 Northern or Nordstrom [sic] are in compliance with 5.9  
2 is why I don't know how to handle this case going  
3 forward.

4 HEARING EXAMINER HARWOOD: Well it  
5 sounds to me like the request is premature. I mean we  
6 can't grant the request without proof that either  
7 violations do not exist or that violations have been  
8 cured. Does that sound about -- is that a fair  
9 summary, Mr. Garcia?

10 TECHNICAL EXAMINER GARCIA: Yeah.  
11 Essentially both operators are in violation of 5 -- of  
12 our change of operator Rule 5.9. And just for  
13 reference and for record, the rule referenced for  
14 change of operator is 191599 [sic].

15 And I mean I'll read real quick  
16 paragraph C. "The director or director's designee may  
17 deny a change of operator if the new operator is out  
18 of compliance with the Rule 5.9." And again, both  
19 these operator are.

20 So I think this case is premature. And  
21 I would highly recommend both operators -- only one of  
22 them is present today though -- need to sit down with  
23 Joe Cruz -- again, our admin bureau chief -- and  
24 discuss some sort of ACOI, which is a good compliance  
25 for inactive wells.

1           Typically it's a plan how they're going  
2 to get back into compliance with this rule. I don't  
3 know all the ins and outs of that form 'cause I don't  
4 process them, but I know we can't approve a change of  
5 operator as both these companies stand.

6           MS. SHAHEEN: Understood. And I thank  
7 you for that clarification at the very beginning here.

8           TECHNICAL EXAMINER GARCIA: Yeah. And  
9 I can -- again, Joe Cruz is probably the person you  
10 would probably be in touch with and he may direct you  
11 to someone else within his team. I'm not sure to  
12 their process, but I can provide his phone number if  
13 you need to. If not, it's located on our website with  
14 all the rest of our contact information.

15          MS. SHAHEEN: I'm sure we can find it.

16          TECHNICAL EXAMINER GARCIA: So --

17          MR. MOORE: As one point of  
18 clarification, the State Land Office previously filed  
19 a lawsuit against Nordstrand Engineering and received  
20 a judgment for the plugging -- in an amount for  
21 plugging the other inactive and unplugged wells that  
22 Nordstrand is the operator of.

23                 We are working with another oil and gas  
24 company to -- as a settlement for another matter to  
25 plug those wells and will hopefully soon be receiving

1 a change of operatorship. We'll need to discuss that  
2 with Nordstrand.

3 But we are in the process of getting  
4 those wells plugged. And the purpose of getting this  
5 application -- or getting this well transferred to  
6 Nordstrand is simply for the purpose of plugging the  
7 well. So I just wanted to make that --

8 TECHNICAL EXAMINER GARCIA: Yeah. So I  
9 understand that and that makes sense, but our rules  
10 are what they are. And as we stand today is  
11 Nordstrom's [sic] out of compliance with 5.9. You  
12 know, we can't transfer anything into their name.

13 And so therefore I still think this  
14 case is premature to hear. If that's true, maybe  
15 somebody can submit in additional exhibits or bring  
16 this information to Joe Cruz and this could be part of  
17 that ACOI that you guys talk about.

18 Or -- how you go about this is up to  
19 you guys, but I could tell you it needs to be  
20 corrected before any request of change of operators  
21 can be submitted or understood. I mean they're a  
22 hundred percent inactive with their well counts is the  
23 issue.

24 MS. SHAHEEN: And if there were -- and  
25 here I'm going to get my numbers mixed up. C-104 is

1 the notice of intent to plug. If those were filed,  
2 would that solve the inactive well issue?

3 TECHNICAL EXAMINER GARCIA: No. If the  
4 well's fully plugged and abandoned, that would solve  
5 it, but a notice of intend would not solve it.

6 Even -- so -- three plug-in forms and those entail  
7 will not solve it. The actual plug-in will not solve  
8 it.

9 It would be the final site inspection.  
10 The location's clean. This well's plugged. That  
11 would solve it. But it needs to be all the way  
12 through. Plug. Site released.

13 MS. SHAHEEN: Okay --

14 TECHNICAL EXAMINER GARCIA: And these  
15 are state wells. They're the western wells are what  
16 we're showing so ...

17 MS. SHAHEEN: Okay.

18 TECHNICAL EXAMINER GARCIA: I --  
19 I'll -- I guess I'll defer to Mr. Harwood on how we  
20 should treat this case. I -- I don't know if it's a  
21 continuance. I don't know if it's a dismissal. I  
22 just know I don't think it's ripe for hearing if both  
23 operators are in -- out of compliance with our rules,  
24 which is a change of operator rule based on.

25 HEARING EXAMINER HARWOOD: Let me see

1 if I have a rudimentary understanding. And I'm  
2 probably going to betray my ignorance of the entire  
3 field.

4 But is this an effort -- Ms. Shaheen,  
5 this question's directed to you. Is this an effort to  
6 cure your problems with a sister agency -- the State  
7 Land Office -- so that the State Land Office can  
8 achieve its objective of plugging this well? Is that  
9 why you're here before the OCD?

10 MS. SHAHEEN: That is correct.

11 HEARING EXAMINER HARWOOD: Okay. So it  
12 seems to that that's not -- I guess what I need to say  
13 probably at this point is nice try, but it's not going  
14 to work for reasons explained by Mr. Garcia.

15 I'm thinking that maybe we should  
16 dismiss this case and you, you know, come up with some  
17 other solution or when you get your ducks in a row  
18 under the OCD regulations, you're welcome to come back  
19 and reapply for a name change. Does that sound  
20 reasonable?

21 MS. SHAHEEN: Well if I may, I would  
22 suggest that we continue the case and so as Mr. Garcia  
23 suggested, which is confer with Mr. Cruz, see if we  
24 can get that ACOI in place relatively quickly, and  
25 then we could come back.

1           So perhaps continue it -- I want to say  
2 since it's the summer, continue it for a couple of  
3 months. Obviously Mr. Moore will probably want to  
4 weigh in here, but that would be my suggestion. Give  
5 us a couple months to work it out with Mr. Cruz and  
6 that we could either show up and do a status  
7 conference or if we have our ducks in a row, we can go  
8 ahead and present the case at this time.

9           HEARING EXAMINER HARWOOD: Mr. Garcia,  
10 any objection to that proposal?

11           TECHNICAL EXAMINER GARCIA: I don't  
12 have an issue with it being continued because this  
13 well seems like it's a trouble well of my brief  
14 readings. And I mean again, both companies should be  
15 getting in contact with Joe Cruz. However, only one's  
16 present. So I think a continuance is fine.

17           I don't know how long these take  
18 personally. So maybe we continue the case and if it  
19 takes longer than we expect, we can continue it again  
20 I guess. It -- 'cause it doesn't seem like this  
21 matter's going to go away, but definitely houses need  
22 to be in order before we hear this case. And I don't  
23 think they are.

24           HEARING EXAMINER HARWOOD: All right.  
25           Mr. Moore, you on board with a

1 continuance?

2 MR. MOORE: If there's one point that I  
3 could make quickly before addressing that. My reading  
4 of the Rule 19.15.9.9C says that the director or  
5 director's designee may deny a change of operator if  
6 the new operator is not in compliance with  
7 subsection A.

8 And so I would point out that the  
9 circumstances of this application are simply to get  
10 this well plugged. And so it's not mandatory that the  
11 application be denied.

12 So I would first just make that  
13 argument, but if the hearing examiner's not inclined  
14 to grant this application today, we wouldn't be  
15 opposed to a continuance for a couple of months.

16 TECHNICAL EXAMINER GARCIA: So -- and  
17 I'm going to -- here. So I know lawyers love the  
18 "may" versus "shall" words. I would stand by this one  
19 as still being one of those "may" is -- it is optional  
20 typically, but this case, in my opinion -- again,  
21 Nordstrom [sic] wells haven't been touched since  
22 roughly end of 2019 from what I see.

23 And so it's not the typical, "hey,  
24 we're slightly out of compliance 'cause our well went  
25 inactive last week 'cause we had an issue with getting

1 pipeline access." I mean it's a -- these wells  
2 haven't been touched in four years and I would have  
3 hard time justifying to my bonds and compliance team  
4 that we have transferred a well -- a fifth well to an  
5 operator that's a hundred percent up -- inactive for  
6 the last -- what is that? -- three, four years.

7 I mean it's -- it's just no activity's  
8 my main concern here. Or giving more wells to an  
9 operator that has no activity.

10 HEARING EXAMINER HARWOOD: Okay.

11 You know, Mr. Moore, I get your point.  
12 When Mr. Garcia read the regulation to me, I  
13 noticed -- as a lawyer, we notice the difference  
14 between "may" and "shall," but as an agency lawyer,  
15 you understand that "may" means the agency has  
16 discretion.

17 And from Mr. Garcia's comments and  
18 views, it's pretty clear that the agency exercises its  
19 discretion in favor of denying these types of  
20 requests -- routinely so. So I think we're back to  
21 square one. And you guys will just need to discuss  
22 this.

23 And, Marlene, what is the procedure for  
24 a continuance here? Does Ms. Shaheen file a motion or  
25 do we just continue it to a future docket?

1 MS. SALVIDREZ: And so being that the  
2 Division is continuing it, I can continue it in the  
3 system. I'm not sure if October 5th will suffice or  
4 October 19th.

5 TECHNICAL EXAMINER GARCIA: Either  
6 works, if you're asking me, Marlene, but I think the  
7 parties would probably have a better take on that.

8 MS. SHAHEEN: And I think give us an  
9 extra two weeks. And I anticipate that once we get an  
10 ACOI in place, I'll need to file supplemental exhibits  
11 that -- with the ACOI as an exhibit. So giving us an  
12 extra couple of weeks may facilitate that as well.

13 MS. SALVIDREZ: Okay. So how about  
14 when you have a date, you can file a continuance via  
15 the portal?

16 MS. SHAHEEN: Or we could take  
17 October 19th. We'll take that.

18 MS. SALVIDREZ: Okay. I will continue  
19 it today to October 19th.

20 MS. SHAHEEN: Thank you.

21 TECHNICAL EXAMINER GARCIA: And -- and  
22 just for clarity of record, the change of operator  
23 isn't being denied. It's just, you know, please make  
24 sure ducks are in a row before we hear this case.

25 MS. SHAHEEN: Understood --

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MR. MOORE: Understood.

HEARING EXAMINER HARWOOD: Okay.

Anything further from you, Ms. Shaheen,  
or you, Mr. Moore?

MS. SHAHEEN: Not today. Thank you.

HEARING EXAMINER HARWOOD: Not today.  
All right.

Thank you, both.

Mr. Garcia or anyone from OCD?

All right. Well that brings us to the  
end of today's docket. Thank you, all -- especially  
those toward the end for putting up with all the cases  
ahead of you. We appreciate your patience and  
attendance.

And I guess with that, everyone is free  
to sign off. Thank you, all, again. And we'll see  
you on July the 20th -- some of you.

(Whereupon, at 4:10 p.m., the  
proceeding was concluded.)

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CERTIFICATE OF DEPOSITION OFFICER

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



DANA FULTON  
Notary Public in and for the  
State of Missouri

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CERTIFICATE OF TRANSCRIBER

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



ALICE AMUSIN

<b>&amp;</b>	<b>1,150</b> 221:9	<b>107/112</b> 9:10	<b>12</b> 27:10 63:7
<b>&amp;</b> 17:7,13 25:5 37:6 41:15 53:8,21 61:11 61:18 105:14 112:14 120:6 129:1 155:22 156:13,19 259:9	<b>1,200</b> 183:25 187:7 215:24 <b>1,250</b> 183:25 <b>1,271.48</b> 138:19 <b>1,300</b> 172:3 177:16 187:7 191:10 214:11 215:19,22,24 236:5	9:11,12 <b>108</b> 20:4 27:4,9 28:8 <b>108/112</b> 9:15 9:16 <b>109/112</b> 9:17 <b>10:18</b> 100:25 <b>10:25</b> 101:6,9 101:11	102:15 211:24 211:25 <b>121</b> 10:8,9,10 <b>1213</b> 177:23 <b>121h</b> 113:12 <b>125h</b> 54:23 56:16 58:11 <b>126/127</b> 10:24 <b>126/128</b> 10:13 10:14,18,19,20 10:23 11:4,5 <b>127</b> 230:2 <b>127/128</b> 10:15 11:6 <b>128/128</b> 10:25
<b>0</b>	<b>1,700</b> 237:16	<b>10h</b> 108:6	<b>12:00</b> 101:2
<b>0.0001.</b> 167:14 <b>025</b> 113:3 <b>06</b> 151:20 <b>07</b> 151:20 <b>08</b> 113:3	<b>1,750</b> 236:6 <b>1,800</b> 236:6 242:8,20 <b>1,958.92</b> 171:10 <b>1.0</b> 239:5 <b>1.2</b> 203:22	<b>10k</b> 235:23 <b>11</b> 63:6 70:18 75:21 92:15,24 102:10,18,24 <b>112</b> 92:18 93:2	<b>12:25</b> 101:2 <b>12:45</b> 168:17 168:24 <b>12h</b> 106:22 <b>12th</b> 34:6 <b>13</b> 60:13 63:7 69:20 94:1 102:10,18 187:5 211:25 229:4
<b>1</b>	<b>10</b> 35:11 244:20 245:1 245:24 <b>10,699</b> 181:17 <b>102</b> 49:11 85:5 89:24 103:7 121:11 130:9 188:13 <b>102s</b> 56:15 77:23 106:24 108:9 113:23 126:19 134:6 188:25 <b>103/104</b> 8:18 8:19 <b>104</b> 269:25 <b>104/104</b> 8:25	<b>113/115</b> 9:20 9:21 <b>114/115</b> 9:22 9:23 <b>115/115</b> 9:24 <b>115h</b> 54:23 56:16 58:11 <b>118h</b> 113:12 <b>11:15</b> 52:14,17 <b>11:30</b> 159:11 <b>11:38</b> 159:21 <b>11:40</b> 159:11 <b>11:45</b> 159:22 160:17 <b>11h</b> 106:22 177:23 189:16 207:14 208:15 209:16 211:1 255:3	<b>127</b> 230:2 <b>127/128</b> 10:15 11:6 <b>128/128</b> 10:25 <b>12:00</b> 101:2 <b>12:25</b> 101:2 <b>12:45</b> 168:17 168:24 <b>12h</b> 106:22 <b>12th</b> 34:6 <b>13</b> 60:13 63:7 69:20 94:1 102:10,18 187:5 211:25 229:4 <b>13-23</b> 1:10 <b>130/131</b> 11:9 11:10 <b>131h</b> 113:12 <b>134/136</b> 12:5,6 <b>135/136</b> 12:7,8 12:9
<b>1</b> 4:9 7:4,14 11:13 12:4 16:17 50:1 63:5,6,15 70:25 71:1 74:12,18,19,20 76:21 77:4,14 79:23 80:1,3 92:18 93:3 99:20 130:13 130:19 133:19 134:2 136:7,11 136:13 140:21 176:8,9,15,18 179:21 199:12 201:3,15,18,20 201:22 203:21 229:4 247:1			

<p><b>136/136</b> 12:10 12:11 <b>139/140</b> 12:14 12:15 <b>14</b> 50:23 63:7 70:17 <b>140/140</b> 12:16 <b>1411</b> 70:24 <b>145</b> 263:19 264:2,10,19 <b>148/149</b> 12:19 <b>149/149</b> 12:20 12:21 <b>15</b> 46:4 96:4 98:3 <b>152/153</b> 13:4 <b>153/153</b> 13:5,6 <b>16</b> 48:8,20 53:1 53:15 63:5 95:5 235:18 239:11 <b>160</b> 84:14 <b>162</b> 10:4,5 <b>17</b> 95:5 <b>173</b> 5:5 <b>176/201</b> 11:13 <b>179/201</b> 11:14 11:15 <b>17th</b> 39:18,20 40:10,23 82:14 82:18,21 141:12 <b>18</b> 53:1 92:16 92:25 186:20 188:19,24</p>	<p><b>180</b> 27:16 28:2 <b>181/201</b> 11:16 <b>19</b> 68:16 75:24 76:25 120:23 124:19 133:22 138:21 143:4,4 147:25 151:7 151:17 198:15 <b>19,369.77</b> 19:2 <b>19.15.9.9c</b> 273:4 <b>191599</b> 267:14 <b>193/201</b> 11:18 <b>1959</b> 141:12 <b>19th</b> 33:24 34:6 34:18,21 275:4 275:17,19 <b>1h</b> 106:22 151:20</p>	<p><b>20</b> 68:16 70:2 80:24 113:7 129:19 133:25 <b>200</b> 72:1 122:15 134:22 203:1 204:7 <b>2017</b> 234:23 235:25 <b>2019</b> 26:15 265:4 266:14 273:22 <b>2020</b> 265:4 <b>2021</b> 57:7 65:15 <b>2022</b> 92:10 95:20 96:22 151:13 <b>2023</b> 2:2 14:10 50:23 84:22 94:1 95:20 96:23 97:12 103:25 202:24 203:1 <b>20th</b> 16:2 257:9 276:17 <b>21</b> 76:25 81:1 84:16 89:7 97:5 238:1 240:1,7,21 <b>218</b> 5:7 <b>21st</b> 44:12,18 45:1,8 158:2 <b>22</b> 83:12 106:3 265:17</p>	<p><b>22291</b> 63:18 <b>223/254</b> 11:19 <b>22366</b> 92:11 <b>22368</b> 92:11 <b>22668</b> 55:9 <b>227</b> 203:21 <b>22717</b> 151:13 <b>22911</b> 62:16 <b>22912</b> 1:9 6:3 53:2,9,15,18,25 54:6,8,18,21 56:4 58:1,21 59:1,15,24 61:1,2 <b>22913</b> 55:7 <b>22971</b> 1:9 16:17 18:2 19:23 20:10 <b>22971's</b> 18:9 <b>22988</b> 1:9 22:3 24:1 <b>22989</b> 1:10 6:11 53:2 61:7 62:15 63:3,13 64:17 65:2 66:12,20,24 67:16 68:12 <b>22990</b> 64:1 <b>22991</b> 1:10 6:19 53:2 61:8 63:3 64:18 65:2 66:12,20 66:24 67:17 68:12</p>
	<b>2</b>		
	<p><b>2</b> 4:10 7:5,15 11:14 12:6 16:17 54:16 63:6,15 71:3,8 77:15,20,24 92:16,25 98:25 102:9,22 117:3 117:7,13 134:4 134:10,19 179:21,22 180:10 195:16 196:2,6,10 201:4 <b>2,000</b> 242:8</p>		

[22992 - 23618]

<p><b>22992</b> 64:3  <b>23</b> 88:13 89:7  125:19  <b>23147</b> 106:5,9  <b>23148</b> 106:5,9  <b>232</b> 5:9  <b>23408</b> 1:10 7:3  35:23 36:3  68:17,23 69:4  69:5,8,20,22  70:1 75:19,24  76:3,5 77:4,20  79:6,14,19  80:3,20  <b>23446</b> 1:10  7:13 68:17  69:22 70:1,5,7  70:9 71:1,8  72:14 73:8  74:1,5,9,20,23  75:7,15 80:24  <b>23506</b> 1:11  81:1,11 82:2  83:7  <b>23532</b> 1:11  7:23 8:3 83:13  84:4,6 85:10  85:24 86:10,11  88:7,12  <b>23551</b> 1:11  259:4 260:7  262:11  <b>23572</b> 1:11  24:5 30:7</p>	<p><b>23573</b> 1:12  24:5 30:7  <b>23575</b> 1:12 8:7  88:14,24 89:18  90:13 91:1,1,3  <b>23576</b> 1:12  91:8 92:1,7  93:10,17 94:2  94:5,11 97:6  98:1 100:12  <b>23576/23579</b>  8:13  <b>23577</b> 1:12  8:17 101:15  102:2,6 103:10  103:16 104:1,5  104:12,20  <b>23578</b> 1:13  30:15 31:4  32:4,11  <b>23579</b> 1:13  91:9 92:1,7  93:10,17 94:2  94:6,11 98:1  <b>23591</b> 1:13 9:3  46:5 48:3,16  48:23 49:23  50:24 51:2,3  51:14 52:2,9  <b>23592</b> 1:13 9:9  105:1,2,8,22  106:8,15,23  107:8,15,21  109:15 110:11  111:25 112:3</p>	<p><b>23593</b> 1:14  9:14 105:1,2,8  105:22 106:9  107:23 108:8  108:14,19  109:1,15 112:3  <b>23602</b> 1:14  32:17 34:21  35:6  <b>23603</b> 1:14  32:17 34:21  35:7  <b>23605</b> 1:14  35:12 37:2  41:5  <b>23606</b> 1:15  35:12 41:6  <b>23607</b> 1:15  9:19 112:9,19  112:21 113:1  113:20 114:7  114:16 115:1,5  115:16,23  <b>23608</b> 1:15  10:3 116:11,19  117:2 118:21  150:14 155:3  160:4,22,24  161:9,10,19,21  161:25 162:8  162:13 163:4  164:17 167:25  <b>23609</b> 1:15  10:7 119:18,23  120:3,12,14</p>	<p>121:7,24  122:18 123:10  <b>23610</b> 1:16  10:12 123:23  124:12,25  126:13 127:9  127:21 128:2  128:17  <b>23611</b> 1:16  10:17 125:7  126:13 127:9  127:21 128:3  <b>23612</b> 1:16  10:22 125:13  126:14 127:10  127:21 128:4  <b>23613</b> 1:16  11:3 124:12  125:22 126:15  127:10,21  128:5  <b>23614</b> 1:17  41:9 45:2  <b>23615</b> 1:17  45:2  <b>23616</b> 1:17  45:2  <b>23617</b> 1:17  45:2  <b>23618</b> 1:18  11:8 128:22  129:6,8 130:5  131:8,10  132:18</p>
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[23633 - 3rd]

<p><b>23633</b> 1:18  11:12 155:16  156:2,4,24  161:1 168:8,24  169:5 176:15  179:22 181:1  193:18 201:22  223:13 254:18  254:24 255:14  256:6,19 259:1  <b>23635</b> 1:18  12:3 132:22  133:12,15  134:2,10 135:7  135:23 136:4  136:13,16,21  <b>23636</b> 1:18  16:18 18:4,10  19:15  <b>23637</b> 1:19  12:13 98:25  110:2 136:25  137:5,15  138:11,13  139:10,20  140:1,7,9  141:17 146:4  149:18 150:12  154:24  <b>23638</b> 1:19  12:18 146:6,22  147:6 148:13  149:3,12,14  <b>23639</b> 1:19  13:3 150:16,22</p>	<p>150:25 152:16  153:4,14,15  154:23  <b>23656</b> 33:14  34:22  <b>23657</b> 33:14  34:22  <b>23rd</b> 88:10  158:1,9 256:1  <b>24</b> 84:22 91:8  97:11 207:4  <b>240</b> 113:5  <b>25</b> 19:5 77:1  91:8 120:22  188:19 223:23  <b>250</b> 243:1  <b>254/254</b> 11:20  <b>255/256</b> 11:21  11:22  <b>25th</b> 151:13  <b>26</b> 70:18 89:7  101:14 106:2  106:18 113:9  129:19  <b>26290</b> 278:16  <b>26522</b> 277:20  <b>27</b> 48:8 105:7  124:18 125:4  125:11,17,25  <b>27th</b> 33:25  255:23  <b>28</b> 76:25 89:7  105:7  <b>29</b> 70:19 113:8</p>	<p><b>2:50</b> 260:5  <b>2b</b> 135:9  <b>2e</b> 72:4  <b>2h</b> 48:10 108:5  129:22  <b>3</b>  <b>3</b> 4:11 7:7,17  9:6 11:15 12:7  18:25 22:3  24:1 63:6 72:9  72:14 78:23  79:6 120:4  123:24 124:6  125:14,23  126:10 127:6  134:24 135:7  138:6 166:19  166:20,22  167:1 179:22  180:11 198:15  201:7,10  <b>3's</b> 126:21  <b>30</b> 116:10  166:8,11 167:6  <b>30.5</b> 245:20  <b>304-5559</b>  143:15  <b>30th</b> 47:21  <b>31</b> 84:12,16  <b>32</b> 92:16 93:1  <b>320</b> 48:5  120:21 125:2,9  125:16 126:1  129:14 151:15  152:2</p>	<p><b>33</b> 76:24 106:4  133:22  <b>33/21</b> 77:13  <b>330</b> 84:19  102:20  <b>337</b> 143:15  <b>34</b> 124:19  125:4,11,18,25  <b>35</b> 48:7,12 77:1  84:17 102:15  106:2,3,18,19  113:9 120:23  124:19 133:23  134:1 138:21  143:4,4 148:1  151:7,17  <b>3525</b> 106:22  108:5  <b>353</b> 26:13  <b>36</b> 19:5 48:7,14  120:22 128:21  <b>37</b> 133:5 137:9  <b>37389</b> 99:4  <b>38</b> 99:2 102:11  102:16,18  110:2 133:5  136:25 137:9  142:25  <b>39</b> 99:2 110:2  133:5 137:10  143:1  <b>390.36</b> 54:12  <b>3rd</b> 16:2 23:5  33:15</p>
--	---	--	--

<b>4</b>	74:1 79:13,14 129:17 135:19 135:23 166:19 166:20 193:17 193:18 201:12 201:15,19,21 201:22 244:25 245:24 265:7 267:11 <b>5,200</b> 236:3 <b>5.9</b> 264:24 265:7 266:3 267:1 <b>5.9.</b> 266:23 267:12,18 269:11 <b>50</b> 240:15 <b>500</b> 246:5 <b>502h</b> 120:24 <b>505h</b> 84:12 85:16 <b>511h</b> 89:10 <b>512h</b> 89:10 <b>54</b> 195:1 <b>5528918</b> 2:8 <b>56</b> 195:1 <b>56/59</b> 6:4,5,6 <b>5695</b> 179:4 <b>579</b> 100:12 <b>58/59</b> 6:7,8 <b>59/59</b> 6:9 <b>593</b> 110:11 111:25 <b>5h</b> 102:13,20	<b>5k</b> 235:22 <b>5th</b> 31:11 32:3 33:18 34:8 275:3	<b>6</b>	<b>64/67</b> 6:12,13 6:20,21 <b>640</b> 89:5 <b>65/67</b> 6:14,22 <b>66/67</b> 6:15,16 6:17,23,24,25 <b>67</b> 230:2 <b>6h</b> 239:12 <b>6th</b> 14:10 103:24
<b>4</b> 7:8,18 11:16 12:8 24:6 63:6 73:2,8 79:8,14 129:18 133:24 135:16,23 180:25 181:1,3 201:9,12 244:25,25 <b>4,000</b> 172:4 <b>4,250</b> 236:2 <b>4,500</b> 241:8 <b>40</b> 19:17 260:4 <b>400.98</b> 134:1 <b>401h</b> 89:10 138:23 <b>402h</b> 89:10 <b>404h</b> 138:23 <b>408h</b> 138:23 <b>41</b> 155:15 169:4 <b>42</b> 259:3 <b>44</b> 207:16 <b>45</b> 160:25 192:25 <b>47/50</b> 9:4 <b>479.62</b> 102:8,25 <b>48/50</b> 9:5 <b>49/50</b> 9:7 <b>4:10</b> 276:18 <b>4th</b> 33:25	<b>6</b> 2:2 7:10,20 11:19 12:10 19:5 30:14,14 36:10,10 63:6 63:7,17 74:3,5 79:17,19 129:16 135:25 136:1,4 138:21 143:3 147:25 151:6,17 152:3 223:12,13 254:15,24 <b>600</b> 246:6 <b>601h</b> 125:21 <b>602h</b> 126:3 <b>606</b> 37:2 <b>611</b> 123:23 <b>612</b> 123:23 <b>613</b> 123:23 128:17 <b>615</b> 41:9 <b>616</b> 41:9 <b>617</b> 41:10 <b>632</b> 152:2 <b>632.08</b> 151:5 <b>637</b> 142:25 <b>639</b> 146:6 <b>639.4</b> 147:23 <b>64</b> 129:22	<b>7</b>	<b>7</b> 7:11,21 11:20 12:11 27:10 32:16 74:7,9 74:12,18,19,20 79:18,19,23 80:1,3 136:2,4 136:7,11,13 138:21 143:3 147:25 151:7 151:17 152:3 254:14,18,24 <b>700</b> 202:23 <b>701h</b> 125:5 <b>71/74</b> 7:14,16 <b>713h</b> 152:4 <b>716h</b> 148:2 <b>72/74</b> 7:17 <b>73/74</b> 7:18 <b>74/74</b> 7:19,20 7:21 <b>76</b> 138:23 148:2 <b>77/80</b> 7:4,6	
<b>5</b>	<b>5</b> 7:9,19 11:17 12:9 24:6 63:6 65:5 73:20			

[79/80 - actually]

<p><b>79/80</b> 7:7,8,9 7:10,11 <b>7h</b> 239:11 240:6</p>	<p><b>96672</b> 113:4 <b>97336</b> 179:6 <b>98</b> 148:17 <b>99</b> 199:12 <b>9:15</b> 2:3 52:15 52:17 <b>9h</b> 106:22</p>	<p>278:7 <b>able</b> 87:3 119:1 146:10 164:19 174:5 210:6,11 210:12 230:19 237:7 247:17 248:9 249:9 255:2 266:22 <b>abo</b> 48:4 <b>above</b> 219:19 219:25 220:4 220:11 222:7,8 222:13 239:22 <b>absolutely</b> 132:9 <b>acceptable</b> 18:12 44:24 <b>accepted</b> 106:14 109:14 113:18 121:23 126:12 127:8 163:3 175:16 176:1 232:10 254:17 <b>access</b> 274:1 <b>accessible</b> 245:6 <b>accommodate</b> 45:21 82:25 119:10 <b>accomplished</b> 264:4 <b>accurate</b> 18:18 154:3 211:16 277:9 278:5</p>	<p><b>achieve</b> 271:8 <b>acoi</b> 26:13,13 26:20 29:12,15 267:24 269:17 271:24 275:10 275:11 <b>acre</b> 48:5 54:12 84:14 89:5 102:8,25 113:5 120:21 125:2,9 125:16 126:1 129:14 138:19 147:23 151:5 151:15 171:10 <b>acreage</b> 54:20 54:24 56:8,19 57:20 58:8,8 62:24 63:25 64:1,2 65:12 65:22 154:12 178:2,4 <b>acres</b> 19:2 77:3 134:1 152:2,2 <b>action</b> 277:12 277:16 278:8 278:12 <b>activity</b> 274:9 <b>activity's</b> 274:7 <b>actual</b> 73:16,16 73:19,24 74:8 135:20 138:3 159:8 239:10 270:7 <b>actually</b> 16:10 58:17 82:13</p>
<p><b>8</b></p>	<p><b>a</b></p>		
<p><b>8</b> 11:21 32:17 255:7,14 256:14,17,19 <b>8,000</b> 72:1 <b>8,000.00</b> 134:23 <b>800</b> 72:2 77:3 <b>800.00.</b> 134:23 <b>801h</b> 125:6 <b>85/86</b> 7:25 8:4 8:5 <b>850</b> 220:23 221:8 <b>87501</b> 2:6 <b>89/91</b> 8:9,10 <b>8:15</b> 14:10 <b>8h</b> 239:12</p>	<p><b>a.m.</b> 2:3 14:10 100:25 <b>a1</b> 49:1 93:11 130:7 <b>a2</b> 106:17 108:1 130:9 <b>a3</b> 130:10 139:9 148:12 <b>a4</b> 47:22 49:15 90:3 95:11 130:15,15 148:16 152:15 <b>a5</b> 93:12 109:8 109:9,10 111:14,14,15 130:17 139:15 152:19 <b>a6</b> 47:22 49:15 130:17 148:19 <b>a7</b> 152:20 <b>abadie</b> 105:14 <b>abandoned</b> 198:11 270:4 <b>ability</b> 19:7 27:24 136:3 148:6 152:7 249:22 277:10</p>		
<p><b>9</b></p>			
<p><b>9</b> 11:22 35:11 92:10 133:25 176:8 256:6,15 256:17,19 <b>9,000</b> 122:13 <b>9,005</b> 181:15 <b>90/91</b> 8:11 <b>900</b> 122:13 <b>93/94</b> 8:14 <b>94/94</b> 8:15 <b>95</b> 139:12</p>			

[actually - affected]

<p>91:12 158:12  181:19 210:7  221:1,2,9  227:24 230:6,6  230:11 237:10  241:4 244:11  247:4 251:2  253:25 262:17  263:10  <b>ad</b> 237:10  <b>adam</b> 3:20 25:4  41:14 44:4  114:20 155:21  <b>add</b> 110:13  164:25 191:23  205:22 237:9  257:11  <b>adding</b> 162:10  <b>addition</b> 56:24  64:22 199:17  199:23  <b>additional</b> 57:8  65:20 79:10  92:8 93:6,14  94:23 95:4  96:21 97:2,25  104:4 106:10  106:16 107:1,6  107:19,25  108:10,13,24  110:14 111:9  118:6 149:18  153:18 162:10  163:7,8,15  164:7,13 166:7</p>	<p>167:11 172:8  183:3 192:5  193:12 199:19  199:20,24  206:23 207:15  208:11 228:2  243:12 247:16  252:21,22  255:11 256:21  269:15  <b>additionally</b>  197:8 215:12  228:6  <b>address</b> 189:21  209:3 217:22  226:21,22  <b>addressed</b>  131:15 177:23  <b>addresses</b>  71:15 253:9  <b>addressing</b>  273:3  <b>adds</b> 166:10  <b>adjacent</b> 63:16  84:19 85:7,19  <b>admin</b> 267:23  <b>administrative</b>  84:23 86:23  88:8 138:25  266:8  <b>administrativ...</b>  26:3 42:8  77:11 86:25  87:2 264:19  266:1</p>	<p><b>admission</b> 49:2  50:2 51:8 67:9  74:11,18 79:23  131:3 165:4  202:9 247:4  <b>admissions</b>  201:18  <b>admit</b> 254:22  <b>admitted</b> 49:8  51:2,12 59:14  67:5,14 74:19  80:2 86:2  90:16 91:1  94:5,10 104:5  104:11 111:25  115:5,15  122:18 127:22  128:1 130:3  131:9 136:8,11  140:4,8 149:6  149:13 153:10  153:13 164:17  164:24 201:21  254:21 256:17  261:21  <b>ado</b> 16:15  <b>advance</b> 45:8  178:14  <b>adverse</b> 194:3  217:16 218:2  253:12  <b>adversely</b>  85:18 246:15  <b>advertisement</b>  158:9</p>	<p><b>advisable</b>  159:13  <b>advised</b> 80:11  <b>advisement</b>  51:3 52:3 59:4  61:3 67:6  68:13 74:13  75:16 79:24  80:21 86:3  90:17 91:2  94:6 100:13  104:6,21  109:16 112:2  115:6,24  123:11 128:18  132:19 136:9  136:22 140:5  144:16 145:6  145:14 146:4  149:7 150:12  153:11 154:24  158:15 168:1  <b>afe</b> 49:13 103:9  108:12 121:16  130:16 134:19  163:16  <b>afes</b> 57:11  65:17 71:23  78:21 93:15  95:11 114:2  126:23  <b>affect</b> 85:18  <b>affected</b> 42:9  55:16 58:15  66:1,16 85:21</p>
--	--	--	---

[affected - analogous]

<p>143:12 144:21  148:12 152:14  198:25 199:10  199:11,17  246:15 250:10  255:10  <b>affects</b> 43:18  <b>affidavit</b> 6:8,9  6:16,17,24,25  7:5,7,8,10,15  7:17,18,19,24  8:4,5,8,10,11  8:24 9:12,17  9:24 11:20,21  11:22 12:8,10  12:16,21 13:6  46:18,23 47:8  50:22 54:3  55:15 56:2  57:13,17 58:14  58:23 59:25  60:5 62:1 64:7  64:20 66:3,14  66:22 70:13,14  71:3,20 72:9  73:2,20 77:15  77:18 78:23  79:8,17 81:16  81:21 82:11,22  84:1 85:3,20  90:8 93:25  103:23 107:17  108:21 113:22  114:10,19  121:16 126:25</p>	<p>130:7,21 134:4  134:24 135:16  136:1 139:22  139:24 148:24  148:25 152:25  153:1 158:12  162:3 163:18  163:20 169:14  169:20 189:17  189:23 254:9  254:12 255:7  255:16,19,25  256:3 263:5  <b>affidavits</b> 89:13  103:2 113:16  139:5 148:8  152:11  <b>affirm</b> 48:17  <b>affirmation</b>  27:5,10  <b>affirmative</b>  225:24 246:11  <b>affirmed</b> 50:16  106:24 108:8  121:2,19 126:9  127:5 262:20  263:1  <b>affirms</b> 109:3  <b>afforded</b>  165:18  <b>afternoon</b>  116:2,6 141:1  169:8 210:23  259:15</p>	<p><b>afterward</b>  190:1  <b>agency</b> 271:6  274:14,15,18  <b>agenda</b> 16:17  24:7 35:12  46:5 68:16  70:2 101:14  155:16  <b>ago</b> 70:12  263:10  <b>agree</b> 29:5  31:16 33:22  38:14 208:5  <b>agreed</b> 26:14  <b>agreement</b>  46:17 73:13  164:1 264:11  <b>agreements</b>  46:15 164:3  <b>agrees</b> 253:14  <b>ahead</b> 17:2  24:20,20 40:23  76:12 100:24  110:5 146:24  150:13,14  157:9 158:24  161:7 182:15  185:15 205:19  205:21 208:10  223:17 229:10  261:15 272:8  276:13  <b>aimed</b> 167:9</p>	<p><b>al</b> 78:15  <b>alarms</b> 195:10  <b>albuquerque</b>  129:2  <b>alert</b> 118:24  <b>alice</b> 278:2,17  <b>alleviate</b> 28:15  <b>allocate</b> 200:8  200:12  <b>allocates</b>  200:15  <b>allocating</b>  200:9  <b>allocation</b>  200:8,15 207:9  <b>allow</b> 25:23  102:24 118:6  <b>allowable</b>  177:15 190:15  191:9 195:12  <b>allowed</b> 204:23  <b>alternative</b>  263:2  <b>amend</b> 106:15  107:24 154:11  <b>amended</b> 47:21  109:11 145:20  <b>amending</b>  151:4  <b>amount</b> 242:24  268:20  <b>amusin</b> 278:2  278:17  <b>analogous</b>  225:20</p>
---	--	---	--

[analysis - application]

<p><b>analysis</b> 11:18 178:7 193:6,14 193:22 195:15 197:16 201:13 217:15 219:2 232:15 236:17 245:14 246:25</p> <p><b>andres</b> 102:7</p> <p><b>andrew</b> 57:18 66:4</p> <p><b>andrews</b> 259:9</p> <p><b>angus</b> 58:24</p> <p><b>anna</b> 4:5 36:1 98:6 109:20 137:17,17 140:15,15 141:9 143:19</p> <p><b>annex</b> 120:24</p> <p><b>announcement</b> 16:1 21:14 69:10</p> <p><b>announcements</b> 15:3 16:11</p> <p><b>annuli</b> 192:6</p> <p><b>answer</b> 51:4 94:7 122:19 127:23 131:5 162:21 164:18 164:19 190:2 207:19 224:13 255:2 265:11</p> <p><b>answered</b> 100:19 120:1 131:24</p>	<p><b>anticipate</b> 275:9</p> <p><b>anticipated</b> 211:8</p> <p><b>anticipates</b> 244:16</p> <p><b>anticipation</b> 225:1</p> <p><b>anybody</b> 15:22 23:25 74:16 80:19 156:16 261:23</p> <p><b>anyway</b> 21:24 23:4 232:24 258:19 261:15</p> <p><b>aor</b> 197:1,2,18 197:20,23,24 252:8</p> <p><b>apache</b> 17:8</p> <p><b>apd</b> 85:7</p> <p><b>apologies</b> 21:10 146:23</p> <p><b>apologize</b> 140:18,18 155:9 158:3 170:20 221:13</p> <p><b>apparently</b> 135:4</p> <p><b>appearance</b> 16:19 17:1 22:5,11,19 24:8,16 30:16 30:22 32:18,24 33:8 35:13 37:1,10 38:4</p>	<p>41:11,20 46:6 53:4,17 61:8 61:15 68:18 69:5 70:4 76:1 81:3,10 83:15 83:22 88:15,21 88:23 91:10,25 92:2 101:16,23 102:1 105:9,19 112:10,18,20 116:12,18 117:1 119:19 120:8 124:1,9 128:23 129:5,7 132:24 133:13 133:14 137:4 147:5 155:18 156:1,4,7,8,12 161:9,11 165:17 259:6 259:14 260:1 262:17</p> <p><b>appearances</b> 120:2</p> <p><b>appeared</b> 156:14,19</p> <p><b>appearing</b> 17:8 24:11,12 25:5 41:14 61:12 105:15 116:22 155:22 262:19 262:24</p> <p><b>appears</b> 263:20 265:4 266:17</p>	<p><b>apple</b> 98:14,20</p> <p><b>applicable</b> 107:14 108:18 264:1</p> <p><b>applicant</b> 16:19 17:4 18:25 22:5 24:9,12 25:24 27:4,12 30:16 32:19 37:2,6,22 41:11,15 46:7 46:16 47:12,14 51:17 53:5 54:12 61:12 68:19 81:4 83:15 88:16 91:10 101:17 105:9 112:11 112:14 119:20 128:24 129:2 132:25 137:2,4 144:20 155:19 155:23 169:7 259:7 261:19 262:3</p> <p><b>application</b> 6:5 6:13,21 7:4,14 9:20 11:13 12:4 17:20 18:9,25 19:15 19:23 20:1,13 25:22 26:11,18 27:2,15 28:12 29:9 36:2 43:17 49:11</p>
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[application - attachment]

56:1 58:16,17 59:18 64:16 70:13,25 76:21 77:9 84:23 87:13 89:24 93:12 109:4 113:14 114:22 121:11 126:19 130:8 133:19 138:25 163:7 171:24 175:19 176:9,19,24 177:25 178:5 178:13 179:8 193:15 200:23 201:4 211:18 213:11 246:21 255:13 269:5 273:9,11,14 <b>applications</b> 18:8,15,18 28:1,5,10 33:13,16 38:3 38:6 39:24 42:8 167:19 172:15 <b>applied</b> 177:19 <b>applies</b> 48:3 89:3 <b>apply</b> 18:19 27:7 <b>appreciate</b> 32:10 95:17 100:22 131:19 154:25 276:13	<b>apprising</b> 57:5 <b>approaching</b> 202:25 <b>appropriate</b> 20:7 40:18 208:21 230:17 236:16 <b>approval</b> 55:12 62:19 64:5 70:22 84:11,23 109:4 138:25 139:3 148:3 152:5 177:2 192:17 200:23 206:7 226:12 246:21 <b>approve</b> 268:4 <b>approved</b> 16:4 55:6 58:7 63:24 139:2 193:3 195:5 200:20 <b>approving</b> 265:6 <b>approximate</b> 122:7 <b>approximately</b> 72:20 139:12 152:2,3 171:9 172:3 181:15 181:16 244:19 <b>aquifers</b> 220:22 220:23 <b>area</b> 18:17 19:1 43:17 63:11	66:8 71:24 72:11,13,25 73:1 122:10 135:2,4,5,12,14 171:10,19,20 171:21 177:3 178:4,24 180:4 180:8,24 181:7 181:9,21 182:1 182:18,24 184:11,15 185:23 186:2 195:14,15,22 196:2,6,7,10,17 196:20 197:15 197:22 198:11 198:22 199:3,6 208:16 219:2 224:5,10,11,19 224:24 225:4 225:25 228:7 235:11,18 <b>areas</b> 195:17 <b>argument</b> 273:13 <b>arose</b> 15:13 <b>arrangements</b> 149:24 <b>art</b> 219:6 227:11 <b>artesia</b> 129:20 <b>aside</b> 160:3 <b>asked</b> 15:14 42:11 132:4 216:13 220:8	224:16 257:19 257:20 266:2 <b>asking</b> 20:16 35:23 111:6 151:8 172:2 227:16 231:8 258:10 263:19 263:25 265:25 275:6 <b>asmus</b> 89:14 90:5 <b>asset</b> 17:14 <b>assigned</b> 265:1 <b>associated</b> 182:23 183:4 <b>assume</b> 123:14 142:9 146:5 208:20 210:11 <b>assuming</b> 34:14 34:18 202:21 <b>assumption</b> 217:6 <b>assurance</b> 17:14 <b>asterisk</b> 118:21 <b>astwood</b> 85:4,5 <b>attached</b> 48:25 49:10,25 50:10 50:17 93:11,20 158:13 179:19 264:3 <b>attachment</b> 72:17,17 73:4 77:23,24 78:1 78:11,16,21
---	--	--	---

[attachment - back]

<p>134:18,19 135:25 176:10 <b>attachments</b> 11:13 90:9 178:13 201:4 <b>attempted</b> 71:12 140:24 <b>attendance</b> 14:12 276:14 <b>attendees</b> 3:2 4:2 <b>attention</b> 43:8 <b>attorney</b> 37:22 161:13 169:6 277:14 278:10 <b>audio</b> 14:5 131:16 144:14 277:8 278:3 <b>august</b> 16:2 23:5 33:15 38:21,21,24,25 39:18,20 40:10 40:23 44:23 82:14,18,21 83:1 <b>aus</b> 186:20 <b>authority</b> 171:6 177:7 <b>authorization</b> 71:22 <b>automatic</b> 195:11 <b>availability</b> 212:25</p>	<p><b>available</b> 16:5 31:10 34:12,14 35:2 39:13,14 40:8 43:21 44:6,14,23 109:16 135:15 176:4 202:10 209:21 212:7 212:16,22 226:25 237:3 <b>avalon</b> 11:17 129:13 178:21 180:16 181:14 193:14 201:13 203:14 212:1 220:5,8,9,11 221:24 222:6 222:12,13 223:6,24 227:20,21 231:17 <b>avant</b> 116:11 116:13,15 118:2,4,7 162:8 163:1,13 163:15,25 165:15 <b>avant's</b> 163:11 <b>average</b> 202:24 203:21 243:1 <b>avogato</b> 217:5 217:10 <b>awake</b> 155:5 <b>award</b> 29:17</p>	<p><b>aware</b> 18:22 26:12 42:23 159:7 205:8 207:1,10 208:15 213:15 217:19 224:17 253:2,5 266:20 <b>awkward</b> 167:3 <b>b</b> <b>b</b> 6:1,5,13,21 7:1 8:1,4,10,15 8:19 9:1,5,11 9:16,21 10:1,5 10:9,14,19,24 11:1,5,10,14,15 12:1,15,20 13:1,5 49:16 49:23 51:2,12 51:14 55:25 56:4 64:15,17 64:18 72:17 77:24 78:1,11 85:10 86:11 89:18 91:3 93:19 94:2,4,9 94:12 103:12 103:16 104:4 104:12 107:10 107:15 108:16 108:19 109:13 112:3 113:20 121:2,7 126:8 126:13,14,15 126:16 128:2,3 128:5,6 129:25</p>	<p>130:5,21 131:3 131:8,10 139:20 140:9 149:3,14 153:4 153:15 162:24 163:4 179:9 180:7 201:5,10 264:11 <b>b1</b> 130:22 <b>b2</b> 50:11 130:23 <b>b2nk</b> 92:18 <b>b2oj</b> 93:2 <b>b3</b> 130:23 163:10 166:17 <b>b4</b> 121:14 163:13 <b>b5</b> 50:11 121:15 163:17 <b>b6</b> 121:15 <b>b7</b> 121:16 126:24 <b>bachelor</b> 49:19 <b>back</b> 16:9 22:22 25:14 26:9,14,15,19 29:15 30:10,12 31:5 33:10 34:5 38:1,17 40:18 47:18,25 52:17,19,21 61:7 62:23 69:20,21,22 70:1 71:15 73:23 84:7</p>
--	--	---	---

[back - bennett]

87:15 89:1 91:8 92:4 101:1,10 102:4 105:23 110:6 110:24 112:23 117:22 118:21 119:1,7 120:15 124:13 129:9 133:16 138:15 155:3,13 158:25 159:21 160:11,19,25 161:7 162:6 167:5 168:8,16 169:1 183:25 187:11,25 188:1 206:19 207:1 213:23 238:3,16,19 246:7 258:11 260:5 268:2 271:18,25 274:20 <b>background</b> 35:21 117:11 128:8,9 157:13 <b>backtrack</b> 53:14 <b>backwards</b> 75:17 <b>bandwidth</b> 170:23 <b>barking</b> 150:5 <b>barrel</b> 11:16 50:13 90:7	103:14 180:21 180:23 181:10 201:7,12 <b>barrels</b> 202:23 203:1,21 204:7 <b>barrier</b> 219:24 220:1,10 222:7 222:8,11,12 <b>barriers</b> 198:19 221:19 222:10 226:11,11 <b>barring</b> 45:16 <b>base</b> 18:16 220:13 221:3,4 229:22 231:14 257:21 <b>based</b> 190:15 190:22 216:8 217:7,15 218:8 218:20 225:4 226:10 231:5 234:12 236:22 245:13 250:6 252:6,23 256:17 270:24 <b>basic</b> 174:18 <b>basically</b> 70:12 154:3,8,13 219:21 240:12 <b>basics</b> 218:18 <b>basin</b> 179:3 225:16 <b>basis</b> 145:4 217:24,24 225:19 234:18	236:14,15,16 260:23 261:17 <b>batteries</b> 186:19 <b>battery</b> 183:19 <b>bear</b> 131:15 <b>becoming</b> 240:9 <b>beefalo</b> 138:23 148:2 152:3 <b>began</b> 65:14 <b>beginning</b> 268:7 <b>behalf</b> 16:2,22 17:14 22:15 24:12,24 25:5 30:19,25 33:2 37:6,14 41:15 46:9,12 53:20 61:12 81:6,13 83:18 88:18 91:13 101:20 105:15 112:14 116:15,22 119:22 120:7 124:5 129:2 133:2 155:22 259:9,16 <b>belabor</b> 184:25 <b>believe</b> 15:2,11 18:4 24:3 32:16 41:8 42:18 45:20 47:10 53:2 64:24 67:1	88:8 94:25 97:1 98:3 104:7 110:16 131:24 141:9 144:21 156:24 157:3 158:1,2 172:13 181:3 193:14 195:23 197:12 198:23 200:25 202:5 203:20 205:23 210:24 225:8 226:9 228:8,22 229:11 231:19 243:13 250:9 255:23 258:6 261:16 262:2 265:7 <b>believes</b> 157:17 <b>bells</b> 111:2 <b>ben</b> 121:20 127:5 <b>beneath</b> 219:25 <b>benefit</b> 160:2 174:4 176:7 188:6 205:11 219:12 257:18 <b>bennet</b> 37:13 150:14 <b>bennett</b> 3:9 33:1,2,4,5,19 33:21 37:12,16 38:12,13 39:8 40:4,6,21 41:2 81:5,6,9,14
--	--	---	---

[bennett - bring]

82:10,13 83:8 116:14,15,17 117:24 118:1 118:10,20,23 119:10,13,21 119:22 120:15 122:22 123:3,6 123:10,12,15 123:16,19,25 124:3,5,8,13,14 127:25 128:12 128:16,19 155:4,6 159:24 160:1,1,15 161:8 162:1,6 162:7 164:22 165:4,11,13,20 166:6,15 167:20 168:2 <b>best</b> 21:8 31:9 31:16 109:4 131:5 136:3 185:11 190:2 205:4 277:9 278:6 <b>bet</b> 36:25 <b>beth</b> 3:21 53:20 61:17 116:23 161:15 <b>betray</b> 271:2 <b>better</b> 34:7 168:19 209:21 220:6 233:6 247:20 275:7	<b>beyond</b> 262:6 <b>bhp</b> 237:15,23 <b>big</b> 266:21 <b>bigger</b> 182:12 <b>biggest</b> 264:20 <b>bill</b> 60:11 179:3 179:4 <b>bit</b> 34:7 45:14 82:15 97:12 110:17 137:12 175:5 183:7 205:14 206:20 225:17 227:16 242:3 <b>black</b> 183:13 197:10 <b>blake</b> 48:18 113:16 <b>blow</b> 240:4 242:1,1 <b>blue</b> 182:22 184:6,6 185:22 239:3,20 240:10,20 241:13,14,15 242:6 <b>board</b> 30:10 272:25 <b>bom</b> 55:16 <b>bond</b> 190:7,9 <b>bonds</b> 264:12 266:9 274:3 <b>bone</b> 54:13 55:8 62:20 63:10 70:15,24	71:19 72:11,18 72:19,24 76:23 77:13,17 79:1 84:13 92:13,22 106:6,19 113:2 120:21 125:16 126:1 129:14 133:20 135:2 138:18 171:9 171:13 172:7 178:21,22,22 179:2,3,5 180:16,17 181:9,13,16 197:11 198:3 198:12 203:14 211:21,23 212:1,1 219:22 219:24,25 220:2,3 221:25 222:13,14 223:1,2,4,5,18 223:21,23 231:18,18 235:3,16 <b>bottom</b> 40:10 48:12 54:21 55:7 102:16 183:1 186:13 208:22 227:19 228:7 236:3,6 240:8 242:5,6 258:7 <b>boundaries</b> 182:1 199:2	<b>box</b> 25:21 <b>brackish</b> 220:25 221:4 <b>brad</b> 93:11 134:5 139:6 148:9 152:11 <b>bradford</b> 85:4 85:8,17 <b>brain</b> 211:3 <b>brand</b> 111:6 154:4,6 202:21 <b>break</b> 52:12,13 101:1 159:12 159:14 160:8 160:17,25 168:7 192:3 224:10 260:4,6 <b>breakdown</b> 107:1 108:9 110:23 <b>breakthrough</b> 235:3 237:8,11 <b>bree</b> 179:3,5 <b>brendsman</b> 106:12 109:3 <b>brendsman's</b> 106:23 108:7 <b>brian</b> 89:14 <b>brief</b> 185:12 272:13 <b>briefly</b> 124:20 176:23 179:25 185:6 197:20 <b>bring</b> 43:7 91:7 176:6 187:24
--	---	--	---

[bring - calling]

<p>206:25 253:18                  265:25 269:15  <b>bringing</b> 29:15  <b>brings</b> 52:25                  68:16 80:21                  91:7 101:14                  112:9 116:3,9                  123:14 136:25                  276:10  <b>broadcast</b>                  170:23  <b>broadly</b> 238:11  <b>brought</b> 42:8                  187:6 227:17  <b>bruce</b> 3:10 22:7                  22:7,10,21,24                  23:13,19,22                  36:5,6 54:1,1,5                  61:23,23 62:3                  67:12,23,24                  68:20,20 69:2                  69:23,24 70:3                  70:8,10 74:15                  75:8,12,25                  76:12,18,19                  80:1,22 81:12                  81:12,25 82:3                  82:5 83:24,24                  84:3 86:6,8,13                  86:14 91:8                  133:1,1,4,6,8                  133:16,17                  136:11,20,23                  137:1</p>	<p><b>brushy</b> 208:16                  208:22,24                  220:12,13                  222:11 224:17                  224:19 228:4,7                  228:9,10,11,15                  228:17,20                  257:24,25                  258:7,14  <b>bubble</b> 239:18  <b>buckskin</b> 48:10  <b>buffer</b> 197:2  <b>built</b> 111:4                  185:25 235:6  <b>bullet</b> 221:7  <b>bureau</b> 73:17                  199:14 266:8                  267:23  <b>buried</b> 234:22  <b>burning</b> 227:5  <b>business</b> 256:2</p>	<p>72:17 73:6                  77:23 78:16                  85:5,20,24                  86:12 89:24                  90:8,13 91:4                  103:7,18 104:1                  104:4,11,13                  106:24 107:17                  107:21 108:9                  108:21 109:1                  109:14 112:4                  113:22,23                  114:7 121:11                  121:19,24                  126:19 127:4,9                  127:9,10,10                  128:3,4,5,6                  130:9 134:6,18                  139:22 140:1                  140:10 148:23                  149:3,15                  152:24 153:4                  153:16 188:13                  188:25 263:19                  264:2,10,19                  267:16 269:25  <b>c1</b> 56:7 64:8,22                  113:23  <b>c10</b> 65:20  <b>c2</b> 56:11 64:8                  64:23 113:24  <b>c3</b> 56:15 64:23                  113:24  <b>c4</b> 54:18,19                  56:17 62:24</p>	<p>65:4 114:1  <b>c5</b> 56:18 65:4  <b>c6</b> 56:20 65:8  <b>c7</b> 57:2 65:10  <b>c8</b> 57:2,11                  65:13  <b>c9</b> 57:14 65:18  <b>cadre</b> 129:11  <b>calculate</b>                  244:24  <b>calculations</b>                  190:15,18,23  <b>call</b> 36:17                  53:14 60:13                  61:7 69:3,4,9                  69:15 75:21,24                  76:9 78:3 80:8                  96:4 98:2                  100:7 104:25                  105:7 109:20                  123:22 140:25                  143:10 146:14                  150:16 155:15                  168:15 176:11                  177:4 216:5                  218:9,17                  228:10 232:2  <b>called</b> 1:6 68:24                  80:12 99:11                  170:3,8,13                  171:6 172:18  <b>caller</b> 69:13,20                  104:25  <b>calling</b> 15:19                  83:13 169:12</p>
	<p><b>c</b></p>		
	<p><b>c</b> 3:1,10,23 4:1                  6:6,14,22 8:5                  8:11,20 9:12                  9:17,22 10:10                  10:15,20,25                  11:6 12:16,21                  13:6 14:1 20:4                  27:4,9,16 28:2                  28:8 49:11                  50:15,17,24                  51:2,12,15                  56:1,5,15                  64:20 65:2,2</p>		

[calls - case]

<p><b>calls</b> 76:14  <b>camera</b> 166:5  <b>candidate</b>  183:14 196:18  242:18  <b>candidates</b>  187:15 197:3,3  197:7  <b>canyon</b> 208:16  208:23,24  220:12,13  222:11 224:18  224:19 225:4,8  225:20 228:5,7  228:9,10,11,15  228:17,20  234:13,17  235:15 236:22  257:24,25  258:7,15  <b>capable</b> 29:20  <b>capacity</b> 16:3  171:15 173:13  245:25  <b>capitan</b> 127:15  <b>capture</b> 171:7  177:2,5 178:9  180:20 186:9  190:17 207:2  214:8  <b>captured</b>  197:15  <b>carbon</b> 73:5  <b>carbonate</b>  222:7,8,9</p>	<p><b>card</b> 73:23  135:21  <b>cards</b> 8:23  79:12 103:22  <b>care</b> 23:22  60:18 77:11  <b>carlsbad</b> 58:24  129:21  <b>carrell</b> 78:24  134:25 139:6  139:17 148:10  148:22 152:12  152:23  <b>carry</b> 149:25  <b>cartman</b> 84:12  <b>case</b> 1:9 15:19  16:17 17:3  18:1,2,4 20:11  22:3,12,20  23:17 24:1  30:14,15,23  31:4 32:4  33:14 36:6,18  36:21 38:15  40:2 43:4,10  45:7,7,14 46:5  46:7,23 47:2,4  47:7,8,19 48:3  48:16 51:2,3  52:2 53:8,9,15  53:18,22,25  54:6,8,11,18,20  54:21 55:7,25  58:11 59:24  60:15 61:1,2,7</p>	<p>61:19,24 62:15  63:3,3,13 64:1  64:3,13,24  65:6,8,10 66:2  67:3 68:23,24  69:4,5,8,21  70:4,7,9,14  74:23 75:7,15  75:24 76:1,3,5  76:9,17,22  79:24 80:12,14  80:20,24 81:1  81:4,11,16,21  82:2,10,11,14  82:21 83:7,13  83:23 84:1,4,5  84:10 86:3,10  87:7,19,19  88:7,14,22,24  90:17,25 91:1  92:7,10 93:9  94:5 97:6  98:24 101:15  101:17,24  102:1,6 104:5  104:15,20  106:15,23  107:23 108:8  108:23 110:11  110:20 112:1,9  112:19,21  113:1 114:13  115:5,23  116:10,19  117:2,12,21</p>	<p>118:5,7 119:20  119:22,23  120:3,12,13,19  121:13 122:12  122:18 123:10  124:20,23,25  125:7,13,13,19  125:22 128:21  129:6,8,12  130:12,20  131:8 132:18  132:22,25  133:4,12,15  134:21 136:8  136:16,21,25  137:5 138:1,11  138:13,17  139:2 140:5,7  141:17 142:8  142:20,25  143:13 144:5  144:16,19,24  145:5,13 146:3  146:4,20,21  147:6,21 148:4  148:16 149:6,8  149:12,17,24  150:8,11,14,16  150:22,24  151:3,13  152:20 153:2,8  153:11,13  154:3,23 155:3  155:16,23  156:2,4,7,13,24</p>
--	--	---	--

[case - certified]

157:11,16	25:13 29:1	127:21,25	<b>cc167h</b> 235:2
158:11,14,15	30:3,9,12	128:17 137:9	235:22 237:6
158:19 159:7	32:16,17,25	146:15,19	<b>cedar</b> 225:4,8
160:3,5,12,22	33:7,9,13,22	147:8 152:10	225:20 234:12
160:24 161:19	34:21 35:6,12	153:20 167:3	234:17 236:22
161:21 162:2,8	36:7 37:11,17	168:18 171:4	<b>cement</b> 189:5
162:18 163:13	37:19 41:8,12	174:6 175:3	190:7,9
164:9,10,13,14	41:16,21 42:1	189:14 191:2	<b>center</b> 185:24
164:17 165:5	42:3,5,11,12,24	191:21,24	<b>central</b> 183:19
167:25 168:8	43:6,9,13,15,25	233:19 245:4	186:19,20
168:24 169:5	45:2 46:2 53:1	276:12	<b>centralized</b>
171:5 174:3	53:11 57:23	<b>casing</b> 189:4	177:17 183:22
175:20 176:20	58:4,6 61:9,16	192:6 203:5	183:23 186:10
214:21 215:4	61:22,25 62:5	227:24	215:14
231:17 236:17	62:9,17,24	<b>castile</b> 221:25	<b>ceo</b> 261:9
237:21 245:1	63:7 64:9,12	<b>cat</b> 217:5,10	<b>cerantinos</b>
248:20 256:11	65:18,21 67:14	<b>catch</b> 20:13	162:25
257:1,9 258:25	68:12,17,19,21	117:6 265:17	<b>certain</b> 15:11
259:4,7,13,20	91:8,11,20	<b>catena</b> 151:21	15:16 78:9
259:24 260:1,7	92:1,3 94:6,10	151:23,24	178:1,2
260:13,20,24	94:15 97:25	<b>cause</b> 15:15	<b>certainly</b> 21:8
261:17 262:2	98:23 99:11	167:9 171:14	26:5 45:10,14
262:11,13	100:8,12	207:8 247:25	45:21 97:2
263:9,15,17	104:25 105:2,3	263:10 264:7	<b>certificate</b>
264:20 265:9	105:7,10,20,22	264:16 266:2	277:1 278:1
266:6,18,25,25	106:1,5,8,9,11	268:3 272:20	<b>certifications</b>
267:2,20	106:25 109:9	273:24,25	27:9
269:14 270:20	109:15,16,22	<b>causing</b> 241:4	<b>certified</b> 7:21
271:16,22	109:25 110:12	<b>caution</b> 228:2	8:22 12:9
272:8,18,22	111:25 119:3	<b>caveats</b> 146:3	50:21 74:7
273:20 275:24	119:17,24	150:12 154:23	79:11 90:9
<b>cases</b> 15:11,15	123:22 124:2	<b>cavin</b> 17:13	93:24 103:21
16:12,17,19	124:10,12,15	120:6 129:1	135:19 139:23
17:18 18:19	124:15,16,18	<b>cbis</b> 190:12	148:24 153:1
24:9,13,17	125:12 126:4,5		158:5,6 255:20

[certified - cog]

<p>255:21  <b>certify</b> 277:3  278:2  <b>cgl</b> 187:5,8  <b>chair</b> 94:18  95:15,22 96:2  <b>challenge</b> 63:8  <b>challenging</b>  54:19 252:9  <b>chance</b> 15:23  45:6 76:16  99:14 118:25  202:2 212:9  <b>change</b> 19:12  27:14 192:2  203:9 238:14  240:19 263:25  264:9,18,23  265:6 267:12  267:14,17  268:4 269:1,20  270:24 271:19  273:5 275:22  <b>changed</b> 69:13  <b>changes</b> 57:8  233:21  <b>changing</b> 192:4  236:8  <b>characterize</b>  263:23  <b>charge</b> 71:25  122:15 134:22  <b>charolais</b> 77:12  <b>chart</b> 8:21  50:18 90:9</p>	<p>93:22 103:20  127:2 139:23  148:25 152:25  242:15,16  <b>check</b> 158:5  203:24  <b>checklist</b> 6:4,12  6:20 7:11,20  9:21 10:4,8,13  10:18,23 11:4  12:11 48:17  55:25 64:15  74:4 79:18  113:15 121:2  126:8 129:24  136:2 162:12  162:16,17,22  <b>checklists</b>  162:20  <b>cheltran</b> 95:6  95:19 96:20  <b>chevron</b> 17:8  33:2,13 34:4  253:3  <b>chief</b> 266:9  267:23  <b>chime</b> 15:23  31:13  <b>chimed</b> 74:16  <b>chiso</b> 84:13  <b>chose</b> 95:13  244:7  <b>chosen</b> 204:14  214:4</p>	<p><b>chris</b> 85:4  161:22  <b>christian</b> 49:18  <b>christopher</b> 4:3  117:3,7,16,18  <b>chronology</b>  49:13 90:1  93:16 107:4  108:12 114:6  139:15 148:19  152:21  <b>cimarex</b> 37:14  38:4 39:23  <b>circle</b> 219:23  <b>circles</b> 197:4,9  <b>circumstances</b>  94:22 261:24  273:9  <b>claiming</b> 38:5  <b>clarification</b>  100:16 111:17  261:13 268:7  268:18  <b>clarify</b> 262:16  <b>clarifying</b>  261:4  <b>clarity</b> 132:1,7  275:22  <b>clean</b> 20:20,23  270:10  <b>cleaner</b> 87:6  <b>clear</b> 88:9  111:7 120:7  145:14 156:6  222:6 274:18</p>	<p><b>clearer</b> 175:8  <b>clearly</b> 222:25  <b>cletus</b> 89:10  <b>clgc</b> 180:5,7  <b>client</b> 30:2  165:14  <b>clients</b> 30:11  46:15 47:11,23  165:18  <b>cliff</b> 46:13  <b>close</b> 26:10  87:20 208:25  240:14,14  241:13,16  242:25 243:10  246:3 251:24  <b>closed</b> 171:7  177:2,4 178:9  180:20 186:9  190:17  <b>closer</b> 249:10  249:15  <b>closing</b> 187:16  <b>cluster</b> 211:24  <b>clusters</b> 211:20  <b>code</b> 113:4  179:4,5  <b>coded</b> 223:3  <b>codes</b> 172:6  188:17  <b>cog</b> 17:9 32:17  32:21 53:20  56:10 61:18  72:7 73:16</p>
--	---	---	--

[cole - components]

<p><b>cole</b> 4:3 117:4,4 117:8,8,16,16 117:18 161:22 161:22,24 165:22,24 166:2 <b>cole's</b> 119:5 <b>colgate</b> 24:25 24:25 <b>colleague</b> 114:20 <b>color</b> 223:3 239:21 240:20 <b>colored</b> 183:20 <b>colors</b> 239:3 240:9,19 241:9 <b>column</b> 243:12 <b>com</b> 84:12 89:10 92:18 93:2 106:22 108:5 120:24 124:17 125:5,6 125:21 126:3 138:23 148:2 151:20 152:4 177:23 <b>combinations</b> 210:5 <b>come</b> 26:17 38:17 69:20,21 69:22 70:1 71:15 87:5 101:1 117:21 118:21 155:2 155:13 159:21</p>	<p>160:11 161:7 167:5 215:23 217:22 251:24 254:23 260:5 271:16,18,25 <b>comes</b> 39:9 117:20 <b>coming</b> 15:11 30:11 40:7 244:14 <b>comingling</b> 184:16 193:4 <b>commence</b> 151:9,24 <b>commencem...</b> 192:18 <b>comment</b> 181:4 202:3 227:9 <b>comments</b> 88:5 150:7 153:19 165:11,23 274:17 <b>commercial</b> 28:15 <b>commissioner</b> 73:18 259:16 <b>committing</b> 39:5 <b>common</b> 133:18 167:10 <b>commonality</b> 235:10 <b>communicate</b> 163:12</p>	<p><b>communication</b> 220:11 <b>communicati...</b> 57:15 65:19 78:17 97:7 103:9 130:17 <b>communitiza...</b> 73:13 <b>companies</b> 28:7 78:8 79:10 268:5 272:14 <b>companion</b> 124:15 <b>company</b> 22:4 22:8 24:6 25:7 35:12 37:7,14 53:16 55:12 56:25 57:10,16 57:23 61:24 62:18 63:9 65:9,12,19 70:2 78:5,15 80:25 81:13 83:25 105:16 112:9,11,15 132:23 137:7 142:12 146:22 264:10,11 268:24 <b>compare</b> 240:7 242:4 <b>compared</b> 188:7 200:18 225:10</p>	<p><b>comparing</b> 236:13 <b>comparison</b> 236:16 <b>compatibility</b> 193:25 194:5 <b>compete</b> 33:13 40:1 248:15 <b>competing</b> 33:16 38:6 39:24 <b>complete</b> 67:2 136:7 174:24 <b>completed</b> 102:19 192:14 192:14 213:10 243:24 <b>completion</b> 192:12 213:11 <b>compliance</b> 26:9,10,14,24 29:10,13 264:24 265:7 266:3,9,23 267:1,18,24 268:2 269:11 270:23 273:6 273:24 274:3 <b>complianting</b> 264:13 <b>complicate</b> 215:10 <b>components</b> 183:19 184:3</p>
--	--	---	---

[comport - consistency]

<p><b>comport</b> 191:19</p> <p><b>composed</b> 110:13</p> <p><b>composition</b> 225:15 235:12 246:17</p> <p><b>compression</b> 187:19</p> <p><b>compressive</b> 242:14</p> <p><b>compressors</b> 183:22,24</p> <p><b>comprise</b> 55:3 63:14</p> <p><b>comprised</b> 48:6 70:17 84:15 89:6 92:14,23 102:9 113:6 129:15 133:21 138:20 147:24 151:6,16</p> <p><b>comprises</b> 19:2</p> <p><b>compulsory</b> 6:4 6:12,20 9:21 10:4,8,13,18,23 11:4 48:16 55:24 64:14 113:15 114:23 121:1 126:8 129:24 131:17 131:22 154:6 162:12,16,17 162:20,21</p>	<p><b>concept</b> 29:7 212:25</p> <p><b>conceptionally</b> 247:14</p> <p><b>conceptual</b> 212:17</p> <p><b>conceptually</b> 210:3</p> <p><b>concern</b> 28:23 28:23 205:8 264:20 274:8</p> <p><b>concerned</b> 100:18</p> <p><b>concerning</b> 59:18</p> <p><b>concerns</b> 36:21 71:19 213:14</p> <p><b>concho</b> 53:21 61:18</p> <p><b>conclude</b> 118:3 206:16 248:24</p> <p><b>concluded</b> 191:3 276:19</p> <p><b>concludes</b> 254:6</p> <p><b>conclusions</b> 245:13 253:11</p> <p><b>condition</b> 192:17 244:10</p> <p><b>conditions</b> 207:11 236:9</p> <p><b>conduct</b> 192:2 192:18 213:6 226:7</p>	<p><b>conducted</b> 157:24 158:1,2 190:14 192:9 192:11 217:12 225:3 234:13 253:3</p> <p><b>confer</b> 271:23</p> <p><b>conference</b> 22:23 23:5,11 23:20 38:9,15 38:22 39:1,12 39:19 40:1,12 40:23,25 46:4 82:21 272:7</p> <p><b>conferences</b> 32:15</p> <p><b>confident</b> 213:18</p> <p><b>confining</b> 207:17 209:1 219:18 229:22 231:10,14 257:21 258:6 258:12</p> <p><b>confirm</b> 34:11 40:22 110:24 178:3 192:10 229:3 234:19 250:8</p> <p><b>confirmation</b> 97:3</p> <p><b>confirmations</b> 255:21</p> <p><b>confirmed</b> 110:23 190:24</p>	<p>226:1</p> <p><b>confirming</b> 207:8,10 225:24 232:15 246:12</p> <p><b>confused</b> 262:12</p> <p><b>confusion</b> 132:7</p> <p><b>connected</b> 185:25</p> <p><b>connection</b> 80:6 170:22 187:1</p> <p><b>connections</b> 27:11 226:2</p> <p><b>connectivity</b> 23:1</p> <p><b>conocophillips</b> 17:9 22:15</p> <p><b>consequences</b> 17:21</p> <p><b>conservation</b> 1:3,6 14:9 109:5 262:7</p> <p><b>conservative</b> 245:2</p> <p><b>considered</b> 166:20 214:20 215:8</p> <p><b>considering</b> 1:8 209:1,16 244:3</p> <p><b>consistency</b> 27:8</p>
---	---	---	--

[consistent - correct]

<p><b>consistent</b> 224:4,6</p> <p><b>consolidate</b> 53:10 148:6 152:8</p> <p><b>consolidated</b> 24:4,5 32:16 41:8 53:3 62:18 91:20,22 105:3,5 123:18 133:4 137:9</p> <p><b>constant</b> 237:22,23</p> <p><b>constraints</b> 171:15</p> <p><b>construct</b> 203:10</p> <p><b>constructive</b> 256:10</p> <p><b>consultants</b> 28:9</p> <p><b>consulted</b> 34:13</p> <p><b>cont'd</b> 4:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1</p> <p><b>contact</b> 22:25 49:14 81:14 93:16 142:17 142:19 143:11 149:23 268:14 272:15</p> <p><b>contacted</b> 107:5 108:13 142:13,21</p>	<p><b>contacting</b> 143:6</p> <p><b>contacts</b> 78:19 90:1 107:5 108:12 114:6 121:14 126:22 134:16 152:21 163:10,24</p> <p><b>contain</b> 103:4 103:12</p> <p><b>contained</b> 27:24</p> <p><b>containing</b> 77:2 134:5</p> <p><b>contains</b> 48:16 57:11 64:23 70:12 71:4,20 72:10 74:3 77:18,23 78:21 107:10 108:16 134:1,19 135:1 135:9,12</p> <p><b>contend</b> 137:19</p> <p><b>content</b> 27:9</p> <p><b>contested</b> 16:4 29:18 31:9 33:16 38:24 40:2 44:6</p> <p><b>context</b> 202:17 205:8 227:16</p> <p><b>continuance</b> 29:2 31:23 40:24 82:18 204:17 260:15 260:17 261:10</p>	<p>261:25 270:21 272:16 273:1 273:15 274:24 275:14</p> <p><b>continuances</b> 16:3 39:19</p> <p><b>continue</b> 38:10 82:11,14,20 145:5 157:5 158:11,14 171:17 257:9 266:7 271:22 272:1,2,18,19 274:25 275:2 275:18</p> <p><b>continued</b> 28:19 65:15 81:22 187:19 256:11 257:2 272:12</p> <p><b>continuing</b> 18:1,3 144:16 165:16 187:2 260:23 261:17 275:2</p> <p><b>continuous</b> 72:19 79:3 135:11</p> <p><b>continuously</b> 207:3</p> <p><b>contours</b> 223:22,23</p> <p><b>contradicted</b> 221:11</p>	<p><b>contribute</b> 72:23 79:4</p> <p><b>control</b> 214:22 237:15 251:22 252:5</p> <p><b>convert</b> 203:12</p> <p><b>converted</b> 242:19</p> <p><b>cooler</b> 239:3</p> <p><b>coordinate</b> 118:6 163:11</p> <p><b>copies</b> 8:22 50:20 93:23 103:21 190:9</p> <p><b>copy</b> 29:25 71:21 113:14 113:14 114:20 134:17 176:19 219:7,9 255:7 255:19</p> <p><b>core</b> 29:1</p> <p><b>corner</b> 186:14</p> <p><b>corporation</b> 17:8 46:12 81:2,7</p> <p><b>corporations</b> 246:3</p> <p><b>correct</b> 18:5,6 18:15,20 37:23 41:9 51:9 53:3 75:5 100:16,18 110:15 117:12 117:13 138:5 144:23 146:9 154:8 179:11</p>
--	--	---	---

[correct - current]

179:24 180:10 180:11,18 188:9,20,21 191:11 192:20 193:5,17,20,24 194:10,14,19 194:20 195:3 195:13 196:3,4 196:21 197:17 197:23 198:8 198:16 199:13 200:6,14 203:23 207:5 211:6 213:1,8 215:21 217:13 218:4 221:7 222:4 223:12 224:12 226:4,5 229:5 231:13 233:19,20 234:14,15 245:11 246:16 246:19 249:15 250:11,12 254:7 263:14 263:21 271:10 <b>corrected</b> 223:9 269:20 <b>correction</b> 114:3 <b>correctly</b> 82:17 250:24 251:1 <b>correlative</b> 109:5 198:20 200:24 205:12	226:13 246:22 <b>corresponding</b> 180:14 182:19 197:1 <b>corresponds</b> 142:25 177:16 197:24 <b>corrosion</b> 194:3,12,15,17 <b>cost</b> 71:25 134:22 <b>counsel</b> 15:13 167:10,18 261:19 277:10 277:13 278:7 278:10 <b>count</b> 26:1,1 <b>counties</b> 171:11 183:10 <b>country</b> 33:25 34:4 <b>counts</b> 269:22 <b>county</b> 19:3 48:8 49:21 54:15 57:21 70:19 71:25 77:1 84:17 89:8 92:17 93:1 102:11 106:4 113:9 138:22 143:2,4 148:1 151:7,18 <b>couple</b> 79:9 100:24 135:17 233:13,14	247:12 260:13 272:2,5 273:15 275:12 <b>coupled</b> 242:9 <b>course</b> 34:25 47:14 71:25 87:14 134:21 142:11 145:24 158:10 209:12 217:20 223:22 253:1 <b>court</b> 98:9 117:15 159:12 <b>cover</b> 27:14 106:1 124:18 132:5 <b>covered</b> 95:9 154:12 189:16 222:15 226:19 <b>covers</b> 201:14 <b>create</b> 55:14 <b>created</b> 245:25 <b>creation</b> 102:25 <b>credentials</b> 106:13 113:18 121:22 126:12 127:8 163:3 175:15 232:10 <b>criteria</b> 264:22 265:5 <b>critical</b> 18:8 19:19 203:12 263:9 <b>crom</b> 48:10	<b>cross</b> 50:13 57:24 58:10 66:9 72:10,17 78:25 85:9 90:6 103:15 114:12 122:4 127:16,17,17 130:25 135:10 139:19 148:23 152:24 175:8 202:4 222:19 222:22,25 223:8 224:3 <b>crowd</b> 87:18 <b>cruz</b> 266:8 267:23 268:9 269:16 271:23 272:5,15 <b>cubic</b> 172:4 191:13 203:22 241:24 243:1,5 <b>cuff</b> 157:25 <b>cumulative</b> 238:1 244:1,4 244:5 245:21 249:4,5 <b>cure</b> 271:6 <b>cured</b> 28:25 267:8 <b>curious</b> 166:7 208:21 <b>current</b> 26:6 42:10 58:24 106:8 107:4 187:12,13
--	--	--	---

[currently - definitely]

<p><b>currently</b> 25:24 211:2 265:20 266:11 <b>cushioned</b> 251:6,11 <b>cut</b> 21:7,13 60:1,17 67:2 208:6 232:19 <b>cutting</b> 23:2 <b>cv</b> 48:25 89:16 <b>cx</b> 5:3 <b>cycle</b> 187:12</p>	<p>24:21,23 30:18 32:20 50:16 83:18 88:17 103:19 137:6 144:8 145:9 147:2 277:2,21 <b>daniel</b> 106:11 <b>darin</b> 3:23 105:14 <b>data</b> 11:17 189:2 196:24 201:13 204:19 206:11 216:20 217:13 218:2 223:22 225:10 225:25 234:18 235:1,6 236:23 238:11,13 244:7 245:14 246:8,13 <b>database</b> 190:11 264:25 <b>dataset</b> 217:7 <b>date</b> 2:2 31:10 35:2 38:22,25 39:13,14 40:24 43:21 44:7,12 44:14 50:19,20 82:12 93:22,23 151:25 217:12 217:16 255:16 255:17 275:14 <b>dates</b> 16:4,4 31:25 38:24</p>	<p><b>david</b> 113:16 <b>day</b> 172:5 191:13 202:24 203:1,22 204:7 241:24 243:1 264:9,14 <b>days</b> 203:21 216:23 217:9 237:20,24 256:2,2 260:13 <b>deadline</b> 151:9 256:2 <b>deadlines</b> 32:1 34:1 <b>deal</b> 131:20 264:8 265:15 <b>dealing</b> 54:20 235:14 <b>dean</b> 3:7 14:23 <b>dean's</b> 251:9 <b>deana</b> 3:9 33:2 37:13 81:6 116:15 119:21 124:5 160:1 <b>death</b> 141:13 142:6 <b>december</b> 141:12 <b>decide</b> 40:22 262:1 <b>decided</b> 110:24 <b>decipher</b> 254:11 <b>decision</b> 206:2</p>	<p><b>deck</b> 123:14 262:14 <b>declaration</b> 121:3,9,20 122:1 126:9,18 127:5,13 162:25 163:6 <b>decline</b> 204:24 209:23 <b>dedicate</b> 113:10 152:3 <b>dedicated</b> 48:9 84:14 89:9 92:17 93:1 102:12 106:21 108:5 120:24 125:4,20 126:2 129:21 138:22 148:2 151:19 <b>deem</b> 40:17 <b>deep</b> 206:12 <b>deeper</b> 225:17 <b>deepest</b> 181:12 181:15 <b>defer</b> 39:8 157:8,13 270:19 <b>deferred</b> 28:19 <b>deficiencies</b> 257:3 <b>defining</b> 208:22 228:20 <b>definitely</b> 174:9 174:10,17 229:24 272:21</p>
<b>d</b>			
<p><b>d</b> 5:1 6:7,15,23 9:23 14:1 57:17 58:1 66:3,12,12 78:21 114:10 114:16 115:9 116:21 117:4,8 134:13,19 161:16 <b>d1</b> 57:19 66:7 114:11 <b>d2</b> 57:21 66:7 114:11 <b>d3</b> 58:9 66:8 114:12 <b>daily</b> 91:19 <b>damage</b> 214:21 215:5 246:17 <b>damaged</b> 214:23 <b>dana</b> 2:7 3:12 16:21 22:13</p>			

[degree - different]

<p><b>degree</b> 247:18 251:9,15</p> <p><b>degrees</b> 207:22</p> <p><b>del</b> 120:7</p> <p><b>delaware</b> 25:6</p> <p><b>delivery</b> 114:21</p> <p><b>demonstrate</b> 29:14,16 236:14</p> <p><b>demonstrated</b> 240:19</p> <p><b>demonstrating</b> 178:8 218:2</p> <p><b>demonstration</b> 218:1</p> <p><b>denied</b> 262:10 266:2 273:11 275:23</p> <p><b>denoted</b> 78:14 166:19</p> <p><b>deny</b> 267:17 273:5</p> <p><b>denying</b> 274:19</p> <p><b>department</b> 1:2</p> <p><b>dependent</b> 241:3</p> <p><b>depending</b> 209:22,23</p> <p><b>depends</b> 39:17 204:12 205:2</p> <p><b>depicted</b> 229:4</p> <p><b>depicting</b> 180:20</p> <p><b>depiction</b> 54:19 56:8 57:22</p>	<p><b>deplete</b> 247:22</p> <p><b>depleted</b> 216:18 239:15 241:11,17,19 242:12 243:13 243:21 245:5 247:15,21,21 248:7,7,23 249:3,7,14 251:18</p> <p><b>depleting</b> 203:15</p> <p><b>depletion</b> 247:18 248:9 250:9 251:10 251:15</p> <p><b>deposition</b> 277:1</p> <p><b>depth</b> 77:17 172:11 177:19 181:12 189:15 220:23 229:15 229:21 257:20</p> <p><b>depths</b> 180:14 230:13 231:9</p> <p><b>derived</b> 229:4</p> <p><b>describe</b> 107:13 124:20</p> <p><b>described</b> 178:1,4</p> <p><b>describes</b> 78:1 139:15 152:21</p> <p><b>describing</b> 71:4 95:17 96:19 134:5</p>	<p><b>description</b> 6:2 7:2 8:2 9:2 10:2 11:2 12:2 13:2 18:15,20 18:23 19:4,8 19:13,19 20:7 20:10 108:3 114:4 134:7 142:24</p> <p><b>descriptions</b> 18:11 19:18</p> <p><b>designated</b> 92:19 93:3 151:21 178:25 188:16</p> <p><b>designed</b> 212:20</p> <p><b>designee</b> 267:16 273:5</p> <p><b>detail</b> 55:11 174:20 175:8 178:3 189:16 191:18 233:10</p> <p><b>detailed</b> 185:12</p> <p><b>details</b> 189:4 233:15</p> <p><b>determined</b> 82:23 246:13</p> <p><b>determining</b> 39:25</p> <p><b>developed</b> 131:1</p> <p><b>developing</b> 29:12</p>	<p><b>development</b> 50:13 55:19 57:5,9 64:9,11 65:16 181:8</p> <p><b>devon</b> 78:5 79:10 105:15 106:15 107:24 109:9</p> <p><b>diagram</b> 90:7 103:14 185:12 185:17 186:7 186:12 187:3 191:19,25</p> <p><b>diagrams</b> 186:4</p> <p><b>died</b> 142:5</p> <p><b>difference</b> 188:7,10 225:16 235:21 235:24,25 236:8 237:15 240:24 247:19 248:1,6 249:1 249:3,22 250:4 274:13</p> <p><b>differences</b> 42:19 81:19 195:7 200:17 200:21 234:1</p> <p><b>different</b> 56:20 62:11 68:22,23 124:24 137:12 178:20 179:2 182:16 186:3,4 189:13 212:10 212:17 265:24</p>
--	---	---	---

[differs - dogleg]

<p><b>differs</b> 124:23</p> <p><b>difficult</b> 229:15</p> <p><b>difficulties</b> 261:18</p> <p><b>difficulty</b> 230:13</p> <p><b>digital</b> 277:8 278:3</p> <p><b>diligent</b> 167:4</p> <p><b>dips</b> 225:16</p> <p><b>direct</b> 173:1 181:7 218:23 220:16 232:12 256:10 268:10</p> <p><b>directed</b> 60:16 271:5</p> <p><b>directly</b> 175:7</p> <p><b>director</b> 267:16 273:4</p> <p><b>director's</b> 45:20 267:16 273:5</p> <p><b>discovered</b> 95:3 235:8 238:6</p> <p><b>discrepancy</b> 166:25</p> <p><b>discretion</b> 274:16,19</p> <p><b>discuss</b> 40:20 263:8 266:10 267:24 269:1 274:21</p> <p><b>discussed</b> 16:12 149:24 206:25</p>	<p>224:14 245:17</p> <p><b>discussing</b> 225:2</p> <p><b>discussion</b> 38:18 204:18 205:15 206:21 243:18</p> <p><b>discussions</b> 23:1 38:10 40:13 57:8 118:2,3 155:7</p> <p><b>dismiss</b> 21:11 82:4,6 87:19 271:16</p> <p><b>dismissal</b> 26:8 26:25 28:21 29:1 87:20 270:21</p> <p><b>dismissed</b> 18:19 20:11 30:9 77:9 88:7</p> <p><b>disposal</b> 28:4 28:15 186:23</p> <p><b>distance</b> 224:18 224:24 248:25</p> <p><b>dive</b> 15:4 185:20 206:12</p> <p><b>divided</b> 55:23</p> <p><b>division</b> 1:3,7 14:9 29:16 34:20 38:17 42:12 43:1,2,4 43:10 44:25 53:6 54:11 55:5,9,12 56:3</p>	<p>57:19 58:6 63:24 64:5,22 66:6 73:19 82:19 92:10 103:4 106:12 113:18 115:6 118:25 119:7 121:6,22 122:20 125:8 125:14,23 126:11 127:7 127:23 151:12 156:23 157:17 160:4 162:22 163:2,25 164:10,19 172:14 175:7 175:17 176:19 178:25 179:7 179:13 180:11 181:5 188:6,8 188:11 189:8 189:14 190:24 191:1,4,20 194:19,22 195:5 197:22 198:7 199:18 200:19 202:11 214:1 216:21 218:8,21 232:10 233:19 233:23 254:15 260:15 262:7 263:24 264:3 275:2</p>	<p><b>division's</b> 27:23 30:1 43:8 45:9 118:4,24 162:15 164:11 172:10 174:10 174:25 177:1 178:9 190:6,10 190:16 199:1 199:10 201:6 205:8</p> <p><b>docket</b> 1:9 14:11 15:4 16:2,16 18:2 30:14 31:10,11 32:16 33:15,23 33:24 34:12,13 36:7,11 38:21 39:13 44:3 53:1 75:17 83:1 105:7 116:10 118:5 119:2,16 155:8 158:14 159:1 168:18 169:4 256:12 257:11 260:21 274:25 276:11</p> <p><b>dockets</b> 33:17 39:10</p> <p><b>document</b> 19:12</p> <p><b>documents</b> 20:1</p> <p><b>dogleg</b> 207:22</p>
---	--	--	--

[dogs - elements]

<p><b>dogs</b> 150:4  <b>doing</b> 19:17  166:10 167:18  236:24 252:8  264:22  <b>dorn</b> 134:13  <b>dots</b> 222:5  <b>dotted</b> 182:22  <b>double</b> 158:5  <b>doubt</b> 47:14  <b>downstream</b>  187:17  <b>dr</b> 183:3  186:15 211:20  211:21  <b>drafting</b> 179:17  <b>dragonstone</b>  92:18 93:2  <b>drawing</b> 30:10  <b>drill</b> 72:22  154:5  <b>drilled</b> 48:11  102:13 151:24  188:13 192:13  212:7,22  <b>drilling</b> 72:2,21  109:6 114:15  122:13 151:9  151:25  <b>drinking</b> 226:3  <b>driver</b> 241:4  <b>driving</b> 266:17  <b>dropped</b> 88:9  <b>ducks</b> 30:11  271:17 272:7</p>	<p>275:24  <b>due</b> 46:22  124:24 164:13  184:12 263:16  263:16  <b>duly</b> 170:3,8,13  277:5  <b>dunn</b> 93:11  134:5 139:6,7  148:9,10  152:11,12  <b>dunn's</b> 139:15  148:20 152:21  <b>dx</b> 5:3</p> <hr/> <p style="text-align: center;"><b>e</b></p> <hr/> <p><b>e</b> 3:1,1 4:1,1 5:1  6:1,8,16,24 7:1  8:1 9:1,24 10:1  11:1 12:1 13:1  14:1,1 23:6  58:14,21 66:14  66:20,20 73:6  102:17 114:19  115:1,12,16  143:10  <b>e2w2</b> 151:20  <b>ear</b> 155:11  <b>earlier</b> 18:4  49:14 68:24  69:10 76:8  110:1 168:6  192:12 243:18  243:24  <b>earliest</b> 31:10  44:14</p>	<p><b>early</b> 23:11  52:16 265:4  <b>earthstone</b>  88:14,18 89:3  <b>ease</b> 247:19  <b>easier</b> 15:12,19  87:1 98:12  181:22 183:7  219:5 230:7  248:10  <b>easiest</b> 23:9  <b>east</b> 19:5 48:8  70:19 76:24,25  77:1 84:16,17  89:7 92:14,15  92:16,24 93:1  102:11,16,18  102:22,23  106:4 113:9  120:22,23  124:19 125:10  125:25 129:19  133:23,23,25  134:1 138:21  143:4 147:25  148:1 151:7,16  151:17 225:17  <b>easy</b> 183:7  210:4 248:21  252:14  <b>eddy</b> 48:8  49:21 54:15  57:20 70:19  71:24 89:8  171:11 183:10</p>	<p><b>effect</b> 238:3,7  246:9  <b>effective</b> 56:12  224:11  <b>effectively</b>  133:23  <b>effects</b> 194:3  252:15  <b>efficiently</b>  251:19  <b>effort</b> 18:3,5  27:8 29:14,16  212:2 252:7  271:4,5  <b>efforts</b> 42:13  139:16 145:16  148:20 163:11  166:14 167:4  <b>eight</b> 171:21  177:8 202:19  209:17,18  210:11 211:19  214:4,7  <b>eighth</b> 210:8  <b>either</b> 26:18  29:14 141:24  178:12 211:12  244:8 253:25  266:21 267:6  272:6 275:5  <b>electronic</b>  190:7,8  <b>element</b> 19:19  <b>elements</b>  190:17 191:1,7</p>
--	--	--	---

[elements - estimate]

<p>197:21 202:3  <b>elevation</b>                  215:20  <b>eleven</b> 214:6  <b>elizabeth</b> 3:21  <b>else's</b> 119:11  <b>embarrassing</b>                  21:23  <b>empire</b> 41:23                  42:9,9,14                  43:13,18  <b>employed</b>                  173:12,14                  277:11,14                  278:8,11  <b>employee</b>                  277:13 278:10  <b>empty</b> 266:15  <b>endeavor</b> 40:9                  122:19 131:5  <b>ended</b> 187:23  <b>ends</b> 47:13  <b>energy</b> 1:2 27:6                  30:15,19 37:14                  73:5,6 78:5,5                  101:15,20                  105:15 119:17                  119:22 120:4                  120:19 121:4                  121:21 122:12                  123:24 124:6                  125:1,8,14,23                  126:10,21                  127:6 156:6,11</p>	<p><b>energy's</b>                  124:17  <b>engage</b> 40:13                  171:6  <b>engineer</b>                  173:15 217:21                  251:4  <b>engineering</b>                  28:3 175:16,24                  225:6 232:9                  236:15,16                  246:13,25                  259:4 262:13                  262:18 268:19  <b>ensure</b> 59:24                  256:9  <b>ensuring</b> 205:9  <b>entail</b> 270:6  <b>enter</b> 61:8                  161:11 186:24                  259:14 260:1  <b>entered</b> 38:4                  59:5 75:25                  92:10 93:6                  120:8 122:24                  151:12 156:6,8                  156:12 161:9                  164:11 262:17  <b>entire</b> 217:9                  225:16 230:20                  271:2  <b>entities</b> 25:6  <b>entitled</b> 198:25  <b>entries</b> 105:19</p>	<p><b>entry</b> 16:18                  17:1 22:5,11                  22:19 24:8,16                  30:16,22 32:18                  32:24 33:8                  35:13,15 37:1                  37:10 41:11,20                  46:6 53:4,17                  61:15 68:18                  69:4 70:4 81:3                  81:10 83:15,22                  88:15,21,23                  91:10,25 92:2                  101:16,23,25                  105:9 112:10                  112:18,20                  116:12,18                  117:1 119:19                  120:2 124:1,9                  128:23 129:5,7                  132:24 133:13                  133:14 137:4                  147:5 155:18                  156:1,3 259:6  <b>envelope</b> 214:6  <b>eog</b> 131:17,21                  131:21,22                  167:15  <b>equal</b> 72:20  <b>equally</b> 72:24                  79:5  <b>equipped</b>                  214:13  <b>equivalent</b>                  54:14 55:1,6</p>	<p>63:15,16,19,21                  64:2 242:19  <b>eric</b> 84:11  <b>ernest</b> 3:18                  24:12 41:22                  46:11  <b>error</b> 18:9,23                  19:22  <b>es</b> 5:3 277:4  <b>especially</b>                  219:8 276:11  <b>esq</b> 3:9,10,11                  3:12,13,14,16                  3:17,18,19,20                  3:21,23,24,25  <b>essentially</b>                  42:20 54:14,25                  63:14 110:13                  124:22 191:8                  195:21 202:21                  211:19 225:18                  227:24 231:13                  231:17 250:6                  260:16 263:15                  263:19 264:18                  267:11  <b>establish</b> 28:4                  47:3 151:4                  236:20  <b>established</b>                  29:12 142:6  <b>estate</b> 141:15                  195:24 196:15  <b>estimate</b> 159:9                  236:6</p>
---	---	---	---

[et - examiner]

<p><b>et</b> 78:15  <b>evd</b> 6:2 7:2 8:2  9:2 10:2 11:2  12:2 13:2  <b>event</b> 115:23  187:14,23  188:5 207:2,3  207:5 216:23  217:14  <b>events</b> 192:23  194:24 200:10  206:13 217:11  243:2,3 244:17  245:17,22  <b>eventually</b>  184:13  <b>everybody</b> 14:8  15:6 16:6  96:24 119:11  176:14 200:3  219:12  <b>everyone's</b>  119:4 176:7  264:7  <b>evidence</b> 51:15  59:16 67:18  74:21 80:4  86:12 91:4  94:12 104:13  112:5 115:17  128:7 131:11  136:14 140:10  149:15 153:16  201:23 226:1  254:25 256:20</p>	<p><b>evident</b> 80:10  <b>exact</b> 224:24  <b>exactly</b> 175:9  225:13  <b>examination</b>  173:1 202:4,11  218:23 232:12  <b>examine</b>  142:16  <b>examined</b> 58:7  170:5,10,15  <b>examiner</b> 2:4  3:3,4,5,6,7 14:2  14:3,7,15,17,19  14:21,23,25  15:7,17,18,20  15:25 16:7,10  16:13,20,24  17:10,13,15,22  17:25 18:7,24  19:24 20:12,19  20:22 21:2,4  21:16,22 22:1  22:9,13,16,24  23:13,14,24  24:10,14 25:1  25:3,8,16,18,20  28:22 29:5,22  30:5,18,20  31:2,7,12,18,22  32:5,8,13,20,22  33:3,6,12,19  34:9,16,23  35:5,9,15,17,20  35:24 36:4,5,9</p>	<p>36:12,16,20,24  37:4,8,15,25  38:12 39:7  40:15 41:3,13  41:18,22,24  42:6,12,23  43:11,12,24  44:4,15 45:11  45:23 46:1,11  46:19,21,24  47:9,16,24  48:2 49:4,7  50:4,6,9 51:6  51:10,11,19,21  51:23,25 52:7  52:8,19,23  53:12,19,23  54:1,4 59:7,12  59:20,23 60:2  60:4,8,10,12,19  60:22,25 61:14  61:20,23 62:2  67:7,13,19,23  67:25 68:1,3,7  68:9,15,20,25  69:17,25 70:10  74:14 75:1,3,5  75:6,13,23  79:25 80:9,15  80:17 81:8,12  81:24 82:8,24  83:4,9,10,17,20  83:24 84:2  86:4,9,15,17,20  87:10,16 88:4</p>	<p>88:17,19 89:20  90:18,22,24  91:6,14,18,23  91:24 94:8,16  94:19 95:16,23  96:3,6,10,13,16  96:18 97:4,9  97:16,19,24  98:7,11,15,22  99:1,3,7,9,13  99:16,23,25  100:4,7,10,14  100:17,23  101:3,4,6,8,13  101:19,21  104:8,9,16,18  104:24 105:4,6  105:12,17  109:18,24  110:4,9,19  111:1,11,15,19  111:22 112:7,8  112:13,16,25  115:8,13,20,22  116:3,7,16,24  117:5,10,14,17  117:24,25  118:8,11,16,18  119:9,14,25  120:6,10,17  122:21,25  123:2,5,7,9,13  123:17,20,21  124:4,7 127:24  128:13,14,16</p>
---	--	--	--

[examiner - exhibit]

128:20,25	169:22 170:16	249:12,20	105:13 109:11
129:3,10 131:6	170:19,25	250:5,13,17,20	110:8 111:23
131:14,23	171:2,4 172:17	250:22,25	115:19 124:4
132:12,14,21	172:20 173:17	251:14,23	128:13 129:11
133:1,3,7,10,17	173:19,22	252:2,18,20	131:13 136:16
136:10,17,19	174:8,22 175:9	254:5,20 255:5	154:1 182:6
136:24 137:6,8	175:23,25	256:16,23,25	189:23 202:4
137:13,16,25	176:4 201:17	257:5,10,14	210:19 216:4
138:3,8 140:6	201:20 202:8	258:3,18,22,24	224:16 226:22
141:20 142:1	202:12,14	259:8,11,16,18	227:1 243:16
143:24 144:2,4	203:19 204:1	259:22 260:10	247:6 263:6
144:6,12,18	204:16 205:6	260:12,25	<b>example</b> 63:12
145:7,8,11,22	205:19,21	261:2,3,6,8,12	180:6 222:6
145:24 146:2	206:18 207:7	262:15 263:7	<b>examples</b> 20:3
146:13,17,24	207:13 208:1,4	263:12,13	<b>exceedance</b>
147:3,11,18	208:9,18 209:4	264:6 265:10	195:12
149:11,21,22	209:7,10 210:2	265:16,19,23	<b>excellent</b> 15:21
150:2,6,9,18,20	210:14,18,21	267:4,10 268:8	<b>except</b> 135:2
153:12,23	211:7,13,14	268:16 269:8	225:16 263:19
154:2,10,14,19	212:8,14,24	270:3,14,18,25	<b>exception</b>
154:22 155:2	213:2,13,17,25	271:11 272:9	172:10 177:18
155:12,21,24	214:2,17	272:11,24	177:22
156:5,9,15,21	215:16 216:1,3	273:16 274:10	<b>excerpt</b> 122:6
157:2,7,19,21	216:7,11 218:6	275:5,21 276:2	127:18
158:17,21,23	218:11,14,16	276:6	<b>excuse</b> 125:20
159:3,5,7,19,24	218:19 226:24	<b>examiner's</b>	127:16 135:13
159:25 160:7	227:2,7,12,23	231:5 273:13	135:25
160:14,16,21	228:12,18,23	<b>examiners</b>	<b>exercises</b>
161:4,6,17,23	229:7,9,13,18	14:12 15:11,14	274:18
162:5 164:21	230:4,10,16,19	16:21 17:6	<b>exhibit</b> 6:4,5,6
165:2,9,19,22	230:25 231:2	23:17 24:11	6:7,8,9,12,13
165:25 166:4	231:12,16,23	37:4 51:20	6:14,15,16,17
167:2,22,24	232:1,4 247:3	53:7 54:11	6:20,21,22,23
168:5,13,21	247:8,11 248:3	61:1 74:25	6:24,25 7:4,5,7
169:3,10,15,17	248:14,17,22	75:7 90:20	7:8,9,10,11,14

[exhibit - exhibits]

7:15,17,18,19	65:13,18,20,21	115:1,9,16,16	180:2,3,5,6,6,7
7:20,21,24 8:4	66:3,12,12,14	121:1,7,7,14,15	180:19,25
8:5,8,10,11,14	66:20,20,22,24	121:15,16,24	181:1,3 188:14
8:15,18,19,20	66:24 67:16,16	122:8 126:7,13	188:20 189:7
9:4,5,6,10,11	67:17,17 70:25	126:13,14,14	189:24 190:5
9:12,15,16,17	71:1,3,8 72:4,9	126:15,15,16	190:23 191:5
9:20,21,22,23	72:14 73:2,8	126:16,20	191:15 192:25
9:24 10:4,5,8,9	73:20 74:1,3,5	127:9,9,10,10	193:11,13,17
10:10,13,14,15	74:7,9,20	128:2,2,3,3,3,4	193:18 194:18
10:18,19,20,23	76:20,21 77:4	128:4,4,5,5,6,6	195:2 199:11
10:24,25 11:4	77:14,15,20,24	129:23 130:5,5	199:12 201:3,4
11:5,6,9,10,13	78:20,23 79:6	130:7,9,10,15	201:5,7,9,10,10
11:14,14,15,15	79:8,13,14,14	130:17,21	201:12,12,22
11:16,17,19,20	79:17,18,19,19	131:10,10	201:22 223:12
11:21,22 12:4	80:3,3 85:10	132:1,4 133:19	223:13 247:1
12:6,7,8,9,10	85:10,20,24	134:2,4,10,19	254:14,14,15
12:11,14,15,16	86:11,11,12	134:24 135:7,9	254:18,24,24
12:19,20,21	89:18,18 90:3	135:16,19,23	255:7,14 256:6
13:4,5,6 48:15	90:4,8,13 91:3	135:23 136:1,2	256:19,19
48:17,23 49:1	91:3,4 93:9,10	136:4,4,6,13,13	262:21 275:11
49:10,16,23	93:17,19 94:2	139:9,10,15,20	<b>exhibits</b> 6:6,7
50:1,15,17,24	94:11,12 95:11	139:22 140:1,9	6:14,15,22,23
51:14,14,15	103:4,5,10,12	140:9,10	9:4,5,7,10,11
54:17,18 55:8	103:16,18	148:12,13,16	9:15,16,22,23
55:24,25 56:1	104:1,12,12,13	148:19,23	10:5,9,10,14,15
56:4,4,5,7,11	106:17,23	149:3,3,14,14	10:19,20,24,25
56:15,17,18,20	107:8,10,15,17	149:15 152:15	11:5,6,9,10
57:2,2,4,11,14	107:21 108:1,7	152:16,19,20	12:6,7,14,15,19
57:17,21 58:1	108:14,16,19	152:24 153:4,4	12:20 13:4,5
58:9,14,21,25	108:21 109:1,8	153:15,15,16	20:3 34:2
59:1,15,15	109:9,10	162:13 163:4	47:19,20,22
62:9,12,24	111:12,13,14	163:10,13,17	49:15 50:11
64:14,15,17,17	112:3,3,4	176:4,7,9,15,18	51:1,8,11
64:18,18,20,23	113:20,20,22	177:24 179:9	55:11 58:3,5
65:2,2,4,5,8,10	114:7,10,16,19	179:22,22	59:4,5,10,13

[exhibits - fair]

62:15,16 64:8 66:5 67:4,10 67:13 70:11 74:12,18,19 79:23 80:1 85:3 86:2,7,9 89:13,23 90:16 90:25 93:11 94:4,9 97:10 103:6 104:4,11 107:10,13 108:16,18 109:13,14 111:25 113:23 114:11 115:4,4 115:12,14 120:25 121:10 122:2,17,18,24 124:21,22,23 126:5,6 127:13 127:21,25 129:24 130:24 131:3,8 132:8 133:18 136:7 136:11 139:5,7 139:18 140:4,7 141:7 144:3 148:8,11 149:6 149:12 152:10 152:13 153:10 153:13 162:11 162:11 164:6 164:17,24 165:5,8 166:22 172:8 176:8	178:14 179:15 179:17,20,21 180:1,10 189:17 201:2 201:15,18,20 202:10 226:16 254:21 255:5 256:14,17 263:4 269:15 275:10 <b>exist</b> 267:7 <b>existing</b> 56:8 186:10 193:3 194:12 224:17 <b>expand</b> 152:1 <b>expansion</b> 217:5 <b>expect</b> 34:25 272:19 <b>expedite</b> 119:6 <b>expenditure</b> 71:22 <b>experience</b> 48:20 49:20 <b>expert</b> 27:12 44:22,22 49:2 50:2 89:17 106:13 175:16 175:24 218:22 232:9 <b>experts</b> 130:3 <b>explain</b> 17:20 85:12 176:23 179:25 182:15 185:2,7 196:22	197:19,19 199:22 219:17 225:5 234:16 236:21 238:20 238:22,25 242:16 243:15 261:15 <b>explained</b> 76:8 107:6 185:1 271:14 <b>explaining</b> 182:4 220:21 <b>explains</b> 85:17 222:14 <b>exploration</b> 46:13 116:23 161:14 167:15 <b>exposed</b> 166:7 <b>expressed</b> 149:18 150:12 154:23 <b>extend</b> 151:8 248:24 <b>extended</b> 204:4 <b>extension</b> 154:5 <b>extent</b> 148:7 152:8 216:19 <b>exterior</b> 199:2 <b>extra</b> 275:9,12 <b>extremely</b> 248:7	66:24,24 67:5 67:14,16,17 <b>face</b> 29:1 170:20 <b>facilitate</b> 111:10 251:7 251:16 275:12 <b>facilities</b> 148:6 148:7 152:7,8 177:17 182:2 182:16,19 184:13 185:21 185:25 186:4 187:13 <b>facility</b> 184:5 185:12 186:4 186:20,21 <b>fact</b> 52:13 141:12 208:24 216:14 244:3 260:20 <b>factor</b> 203:3 <b>factored</b> 206:2 <b>factoring</b> 206:7 <b>factors</b> 245:6 252:5 <b>facts</b> 251:22 <b>factures</b> 248:20 <b>fae</b> 16:18,22 18:3,19 <b>faint</b> 239:7 <b>fair</b> 53:12 71:23 78:22 134:20 146:2 156:16 267:8
			<b>f</b>
		<b>f</b> 6:9,17,25 58:25 59:1,5 59:13,15 66:22	

[fairly - first]

<p><b>fairly</b> 243:8 244:1 246:3 248:21 <b>faith</b> 145:16 165:16 166:13 167:4 <b>fall</b> 196:19 258:10 <b>falls</b> 190:25 <b>familiar</b> 26:16 62:23 175:19 233:12 <b>family</b> 137:23 <b>far</b> 16:1 20:16 28:6 100:18 238:10,14 243:3 245:18 247:24 257:19 <b>fast</b> 175:12 <b>faster</b> 87:1,4,25 <b>faulting</b> 27:11 114:13 224:9 226:2 <b>favor</b> 59:24 274:19 <b>fe</b> 2:6 16:21 17:7 22:14 24:23 25:4 37:5 41:14 53:7 61:11 101:19 105:14 112:13 155:21 <b>fed</b> 56:19 89:10 92:18 93:2 106:22 108:5</p>	<p>198:15 <b>federal</b> 19:2,18 48:10 65:6 71:6 73:12 102:13,20 141:15 177:23 229:4 <b>fee</b> 19:3 78:6,7 78:13 <b>feedback</b> 117:11 144:13 145:12 147:12 147:16 <b>feel</b> 249:21 <b>feelings</b> 43:14 <b>feet</b> 84:19 102:20 172:5 181:15,17 191:13 203:22 207:16,22 220:10,23 221:8,9 240:15 241:24 243:1,5 250:1,2 <b>feldewert</b> 3:11 17:5,7 53:6,7 53:13 54:9,10 59:8,21,22 60:14,21,24 61:5,7,10,11 62:6,8 67:8 68:14 <b>feldewert's</b> 67:20</p>	<p><b>field</b> 271:3 <b>fifteen</b> 26:2 243:5 245:20 <b>fifth</b> 265:25 274:4 <b>fifty</b> 214:7 250:2 <b>figure</b> 38:7 155:9 <b>file</b> 23:19 39:11 39:19 40:24 44:2 81:17 82:16 274:24 275:10,14 <b>filed</b> 18:4 33:14 38:2 42:7 44:2 47:19,20,21 49:15 66:23 70:11,12 81:14 81:15,23 82:4 82:14,16 84:23 86:24 87:13 126:4 162:11 162:16,18 164:15 175:20 176:5,8,10,18 176:20 178:13 179:20 180:11 180:25 189:8 189:17 193:13 195:2 254:15 268:18 270:1 <b>files</b> 53:8 264:16</p>	<p><b>filing</b> 38:6 39:23 209:9 <b>fill</b> 242:22 251:8 <b>filled</b> 136:3 <b>final</b> 45:22 270:9 <b>finally</b> 50:15,22 57:14 125:19 <b>financially</b> 277:15 278:11 <b>find</b> 23:10 109:11 190:20 268:15 <b>fine</b> 15:20 23:3 23:12 30:4 36:19 44:20 69:18 100:23 133:10 143:8 143:11 145:23 146:25 154:18 155:13 168:14 171:1 225:1 257:16 272:16 <b>finish</b> 150:15 <b>firm</b> 44:19 116:21 133:9 161:16 <b>first</b> 15:10 16:16 17:25 27:20 39:13,14 55:2 68:23 70:11 77:13 79:1 160:12 166:14 167:19</p>
--	---	--	--

[first - fractured]

<p>169:18 170:3,8  170:13 172:18  178:22 180:2,3  180:16 183:15  203:14 210:22  212:1 219:14  220:3 221:25  222:13,14  223:5,23 225:8  227:4 231:18  273:12  <b>fit</b> 210:1 230:14  <b>five</b> 52:12  64:25 101:1,5  119:17 260:4  <b>flare</b> 171:18  187:2,2  <b>flared</b> 177:11  <b>flares</b> 184:5  <b>flaring</b> 205:4  <b>flexibility</b>  148:5 152:6  209:21  <b>flip</b> 54:18  <b>floor</b> 62:7  <b>flow</b> 183:18  186:4,19 238:2  246:7  <b>fluids</b> 186:18  194:2  <b>focus</b> 49:21  185:16,16  186:6  <b>focused</b> 48:21  216:14</p>	<p><b>folks</b> 15:1 34:3  68:5 88:5  101:10,14  158:6 233:11  <b>follow</b> 62:16  114:3 208:19  216:8 227:25  231:4  <b>followed</b> 114:5  <b>following</b> 19:2  194:21 207:2,4  211:2 243:14  255:19  <b>follows</b> 170:5  170:10,15  196:24  <b>foot</b> 177:18  223:23 246:4,6  <b>footages</b> 114:4  <b>footnotes</b> 27:18  <b>foppiano</b> 4:4  213:21,24  <b>force</b> 70:15  71:16 78:4  79:9 266:17  <b>forefront</b> 207:1  <b>foregoing</b>  277:3,4 278:4  <b>foremost</b>  119:12  <b>foresee</b> 250:4  <b>forget</b> 224:15  264:7  <b>forgetting</b>  167:16</p>	<p><b>forgotten</b>  150:14  <b>form</b> 65:22  264:8 268:3  <b>formalities</b>  175:13 232:11  <b>formality</b>  123:25  <b>formally</b> 156:8  156:14  <b>format</b> 62:16  132:8  <b>formation</b> 48:5  54:13 55:9  62:20 63:11,25  70:16 71:19  76:23 77:18  89:4 92:13,22  102:8 106:20  108:4 113:2  129:14 133:21  138:19 147:23  151:11 171:9  178:18 193:14  <b>formations</b>  68:23 106:6  124:24 178:20  229:23  <b>former</b> 107:12  <b>forms</b> 270:6  <b>forward</b> 19:8  20:24 25:23  26:4,17,21  42:15 46:22  61:19 118:7</p>	<p>120:9 157:15  160:3 177:4  206:3 208:13  229:25 230:6  267:3  <b>forwarding</b>  47:12  <b>found</b> 95:1  198:1  <b>foundation</b>  31:1  <b>four</b> 41:12,21  42:1,2,5,8,11  43:6 44:9 46:2  119:24 123:14  124:10,12,15  124:16,18  127:25 133:5  183:3 191:12  202:22 235:18  235:19 239:9,9  265:1,2,24,24  266:15 274:2,6  <b>fourteen</b> 243:5  <b>fourth</b> 169:14  169:20 203:23  221:7  <b>fraction</b> 244:18  244:19  <b>fracture</b> 242:22  243:9 244:18  244:20 245:9  245:23 249:11  <b>fractured</b>  235:14</p>
--	--	--	---

[fractures - gas]

<p><b>fractures</b> 235:4  236:11 237:11  239:8,16,17,19  239:25 240:14  240:14,23  241:14,17  242:3,11,11,13  242:19,23,25  243:10,21  245:25 246:3,4  246:5 248:10  249:6,25  252:13,14  <b>frances</b> 3:13  116:20 161:12  <b>frank</b> 58:25  <b>franklin</b> 119:16  119:22 120:3  120:19 121:4  121:21 122:12  123:23 124:5  124:16,25  125:7,13,22  126:10,21  127:6  <b>frankly</b> 142:14  <b>free</b> 263:17  276:15  <b>fresh</b> 221:2  226:8  <b>freshwater</b>  220:22,22  <b>friday</b> 47:21  <b>friends</b> 56:10</p>	<p><b>front</b> 20:2,13  38:23 180:3  219:7  <b>fruitful</b> 40:13  <b>full</b> 38:24 59:24  107:2 108:11  168:11 173:3,5  187:12 222:2  <b>fuller</b> 70:23  <b>fully</b> 38:18  253:6 262:2  270:4  <b>fulton</b> 2:7  52:20 98:16  277:2,21  <b>further</b> 16:15  30:6 32:11  52:9 68:12  83:6 88:12  97:10 132:13  132:16 177:22  205:7 208:19  210:17 218:7  218:12 249:21  251:18 254:2  276:3 277:12  278:9  <b>furthermore</b>  177:21  <b>future</b> 82:11  212:18 274:25</p>	<p><b>garcia</b> 3:3  14:15,16 15:7  15:25 16:8  44:5 59:20,23  60:4,10,12,14  60:19,22 67:1  68:1,6,7 75:1,4  75:5 80:15,16  80:18 86:16,17  86:20 87:10,16  90:22 94:16,17  101:3,6 104:16  110:9,16,19  111:1,11,15,19  115:20,21  118:16 123:7  128:14 131:14  131:19,23  132:9,12,15  136:17,20  141:20 142:1  144:2,6,12  145:7,8,11  150:6,10  153:25 154:2,9  154:10,14,19  166:4,16 167:2  167:22 260:25  261:3,5,7,8,9  261:14 262:23  263:7,13 264:6  265:16,19,23  267:9,10 268:8  268:16 269:8  270:3,14,18</p>	<p>271:14,22  272:9,11  273:16 274:12  275:5,21 276:9  <b>garcia's</b> 274:17  <b>gas</b> 11:17 17:9  48:21 53:21  61:18 73:5  142:12 171:7,8  171:13,23  177:2,4,5,8,9  177:10,12,17  178:9,19  180:20 183:14  183:21,22,24  183:24 184:2,8  184:10,21  185:18,18  186:8,9,10,11  186:15,22,23  186:24 187:4,6  187:9,10,10,10  187:13,14,18  187:19,21,24  187:24 188:5  190:17 191:13  191:24 192:1,3  192:22 193:6,7  193:14,21  194:1,2,7,8,11  194:16,16,17  194:24 197:2,3  197:7 198:4,21  200:1,2,3,4,7,9  200:12,13,14</p>
	<b>g</b>		
	<p><b>g</b> 14:1 113:3  121:5 228:10  228:16</p>		

[gas - goes]

200:15,16 201:13 203:4 203:17 204:20 205:24,25 206:8,13,14 207:2 209:25 210:12 214:5,8 214:12,25 215:14,15,17 216:18,22 217:11,18 225:21 232:17 234:24,25 235:9,13,23 236:4,10 237:5 237:6,14 238:1 238:4,8,15,21 239:2,8,17,19 239:21,25 240:1,2,7,11,13 240:18,18,21 240:21 241:2 241:23,24,25 242:2,10,13,20 242:21,22,24 243:2,4,7,14,22 244:9,11,12,18 245:7 246:2,17 247:19,23 248:9,10,11,13 248:19,21,24 249:9,18,23,25 250:3 251:8,11 251:16,20 252:6,8,10,12	252:14,16 253:4 268:23 <b>gassed</b> 251:6 <b>gathering</b> 177:12 183:21 185:18 200:2 <b>gebremichael</b> 3:4 14:21,22 51:23 214:2,17 215:16 216:1 250:23,25 251:14,23 252:2 <b>general</b> 15:3 58:8 127:14 144:5 219:18 235:11 245:21 <b>generally</b> 28:9 224:5 243:1,12 245:17 261:25 <b>geologic</b> 114:14 130:24 224:9 225:19,21,25 <b>geologist</b> 6:7,15 6:23 7:7,17 8:4 8:10,19 9:5,11 9:16,23 10:10 10:15,20,25 11:6,10 12:7 12:20 13:5 49:17 57:17 66:4 78:24 85:4 89:14 103:3 107:11 107:12 108:17	113:16 121:20 127:6 130:1 134:25 139:6 148:9 152:12 218:22 <b>geologist's</b> 70:14 72:9 <b>geology</b> 12:15 27:21 28:3 49:20 50:3,10 103:12 107:13 122:2 139:17 219:2,5 225:11 226:10,16 227:10 236:13 <b>getting</b> 26:19 29:15 117:11 128:9 167:8,9 167:11 208:25 269:3,4,5 272:15 273:25 <b>give</b> 15:22 19:4 38:16 39:1 42:5 69:12,16 76:16 117:15 143:6 165:3 199:19 205:7 213:18 219:13 219:18 245:13 272:4 275:8 <b>given</b> 73:3,17 79:16 96:22 199:8,20 237:6 249:8 256:8,9	<b>gives</b> 57:19 184:7 191:16 <b>giving</b> 274:8 275:11 <b>glad</b> 213:21,24 <b>go</b> 20:5 23:8 24:20,20 27:18 29:16 30:10 38:11 40:23 43:13 45:4 62:23 76:12 77:24 87:15 100:24 110:5,6 110:24 124:21 146:24 150:13 150:14 157:15 158:5,24 160:16 161:7 168:22 174:20 182:15 183:7 185:15 187:10 203:17 205:19 205:21 208:10 210:22 213:4 214:10 220:18 223:16,17 226:20 227:4 229:9 234:2 248:8 257:17 261:15 269:18 272:7,21 <b>goes</b> 95:3 132:5 242:11 248:11 251:8 252:17 264:13
--	--	---	---

[goetze - guess]

<p><b>goetze</b> 3:5  14:19,20 15:18  16:9,10 17:17  17:22,25 18:7  18:21,24 19:22  19:24 20:8,12  20:19,22 21:2  25:16,17,20  27:21 28:24  29:3,5 42:23  45:5,11 173:25  210:21 211:7  211:14 212:8  212:14,24  213:2,13,17  224:15 227:7  250:19,20  252:18  <b>going</b> 15:5,12  20:23 23:4  26:7,8 27:18  29:7 44:10  47:15 52:10  62:14 64:25  75:9 78:18  123:18 138:14  147:1 157:25  168:7 170:22  178:3 181:19  181:25 190:19  200:8,12  202:18 203:20  204:2 205:7  206:1,20 207:3  207:10,11</p>	<p>208:13,21  211:2,4,9  213:6 214:10  223:25 225:2,7  228:1 229:25  234:2 235:11  235:12,23  236:4 238:22  243:8,9 246:2  246:5 247:16  247:25 248:23  250:2,3 252:9  252:16 254:1  260:3,19  262:10 266:19  267:2 268:1  269:25 271:2  271:13 272:21  273:17  <b>good</b> 14:5,8  16:20,24 17:5  17:12,22,24  22:9 24:18  25:3,16,18,19  30:24 33:1,3,5  37:3,12 41:13  41:24 46:8  52:12 53:6,19  54:19 56:9  57:19 59:20,22  69:1,23 72:25  75:14 81:5  86:18,19  101:18,21  105:13 110:9</p>	<p>112:12 116:14  118:12,23  119:21 120:5  124:3 128:25  140:20 145:16  155:20 161:2  165:16 166:6  166:13 167:4  167:18 169:8  204:3,10  207:25 210:23  213:18 221:19  234:3 236:9  259:15 267:24  <b>goodnight</b>  41:10,16 42:7  42:13  <b>government</b>  73:13  <b>grace</b> 49:17  <b>grant</b> 82:19  267:6 273:14  <b>granted</b> 261:25  <b>great</b> 15:23  16:14 41:4  83:5 99:15  118:19 119:10  120:1 173:9,10  182:11 222:1  <b>greater</b> 202:23  204:7  <b>greatest</b> 148:7  152:8  <b>green</b> 8:23  73:23 79:12</p>	<p>103:22 135:21  142:4 183:18  186:19 223:8  240:10,20  241:20 242:7  <b>grevey</b> 113:11  <b>grimes</b> 116:21  161:16  <b>gross</b> 72:16  <b>group</b> 57:1  <b>growling</b>  159:17  <b>guess</b> 23:18  29:23 30:10  31:19 39:11  44:2 47:18  61:6 86:21  87:11 91:7  97:12 111:6  144:7,18  157:14,16  158:24 166:12  167:3,8 174:14  174:18 198:14  202:18 203:2  204:16,22  205:13,14,16  206:19,19,21  206:25 207:18  207:24 208:12  208:14,14,19  209:15,17  210:3 221:18  222:2 227:18  228:2 229:2</p>
--	---	--	--

[guess - hardy]

<p>230:11 232:1 247:15,17 248:3,17,23 249:21 252:25 260:13,19 270:19 271:12 272:20 276:15 <b>guessing</b> 91:15 <b>guidance</b> 44:16 172:15 175:1 192:15 <b>guidelines</b> 178:9 190:17 194:21 199:1 199:10 213:9 <b>gun</b> 11:16 50:13 90:7 103:14 180:21 180:23 181:10 201:7,12 <b>guru</b> 39:8 <b>guys</b> 40:19 214:11 231:19 266:18 269:17 269:19 274:21</p>	<p>55:1,1,6,6 63:14,14,15,19 63:19,25,25 64:2,2 70:18 76:24,25 84:15 84:16 89:6 92:14,15,15,24 92:24,24 102:9 102:22,22,22 102:22,23,23 106:2,18 113:7 113:7,7 120:22 120:22 124:18 125:3,4,10,11 125:17,17,25 125:25 129:16 129:17,18 133:21,23,24 133:25,25 147:25 151:6 151:16,16 159:10 195:17 196:17,19 197:1,2,15,22 197:23,24 198:11 199:2 208:22 239:10</p>	<p><b>hamper</b> 251:18 <b>hand</b> 169:24 182:25 183:3 185:21 186:6 186:13 210:10 <b>handle</b> 133:8 264:21 265:8 267:2 <b>handled</b> 261:23 264:9 <b>hang</b> 158:21 <b>hanging</b> 119:6 157:13 <b>happen</b> 31:21 52:15 224:18 236:10 <b>happened</b> 21:8 80:12 211:12 238:4 <b>happening</b> 205:3 <b>happens</b> 21:8 239:24 241:23 <b>happier</b> 168:11 <b>happily</b> 264:14 <b>happy</b> 51:4 87:12 94:7 132:10 135:5 160:5 162:20 164:18 230:8 254:9 262:25 264:3 <b>hard</b> 195:20 230:14 274:3</p>	<p><b>hardy</b> 3:12 16:20,21,25 17:23,24 18:5 18:6,21 19:21 20:8,18,21,25 21:5,12 22:13 22:14,17 23:10 23:12 24:19,22 24:23 25:2 30:18,19,21 31:6,7,16,22 32:7,12,20,20 32:23 33:10,12 34:9,11,25 35:3,8 47:17 50:16 83:17,18 83:21 84:7,9 86:5,13,18,19 87:9,12 88:2 88:17,17,20,25 89:2,22 90:19 90:25 91:5 103:19 137:6,7 137:9,11 138:14,16 140:7 141:6,16 141:24 142:7 142:18 143:5,8 143:16,19,21 143:23 144:11 144:20,23 145:10,22,23 146:23 147:1,2 147:11,15,20 149:12 150:15</p>
<b>h</b>			
<p><b>h</b> 3:11,16 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 73:6 121:5 <b>hacks</b> 204:4 <b>hale</b> 46:13 <b>half</b> 48:7,7 49:20 54:14,16</p>	<p><b>hall</b> 4:5 36:1 98:6 109:21 137:17,18,21 137:24,24 140:16,17 141:9,10,18 142:4 146:11 149:9 153:7</p>		

[hardy - harwood]

150:17,18	36:12,16,20,24	105:6,17	160:7,14,16,21
151:1,2 153:13	37:8,15,24,25	109:18,24	161:6,17,23
154:2,8,11,17	38:12 39:7	110:4 111:22	162:5 164:21
154:21,25	40:15 41:3,14	112:8,16 115:8	165:2,9,19,22
155:1	41:18,24 43:11	115:13,22	165:25 167:24
<b>hardy's</b> 34:19	43:24 44:15	116:3,7,16,24	168:5,13,21
<b>harrison</b> 3:6	45:23 46:1,19	117:5,10,14,17	169:3,10,15,22
14:17,18 51:21	46:24 47:16,24	117:25 118:8	170:16,20,25
94:19,20 95:16	49:4,7 50:4,6	118:11,18	172:20 173:17
95:23 96:11,17	51:6,11,19,25	119:9,14,25	173:19,22
96:18 97:4,9	52:8,19,23	120:10,17	174:9,22 175:9
97:16,19	53:12,23 54:4	122:21 123:2,5	175:25 201:20
100:17	59:7,12 60:2,8	123:9,13,17,21	202:12,15
<b>hart</b> 17:8 25:5	60:25 61:14,20	124:7 127:24	210:16,18
37:6 41:15	62:2 67:7,13	128:16,20	213:23,25
53:8 61:11	67:19,23,25	129:3 131:6	214:3 216:3,11
112:14 155:22	68:3,9,15,25	132:14,21	218:11,15,16
156:13,19	69:17,25 74:14	133:3,7,10	227:2,13 231:1
<b>harwood</b> 2:4	75:3,6,13,23	136:10,19,24	231:2 232:1,4
14:2,3,7,25	79:25 80:9,17	137:8,13,25	247:8,12
15:17,20 16:7	81:8,24 82:8	138:3,8 140:6	250:15,17,22
16:13,24 17:6	82:24 83:4,10	143:24 144:4	252:20 254:5
17:10,15 21:4	83:20 84:2	144:17,18	254:20 256:16
21:16,22 22:1	86:4,9,15 88:4	145:7,22 146:2	256:24,25
22:9,16 23:14	88:19 89:20	146:13,17,24	257:6,10,14
23:24 24:14	90:18,24 91:6	147:3,11,18	258:24 259:11
25:1,4,8 28:22	91:14,18,24	149:11,22	259:18,22
29:6,22 30:4,5	94:8 96:3,6,10	150:2,9,20	260:10,12
30:20 31:2,12	96:13,16 97:24	153:12,23	261:1,2,6,12
31:18 32:5,8	98:7,11,15,22	154:22 155:2	263:8,12 267:4
32:13,22 33:3	99:1,3,7,9,13	155:12,24	270:19,25
33:6,19 34:9	99:16,23,25	156:9,15,21	271:11 272:9
34:16,23 35:5	100:4,7,10,23	157:3,7,19	272:24 274:10
35:9,15,17,20	101:4,8,13,21	158:23 159:5	276:2,6
35:24 36:4,9	104:9,18,24	159:19,25	

[hast - hearing]

<b>hast</b> 63:20	31:24 32:3,5,8	88:19 89:20	137:8,13,25
<b>hazards</b> 21:7	32:13,22 33:3	90:18,24 91:6	138:3,8,10
<b>he'll</b> 89:20	33:6,16,19	91:14,18,24	139:25 140:6
175:25	34:6,9,16,17,23	93:13,13 94:8	140:18,19
<b>head</b> 166:10	35:5,9,15,17,17	96:3,6,10,13,16	143:9,24 144:4
211:3	35:20,24 36:4	97:24 98:7,11	144:18 145:7
<b>heading</b> 45:19	36:9,12,16,20	98:15,22 99:1	145:22 146:2
<b>hear</b> 14:4 22:23	36:24 37:3,4,8	99:3,7,9,13,16	146:13,17,24
23:3 35:1	37:15,25 38:12	99:23,25 100:4	147:3,11,16,18
123:18 144:21	39:7 40:15	100:7,10,23	149:11,22
147:17 156:16	41:3,18,24	101:4,8,13,18	150:2,9,20
167:4 173:6,8	42:12,17 43:11	101:21 104:7,9	153:12,21,23
174:1,2 233:1	43:13,16,21,24	104:18,24	154:22 155:2
233:6 251:24	44:6,12,15	105:4,6,11,17	155:10,12,20
252:1,3 266:5	45:1,23 46:1,3	109:18,24	155:24 156:9
266:6 269:14	46:18,19,24	110:4,8 111:22	156:15,17,21
272:22 275:24	47:16,24 49:4	112:6,8,12,16	157:7,15,19
<b>heard</b> 42:12,18	49:7 50:4,6	112:22,24	158:23 159:5
42:25 43:10	51:6,11,19,25	113:13 115:8	159:12,19,24
68:22 80:25	52:8,19,23	115:13,22	159:25 160:7,9
119:24 144:20	53:12,23 54:4	116:3,7,16,24	160:14,16,21
168:6 215:13	59:7,12 60:2,8	117:5,10,14,17	161:6,17,23
<b>hearing</b> 1:5 2:1	60:25 61:14,20	117:24,25	162:5 163:19
2:4 14:2,3,7,13	62:2 67:7,13	118:8,11,18	163:19 164:9
14:25 15:17,20	67:19,23,25	119:9,14,25	164:21 165:2,9
16:4,7,13,24	68:3,9,11,15,25	120:10,17	165:19,22,25
17:10,15 18:14	69:11,17,25	121:17 122:21	167:24 168:5
21:4,16,22	74:14 75:3,6	123:2,5,9,13,17	168:13,21
22:1,9,16,21	75:13,23 79:25	123:21 124:7	169:3,10,15,22
23:2,8,14,24	80:9,11,17	127:24 128:16	170:16,25
24:14 25:1,8	81:8,24 82:8	128:20 129:3	171:25 172:1
25:14 26:24	82:24 83:4,9	130:8,18 131:6	172:20 173:17
27:2,22 28:22	83:10,20 84:2	132:3,14,21	173:19,22
29:22 30:5,20	85:1 86:4,9,15	133:3,7,10	175:9,25
31:2,5,10,12,18	87:4,13 88:4	136:10,19,24	178:15 193:13

[hearing - hundred]

201:20 202:12 210:18 213:25 216:3,11 218:11,16,16 225:7 227:2,6 231:2 232:4 247:8 250:17 250:22 252:20 254:5,20 256:3 256:16,25 257:10,14 258:24 259:2 259:11,15,18 259:22 260:10 260:12 261:2,6 261:12 263:5 263:12,20 264:16 266:6 267:4 270:22 270:25 271:11 272:9,24 273:13 274:10 276:2,6 <b>hearings</b> 14:9 36:14 38:24 71:14 261:20 <b>heartburn</b> 257:1 <b>heights</b> 225:13 <b>heir</b> 117:4,8 <b>heirs</b> 146:9,11 <b>hello</b> 213:21 <b>help</b> 39:25 40:5 43:1,5 45:10 179:17	<b>helpful</b> 45:25 63:23 64:4 109:12 111:8 216:9 219:8 253:18 <b>herber</b> 113:17 114:13 <b>herber's</b> 114:9 <b>hereto</b> 277:14 278:11 <b>hey</b> 105:25 273:23 <b>hi</b> 46:8 91:12 98:17 <b>high</b> 167:11 175:3 182:18 182:21 184:2 185:2,6 190:22 234:25 235:25 236:1,21 237:5 242:13 <b>higher</b> 45:15 204:12 <b>highlighted</b> 185:22 186:1 222:23 <b>highly</b> 86:22 266:4 267:21 <b>hinden</b> 116:23 116:23 161:14 161:15 167:15 <b>hinkle</b> 16:22 22:14 24:24 30:19 32:21 46:9 83:18	88:18 91:13 101:20 133:9 137:7 <b>historically</b> 213:4 <b>history</b> 29:12 236:25 237:1,2 <b>hit</b> 166:5 <b>hmm</b> 49:7 60:8 209:4,7 216:2 219:10 228:12 231:23 248:14 260:10 <b>hoang</b> 121:3 <b>hobbs</b> 103:23 <b>hoc</b> 237:10,10 <b>hold</b> 36:17 96:7 150:20 173:19 213:18 <b>holders</b> 95:7 <b>hole</b> 48:11,13 102:14,16 114:5 183:17 197:5 213:12 <b>holidays</b> 158:8 <b>holland</b> 17:7 25:5 37:6 41:15 53:8 61:11 112:14 155:22 156:13 156:19 <b>home</b> 170:21 <b>honest</b> 264:22 <b>hope</b> 74:4 145:16 174:14	<b>hopefully</b> 16:5 38:20 39:5,6 45:18 118:22 119:15 147:17 183:7 211:17 268:25 <b>horizontal</b> 48:6 55:13 70:16 72:21 84:15 89:6 92:14,23 102:8,25 113:6 114:15 125:16 138:20 147:24 151:5,15 177:8 177:20 236:11 <b>horizontally</b> 27:25 <b>host</b> 3:8 <b>hot</b> 239:4 240:9 240:9 241:9 <b>hotter</b> 240:20 <b>hour</b> 52:11 159:9,10 260:4 <b>hours</b> 100:24 207:4 <b>houses</b> 272:21 <b>hsus</b> 182:23 183:4 <b>huff</b> 235:5 <b>huge</b> 247:25 <b>hundred</b> 170:22 177:18 207:22 214:6,7 220:10 239:5 240:15 244:23
--	--	--	---

[hundred - includes]

<p>246:4 250:2 269:22 274:5 <b>huong</b> 126:9 <b>hurting</b> 243:20 <b>husband</b> 137:17 142:5 <b>hydraulically</b> 235:14 245:25 <b>hydrocarbons</b> 246:14 <b>hydrologic</b> 27:11 226:2</p>	<p>114:17 115:2 121:8,25 126:17 127:11 130:6 134:3,11 135:8,24 136:5 139:11,21 140:2 148:14 149:4 152:17 153:5 162:14 163:5 176:16 179:23 181:2 193:19 195:16 223:14 254:19 255:15 256:7 <b>identified</b> 57:2 58:13 76:7 77:14 90:3 93:6 141:17 142:20 148:12 152:14 164:8 171:24 193:25 196:5 198:9,24 255:10 256:4 <b>identifies</b> 65:8 65:11,21,23 66:10 135:1 182:1 196:10 197:20 255:16 <b>identify</b> 14:13 35:25 98:3 172:7 181:5 188:16 196:11 199:23 <b>identifying</b> 65:6,16 196:18</p>	<p>199:5 <b>ignorance</b> 271:2 <b>ignore</b> 147:13 <b>ii</b> 16:18,22 30:15 101:15 101:20 <b>illona</b> 121:3 126:9 <b>image</b> 181:21 <b>imaged</b> 59:25 60:6 <b>impact</b> 206:17 <b>impacted</b> 142:20 205:11 <b>impacts</b> 212:11 217:16 218:2 253:1,12 <b>impede</b> 174:6 211:15 224:11 252:16 <b>impediments</b> 114:14 224:10 <b>important</b> 202:3 262:5 <b>importantly</b> 65:23 <b>imposed</b> 207:11 <b>improper</b> 20:6 <b>improve</b> 29:20 <b>inactive</b> 26:1 26:20 264:24 265:2,14,15,25 266:3 267:25</p>	<p>268:21 269:22 270:2 273:25 274:5 <b>inclined</b> 273:13 <b>include</b> 85:3 89:13,23 90:9 93:10,12,21 103:6,13 106:10 111:9 114:23 139:5 139:18 148:8 152:11 162:11 184:20 192:21 199:14 <b>included</b> 19:22 103:22 108:17 113:14 114:18 121:10 122:2,6 126:19 127:12 139:9 148:16 152:19 163:7 171:22 189:7 190:5 193:15 194:18 197:17 198:9 199:11 224:8 243:12 <b>includes</b> 103:18 106:24 108:8 113:23 114:2 114:10 126:24 127:2 129:23 130:11 139:23 148:24 152:25 198:6</p>
<b>i</b>			
<p><b>i.d.</b> 198:1 <b>idea</b> 118:12 <b>identical</b> 63:23 194:15 196:15 <b>identification</b> 48:24 49:24 50:25 54:22 56:6 58:2,22 59:2 64:19 65:3 66:8,13 66:21,25 69:7 71:2,9 72:15 73:9 74:2,6,10 77:5,21 79:7 79:15,20 85:11 85:25 89:19 90:14 93:18 94:3 103:11,17 104:2 107:9,16 107:22 108:15 108:20 109:2 113:21 114:8</p>			

[including - intentionally]

<p><b>including</b> 21:9 51:12 58:16 59:13 80:1 115:14 121:10 128:1 195:15 199:1 235:1 252:8 254:22</p> <p><b>incorporated</b> 155:17,23 156:6,12 173:14 259:5</p> <p><b>incorrect</b> 20:10</p> <p><b>increase</b> 240:10 240:17,18 242:7</p> <p><b>incur</b> 203:5</p> <p><b>index</b> 129:23</p> <p><b>indicate</b> 184:4 204:19 246:9</p> <p><b>indicated</b> 183:21 186:24 238:14</p> <p><b>indicates</b> 211:4 239:4,4 246:2</p> <p><b>indication</b> 45:6</p> <p><b>individual</b> 64:21 78:8 130:13 211:22</p> <p><b>inez</b> 4:5 36:1 98:6 109:21 137:18 140:15 141:9 142:4</p> <p><b>infer</b> 234:11</p> <p><b>informal</b> 261:20</p>	<p><b>information</b> 40:4,8,14 71:5 77:19 100:20 134:6 152:19 162:15 178:12 180:4 190:3 193:10 198:6 258:14 268:14 269:16</p> <p><b>ingram</b> 17:13 120:6 129:1</p> <p><b>initial</b> 54:15,22 56:16 66:10 96:25 207:18 241:7</p> <p><b>initially</b> 64:25 113:10 206:5 215:23,25</p> <p><b>inject</b> 171:8,12 177:7 180:14 186:11 235:11 235:13 236:10 237:24 239:25 241:23 242:21 243:8 244:11 244:12 247:17 247:23 248:9</p> <p><b>injected</b> 200:12 235:2,22 236:1 236:5 238:1,5 238:21 240:13 240:21,22 242:2,11 244:16 245:19 247:19,24</p>	<p>249:19</p> <p><b>injecting</b> 171:23 200:10 214:10,18 237:22,25 240:2,6 243:4 243:19 244:17 245:19 250:11</p> <p><b>injection</b> 19:23 171:7 172:3,4 177:2 178:19 179:1 180:15 180:21 181:13 184:21 185:3 188:13 189:2 190:10 191:12 192:18,23 193:8 194:1,24 196:18 198:5 198:12,18,21 201:8,11 203:5 204:9,25 207:2 207:4 212:4 213:7 215:24 216:18,22,22 217:10,18 219:19,22 220:4 221:19 221:23 222:3,5 222:21,23 223:10 224:4 224:11 225:21 226:3,7,13 227:19 231:11 232:16 233:13</p>	<p>233:17 234:12 234:20,24,25 235:1 236:1 237:5,6,7,18,20 238:2,3,8,15 239:15,23 241:6 245:22 246:15 257:22</p> <p><b>injections</b> 210:5 212:11 234:23</p> <p><b>injecture</b> 191:10</p> <p><b>inquiring</b> 20:9</p> <p><b>ins</b> 268:3</p> <p><b>inspection</b> 270:9</p> <p><b>installed</b> 192:5 214:16</p> <p><b>instance</b> 236:23</p> <p><b>integrity</b> 28:4 192:9,10,11</p> <p><b>intend</b> 205:24 244:12 270:5</p> <p><b>intended</b> 145:25 236:13</p> <p><b>intends</b> 192:18 243:3 245:18</p> <p><b>intent</b> 106:16 107:25 186:5 270:1</p> <p><b>intentional</b> 212:2,6</p> <p><b>intentionally</b> 212:9,16</p>
---	---	--	---

[interest - issues]

<p><b>interest</b> 18:25  45:20 48:4  55:16 56:7,13  56:21,22,23,25  57:1,4,15  58:19 62:21  65:9,11 71:11  71:21 73:6,12  76:22 78:12  85:6 89:4 90:2  90:5,11 92:8  92:13,22 93:7  95:7 98:23  102:7 103:7  105:1 109:4  110:3 113:2  116:22 119:11  125:9,15,24  126:22 134:8  134:12 137:19  138:18 139:13  140:16 141:4  141:12 142:10  145:1,15,18  146:5,12 147:8  147:22 148:17  150:24 151:10  151:14,23  159:14 161:14  163:12 166:8  166:11 196:13  199:25 200:4  205:9 255:11  <b>interested</b>  15:16 17:2</p>	<p>22:20 23:16  25:12 33:8  37:18 42:2  47:2,4 50:18  54:7 62:4 69:7  70:6 74:23  76:4 80:6 82:2  84:5 88:24  92:3 93:21  94:14 98:24  102:1 105:21  109:22,25  112:21 117:12  117:21 120:13  124:12 129:8  133:15 138:1  138:12 150:24  153:7 156:4,19  161:20,25  174:10 259:25  277:15 278:12  <b>interesting</b>  25:25 166:13  167:17  <b>interests</b> 95:4  125:2 129:13  139:13 141:8  144:21 146:18  148:18 163:9  167:11 262:6  <b>interject</b> 39:21  <b>intermediate</b>  241:19  <b>intermittent</b>  214:9</p>	<p><b>intermittently</b>  177:7  <b>internal</b> 205:15  <b>internet</b> 170:21  <b>interrupt</b> 96:11  173:23 238:18  <b>interruption</b>  23:2 177:11  <b>interruptions</b>  177:9  <b>interval</b> 102:19  198:19 212:4  219:22 222:24  224:4 227:19  <b>intervals</b> 58:12  180:15 193:23  198:12,21  219:20 220:4  222:21,23  223:10 232:16  <b>investment</b>  46:12  <b>investments</b>  46:14  <b>involve</b> 62:24  124:16  <b>involved</b> 56:19  62:12 63:5  65:7 68:22  71:6,6 72:7  77:12,16 78:2  78:12,13  133:24 134:7  134:14 182:19  214:18</p>	<p><b>involvement</b>  47:13  <b>involves</b> 42:25  58:11 108:2,3  <b>involving</b> 58:7  64:1  <b>ira</b> 85:4  <b>irregular</b> 54:15  55:1  <b>isochore</b> 11:19  223:10,17,19  223:24,24  224:7  <b>isopach</b> 72:16  122:4 127:17  <b>issuance</b> 77:10  <b>issue</b> 26:5 32:3  34:17,21 43:4  45:1 73:13  87:4 145:13  156:24 157:3  157:10,13,18  159:1 166:25  217:1 255:4  260:7 269:23  270:2 272:12  273:25  <b>issued</b> 31:25  95:2 154:15  <b>issues</b> 17:19  43:9 131:16  144:19 175:4  193:25 194:6,8  215:11,13  255:5 256:22</p>
--	---	---	--

[issues - knapp]

<p>262:1 266:19  <b>issuing</b> 211:15  <b>it'd</b> 15:12 87:6  207:19 208:12  216:9 230:6  <b>it'll</b> 140:14  146:19 160:5  209:22 219:5  257:13  <b>item</b> 22:3 46:4  53:1,15 68:16  70:2 75:24  80:24 81:1  83:12 88:13  101:14 116:4  116:10 128:21  136:25 155:15  169:4 190:4  234:3 259:3  <b>items</b> 16:16  24:6 35:11  45:13 91:8  105:7 119:16  197:8,13  257:19</p>	<p>172:19,21  173:3,5 175:15  175:23 176:18  177:25 181:4  181:20 184:25  189:10 190:22  191:8,16  193:16 198:17  200:22 201:1  201:25 202:10  202:16,17  210:15,20,23  214:1 216:4,9  216:13 217:7  218:7 227:17  255:2 258:5  <b>jason</b> 89:14  <b>jd</b> 48:19  <b>jim</b> 3:10 22:7  36:5 54:1  61:23 68:20  81:12 83:24  133:1  <b>joa</b> 47:10,12,14  78:14 134:15  <b>job</b> 2:8 98:12  <b>joe</b> 266:8  267:23 268:9  269:16 272:15  <b>john</b> 3:3,6  14:15,17 80:15  94:16,20  115:20 130:1  <b>johns</b> 113:16  113:22</p>	<p><b>joined</b> 134:14  <b>joint</b> 46:16  <b>jordan</b> 78:24  134:24 139:6  139:17 148:9  152:12  <b>joshi</b> 5:8  169:20 170:12  232:2,5,8,14  233:11 234:7  243:11 246:20  246:24 247:6  247:13,14  250:14 252:25  254:3  <b>judgment</b>  268:20  <b>judson</b> 46:12  <b>july</b> 2:2 14:10  16:2 45:20,22  151:13 257:9  276:17  <b>jump</b> 16:16  <b>jumped</b> 17:2  <b>juncture</b>  206:22 258:19  <b>june</b> 45:19  47:21 50:23  88:10 94:1  103:24 158:1,2  158:9 255:23  256:1  <b>justify</b> 127:19  233:17</p>	<p><b>justifying</b>  122:8 274:3</p> <p style="text-align: center;"><b>k</b></p> <p><b>k</b> 30:25 98:13  98:19 116:23  161:15 239:10  <b>kangaroo</b>  98:13,19  <b>kansas</b> 19:7  <b>keeling</b> 208:15  <b>keep</b> 91:16  210:13 252:13  <b>keeping</b> 119:11  252:13  <b>kept</b> 187:21  <b>kessel</b> 121:20  127:5  <b>key</b> 197:13  <b>keynoted</b> 79:12  <b>kicking</b> 118:15  <b>kind</b> 25:24 55:2  87:8 94:21  175:3 185:6  202:1,18 203:7  207:21 209:22  219:16 224:5  230:1,5 245:12  251:16,19  253:6 258:4  265:17 266:15  <b>knapp</b> 4:5,6  35:14,16,19,22  36:1,2,8,10,15  36:19,23 60:9  60:11 94:18</p>
<b>j</b>			
<p><b>jackie</b> 3:14  46:8 91:12  <b>jaclyn</b> 3:14  <b>jagged</b> 55:2  <b>jal</b> 19:1  <b>james</b> 3:10  117:4,8  <b>janacek</b> 5:4  169:18 170:2</p>			

[knapp - law]

<p>95:15,22 96:2  96:5,9,12,15  97:13,15,18,23  98:5,6,10,13,19  98:24 99:2,6,8  99:12,15,18,22  99:24 100:3,6  100:9 109:21  109:23 110:2  137:16,17,18  137:21,22  138:2,5 140:11  140:13,14,16  140:20,22  141:9,11,19,21  141:22,22,23  141:23,24,25  142:1,3,9,23  143:2,3,5,7,14  143:18,19,20  143:22,25  146:7,7,8,16  147:7,7,9  149:9,16,20  150:1,4 153:7  153:21,24,24  <b>knapps</b> 145:14  146:5 150:23  153:17  <b>know</b> 20:22  21:6 28:13  29:23 30:1  35:4 36:20  38:3,23 40:3,5  44:8,8 45:5,9</p>	<p>76:6,15,16  87:2,19,23  91:17 95:1  96:6 110:18  111:10 119:2  141:3 142:19  149:23 157:6,9  157:12 159:11  159:13,16,20  165:5,12 167:5  167:12 168:6  168:17 171:3  172:22 174:14  174:18 182:4,8  202:18 203:11  203:13 204:11  205:1,9 206:24  207:19,19,21  208:6 209:9  214:5,9,9,11,19  214:21 215:9  216:16 219:5,7  224:13,18,24  225:20 228:3  228:13,15,19  230:11 231:7  239:18 241:2  244:16,22  245:6 251:7,17  253:6,18,19,24  253:25 257:24  258:1 261:20  261:24 262:1  264:10 266:5  267:2 268:3,4</p>	<p>269:12 270:20  270:21,22  271:16 272:17  273:17 274:11  275:23  <b>knowing</b> 210:7  <b>knowledge</b>  277:9 278:6  <b>known</b> 47:5</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>I</b> 3:18 41:22  46:11  <b>l.p.</b> 105:16  <b>labeled</b> 221:8  223:21,22  <b>lady</b> 68:24  69:10 76:14  <b>land</b> 6:6,14,22  7:5,15,24 8:8  8:14,18 9:4,10  9:15,22 10:5,9  10:14,19,24  11:5,9 12:6,14  12:19 13:4  19:11 40:25  48:18,21,21  49:3 55:15,17  56:1 64:7,20  71:7 73:14,17  77:23 89:17  93:11 103:5,6  108:13 113:24  114:4 117:8  121:3,10  126:10 139:7</p>	<p>148:10 152:13  163:1 178:2  199:14,15  259:17 262:8  268:18 271:7,7  <b>landman</b> 57:12  85:4 89:14  103:3 106:11  107:5 109:10  113:16 129:25  130:7 134:5  139:6 148:9  152:11  <b>landman's</b>  70:13 71:3,20  77:15  <b>lands</b> 19:3  68:22 71:5  73:18 106:1  134:14 220:8  259:17  <b>language</b>  109:10,12  111:9,17  <b>large</b> 222:7  <b>larger</b> 154:6  166:13  <b>lastly</b> 114:18  <b>late</b> 44:23  192:13 265:4  <b>laugh</b> 257:15  <b>laughing</b> 21:19  <b>law</b> 44:19  116:21 133:9  161:15 261:22</p>
--	---	---	--

[lawsuit - llc]

<p><b>lawsuit</b> 268:19</p> <p><b>lawyer</b> 254:11 261:21,21 274:13,14</p> <p><b>lawyers</b> 273:17</p> <p><b>layer</b> 207:17 209:1</p> <p><b>layers</b> 208:22 219:18 228:19 228:21 229:22 231:10,14 257:21 258:6 258:12</p> <p><b>layout</b> 182:4</p> <p><b>ldy</b> 95:5,20 96:22</p> <p><b>lea</b> 19:3 77:1 84:17 92:17 93:1 102:11 106:4 113:9 138:22 143:2,4 148:1 151:7,18 171:11 183:10</p> <p><b>leading</b> 94:22</p> <p><b>leads</b> 183:21 187:4</p> <p><b>lease</b> 28:17 71:23 121:11 126:19 142:14</p> <p><b>leases</b> 71:6 78:1 78:6,7 134:7</p> <p><b>leasing</b> 19:19</p> <p><b>leave</b> 27:19 31:19 82:9 119:6 144:17</p>	<p>206:21 251:6 251:11,15</p> <p><b>left</b> 182:25 183:10 185:21 187:3 202:1 234:23</p> <p><b>legal</b> 18:11,15 18:20,23 19:8 19:12,13,18 20:7 108:2 142:24</p> <p><b>length</b> 246:6</p> <p><b>lengthy</b> 43:16</p> <p><b>leonard</b> 4:6,7 86:22 87:2,23 137:17</p> <p><b>leonard's</b> 87:17</p> <p><b>lessees</b> 78:13</p> <p><b>lessor</b> 78:7</p> <p><b>letter</b> 8:21 49:13 50:17,19 56:11 71:22 73:4 78:20 93:20,22 103:8 103:19 107:3 108:12 114:2,3 114:21 121:15 126:23 130:16 130:18 132:5 134:18 255:20 260:16 261:4 261:17</p> <p><b>letters</b> 57:3,10 65:14 85:22 93:15 95:10,20</p>	<p>96:21 97:11 153:2</p> <p><b>letting</b> 159:20</p> <p><b>level</b> 175:3 182:18,22 185:2,6 190:22 236:21 248:8</p> <p><b>lift</b> 184:2 186:10 187:11 187:14,18 192:1 194:8,16 214:5 215:14 215:17</p> <p><b>light</b> 43:8 166:23</p> <p><b>likely</b> 42:23 194:9 249:14</p> <p><b>limbo</b> 87:8</p> <p><b>lime</b> 219:25 221:25 231:18 231:19</p> <p><b>limestone</b> 220:2</p> <p><b>limited</b> 162:9</p> <p><b>line</b> 23:21 75:19 80:11 99:10 102:21 118:14 183:21 184:1,2 186:19 214:23 215:5 223:8</p> <p><b>lines</b> 183:13,18 187:11 258:17</p> <p><b>link</b> 116:21 161:16</p>	<p><b>list</b> 3:2 4:2 26:20 56:21 65:11,25 107:2 108:11 121:12 141:9 163:8 164:2 192:22 199:11 231:9</p> <p><b>listed</b> 20:2 106:17 108:1 141:3,15 143:12 221:12 231:20 258:11</p> <p><b>listening</b> 155:10</p> <p><b>listing</b> 135:13</p> <p><b>lit</b> 177:17 183:22,24</p> <p><b>litigation</b> 266:19</p> <p><b>little</b> 45:14 97:12 101:4 110:17 181:8 182:12 183:7 195:20 205:14 219:9 225:16 227:16 232:23 233:4 239:7 242:3,4,4 244:8 262:12</p> <p><b>live</b> 169:23 254:7</p> <p><b>livingston</b> 198:15</p> <p><b>llc</b> 16:18,23 17:9,14 24:6</p>
---	--	--	---

[llc - mailings]

<p>25:6 30:15  32:17 41:10,17  41:23 43:14,19  46:5 53:20,21  61:18,18 83:14  88:14 101:15  101:20 116:11  116:15 120:4  123:24 124:6  128:22,24  129:2,12 130:1  130:2 162:8  163:1  <b>locatable</b>  107:20 108:24  <b>locate</b> 71:13  139:16 148:20  <b>located</b> 19:3,6  56:22 57:20  102:20 171:10  188:19 199:9  268:13  <b>locating</b> 261:18  <b>location</b> 2:5  42:19 48:11,13  50:12 66:7  84:11,24 85:8  85:15,18 90:6  102:14,16  103:13 114:5  122:8 127:14  130:10,22  139:18 148:22  152:23 171:20  181:21 182:2</p>	<p><b>location's</b>  270:10  <b>locations</b> 58:12  183:18 197:5  <b>locator</b> 114:11  122:3 127:13  <b>log</b> 219:17  220:12 230:14  <b>logan</b> 169:21  254:9  <b>logs</b> 190:7,9  229:1,3,14,16  <b>long</b> 54:16  119:3,6 160:6  237:17 239:9  248:8,19  249:25 252:13  272:17  <b>longer</b> 55:12  272:19  <b>look</b> 29:9 53:8  54:17 63:2  111:5 142:16  188:4 240:5  265:11  <b>looked</b> 56:17  96:20 253:14  <b>looking</b> 36:11  141:6 182:5  185:7,17  186:13 187:3  206:4 211:18  211:19 229:14  243:6 245:23  246:1 263:18</p>	<p><b>looks</b> 60:15,16  157:23 166:10  202:18 222:24  257:6  <b>loop</b> 171:7  177:2,4 178:9  180:20 186:9  190:17  <b>lop</b> 240:8  <b>losing</b> 37:21  <b>lost</b> 171:20  177:3 182:18  183:2 185:18  187:5 211:20  224:23 225:10  225:17 235:16  235:17  <b>lot</b> 87:4,25  133:24 144:13  145:12 168:17  195:21 230:7  230:23 234:25  264:16  <b>lots</b> 55:3 63:4,5  63:6,13  <b>love</b> 273:17  <b>low</b> 183:20  186:24 187:4  204:23 222:10  239:3,16  241:14 242:14  <b>lowe</b> 4:7 87:15  <b>lower</b> 72:18  204:12 215:18  219:24 220:9</p>	<p>221:23 222:6  222:12 223:24  228:19  <b>lowest</b> 204:14  220:22 228:16  <b>lp</b> 46:13,14  <b>lsu</b> 49:19  <b>lunch</b> 159:18  160:25 168:7,8</p>
			<b>m</b>
			<p><b>m</b> 3:25 102:15  <b>ma'am</b> 36:12  98:3,22 100:1  117:25  <b>mack</b> 27:6  <b>made</b> 42:13  53:9 69:10  114:3 131:20  153:19 175:17  217:4 233:22  <b>magnitude</b>  203:8  <b>mail</b> 8:23 50:21  90:10 93:24  103:22 139:23  143:10 148:25  158:5 256:10  <b>mailed</b> 121:17  126:25 163:19  <b>mailing</b> 152:25  158:7  <b>mailings</b> 71:14  107:18 108:22  127:3 255:22</p>

[mails - mary]

<p><b>mails</b> 23:6  <b>main</b> 203:2  264:22 265:5  274:8  <b>maine</b> 52:15  <b>maintenance</b>  171:16,16  <b>major</b> 45:16  181:6 191:22  197:12 239:9  <b>make</b> 15:3,6,7  20:6,19 21:14  27:1,8 29:8,14  31:21 44:21  47:4 60:6  69:19 70:20  87:11 95:8  96:23 98:11  100:15 109:25  111:5 150:21  160:23 167:18  174:24 182:12  201:1 202:2,10  203:9 204:8  206:24 208:2  216:24 217:23  226:25 229:15  230:5 231:7,22  237:1 249:1,13  249:22 257:14  257:18 258:1  258:21 269:7  273:3,12  275:23</p>	<p><b>makes</b> 34:6  40:19 111:2  243:19 249:3  266:25 269:9  <b>making</b> 27:15  28:9 165:17  205:12 247:18  <b>man</b> 108:13  <b>management</b>  48:22 73:17  199:14  <b>manager</b> 48:19  <b>mandatory</b>  273:10  <b>manner</b> 203:10  <b>manzano</b>  128:22,24  129:2,12 130:1  130:2 131:21  <b>map</b> 50:12,12  56:18 57:21  58:10,13 65:5  66:7,7 72:25  77:25 78:25  85:8 90:6,6  103:13,14  113:24 114:11  114:12 121:12  122:3,4,4,5  127:14,16,17  127:18 130:9  130:23,24,25  135:1,13  139:18,18  148:22,23</p>	<p>152:23,24  166:17 181:25  182:6,17,25  183:2,6 195:19  195:24 196:2,9  196:15,17,23  197:1,24 198:1  199:5 223:1,19  <b>maps</b> 11:19  71:5,21 126:19  134:6 195:15  223:10,17  224:7,8  <b>marathon</b>  114:1,22  <b>march</b> 84:22  92:10  <b>mariner</b> 151:20  151:23 152:4  <b>mark</b> 29:4  <b>marked</b> 48:23  49:23 50:24  56:5 58:1,21  59:1 64:19  65:3 66:13,21  66:25 71:1,8  72:14 73:8  74:1,5,9 77:4  77:20 79:6,15  79:20 85:11,24  89:19 90:13  93:17 94:2  103:10,16  104:1 107:8,15  107:21 108:14</p>	<p>108:19 109:1  113:21 114:7  114:16 115:1  121:8,24  126:16 127:11  130:6 134:2,10  135:7,24 136:5  139:10,20  140:1 148:13  149:4 152:16  153:5 162:13  163:4 176:15  179:23 180:10  181:1 193:18  195:1 223:13  254:14,18  255:14 256:6  <b>marlene</b> 3:8  14:4 16:2  21:24 32:2  60:12 257:6,9  274:23 275:6  <b>marlene's</b> 23:6  <b>marry</b> 162:19  <b>marshall</b> 3:13  116:20,21,25  118:2 161:12  161:13,18  162:2,4 164:23  164:25 165:7  165:12,20,21  <b>marshall's</b>  119:5  <b>mary</b> 49:17</p>
---	---	--	---

[mash - mewbourne]

<p><b>mash</b> 237:1  <b>master</b> 49:18  <b>matador</b> 22:3,8  25:5 53:15  54:20  <b>matador's</b>  59:10,12,18  67:10  <b>match</b> 237:7,11  <b>matched</b> 237:5  <b>matching</b>  239:14  <b>material</b> 175:6  189:8  <b>materials</b> 71:18  77:8 176:21  199:12  <b>math</b> 166:10  <b>matrix</b> 239:21  241:8,11  243:14 245:5  248:12,12  252:9,17  <b>matter</b> 1:5 23:7  23:20 53:10  54:3 59:4  64:14,15 71:19  74:12 78:9  80:21 106:14  113:19 121:23  126:12 127:8  133:20 158:10  162:18 163:3  175:17 212:21  262:21 268:24</p>	<p><b>matter's</b>  272:21  <b>matters</b> 24:5  39:9 48:21  49:3,20 50:3  57:24 61:13  66:5 67:6  89:17 123:18  251:9  <b>maximize</b>  85:14  <b>maximum</b>  172:2,4 177:15  177:16 190:15  191:9,12  195:12 245:19  <b>mcclellan</b>  129:25 130:2  <b>mcclore</b> 3:7  14:23,24 157:1  157:2,19,21  158:4,17,21  159:2,3 161:4  173:24 174:8  174:21 202:13  202:14 203:19  204:1,16 205:6  205:19,21  206:18 207:7  207:13 208:1,4  208:9,18 209:4  209:7,10 210:2  210:14 216:13  216:25 217:8  218:14 220:8</p>	<p>224:16 227:12  227:23 228:12  228:18,23  229:7,9,13,18  230:4,10,16,19  230:25 231:3  231:12,16,23  247:10,11  248:3,14,17,22  249:12,20  250:5,13,18  255:24 256:23  257:5 258:3,18  258:22  <b>mcclore's</b>  217:1,25 231:8  257:17  <b>mclean</b> 3:14  46:8,9,20,21  47:20 48:2  49:9 52:5,6  91:12,13,15,16  91:22 92:5,6  94:9,21,25  95:25 97:1,8  97:14,22  100:14,19,21  <b>mcr</b> 35:12  <b>mean</b> 19:16  29:8,19 39:5  62:10 75:22  166:9 167:3,7  167:14 173:23  174:9 204:3  210:3 212:14</p>	<p>224:23 229:1  238:18 258:5  265:5 267:5,15  269:21 272:14  274:1,7  <b>means</b> 237:25  274:15  <b>measured</b>  229:15,21  231:9 257:20  <b>mechanical</b>  192:9,11  <b>meeting</b> 117:9  <b>meets</b> 178:8  <b>member</b> 87:17  <b>mentioned</b>  27:21 49:14  178:17 180:16  191:9 193:2  202:9 215:10  236:19 243:23  244:15  <b>mere</b> 29:2  <b>meridian</b> 18:13  19:6,6,16  <b>merits</b> 48:1  157:12 262:3  262:10  <b>message</b> 28:18  <b>meter</b> 207:4  <b>method</b> 143:6  200:9 207:9  <b>mewbourne</b>  36:6 54:2  61:24,25 68:21</p>
---	---	---	---

[mewbourne - moore]

<p>70:2,15,22  71:12,16 72:7  76:22 78:4,15  79:9 80:24  81:13,18,20  91:13 92:7,19  93:3,6 132:22  133:2,20  134:15,21  137:7 138:17  138:24 139:12  140:25 142:19  143:11 145:16  145:24 146:22  147:2,21 148:3  148:17 151:3  151:22 152:5  <b>mewbourne's</b>  145:1 154:4  <b>mexico</b> 1:1 2:6  14:10 19:3  41:23 43:14,18  49:22 101:7  102:11 106:4  129:21 168:16  171:11 253:4  259:17 260:5  261:19,22  <b>mia</b> 129:22  <b>mic</b> 251:24  <b>michael</b> 3:11  17:7 53:7  61:10  <b>middle</b> 183:6  239:11 240:2,4</p>	<p><b>midstream</b>  41:10,16 42:7  171:14  <b>migrate</b> 242:23  <b>migration</b>  198:20 226:11  <b>mile</b> 195:16,17  196:2,6,10,17  196:19 197:1,2  197:15,22,23  197:24 198:11  199:2  <b>miles</b> 54:16  <b>million</b> 3:4  14:22 191:12  203:22 210:24  237:19 238:1  239:25 240:1,7  240:21 241:24  241:24,25  243:1,5 244:23  245:20,20  <b>millsaps</b> 169:21  254:10  <b>mind</b> 98:8 99:7  119:12 131:25  144:8 145:8  173:20 175:11  204:22  <b>mine</b> 143:18  <b>mineral</b> 76:22  110:3 125:24  137:19 141:4  195:24 196:13  196:15 225:15</p>	<p><b>minerals</b> 1:2  <b>minimum</b>  19:10  <b>minute</b> 36:14  52:12 69:13,16  96:8 101:1  160:25 260:4,6  <b>minutes</b> 101:5  118:3 257:13  260:4  <b>missed</b> 29:3  111:12 196:16  <b>missing</b> 167:6  <b>missouri</b>  277:23  <b>mistakenly</b>  221:8  <b>mit</b> 192:14,15  192:19 213:9  213:18  <b>mits</b> 213:3,5,7  213:10 227:25  227:25  <b>mixed</b> 269:25  <b>mm</b> 49:7 209:4  209:7 216:2  219:10 228:12  231:23 248:14  260:10  <b>model</b> 212:10  212:17 233:12  233:16,18,22  234:11,18,19  234:21 235:7,8  235:12 236:9</p>	<p>236:14,15,22  237:1,6,13,14  238:10,16,19  238:21,22  239:14 245:14  <b>modeling</b> 225:3  238:6 252:7  <b>models</b> 234:22  <b>modification</b>  237:10  <b>modrall</b> 37:13  81:6 124:6  <b>moment</b> 40:9  184:12 234:2  255:6  <b>moments</b> 21:23  <b>monday</b> 47:10  82:16  <b>montgomery</b>  259:9  <b>month</b> 72:2,2  122:13,14  211:12,13  <b>months</b> 28:20  70:12 78:18  244:14 272:3,5  273:15  <b>mood</b> 26:23  <b>moore</b> 3:16  259:15,16,19  259:19 260:9  268:17 272:3  272:25 273:2  274:11 276:1,4</p>
--	--	---	---

[moran - need]

<p><b>moran</b> 49:17 49:17 50:2 <b>moran's</b> 49:25 50:10 <b>morgan</b> 3:17 17:12,13 120:5 120:6,11 122:23,25 123:4 128:25 129:1,4,9,10 131:7,19 132:9 132:17,20 <b>morning</b> 14:3,8 16:20,25 17:5 17:12,23,24 21:5 22:10 24:18 25:3,17 25:18,19 30:24 33:1,4,5 37:3 37:12 40:14 41:13,24 46:8 53:6,19 59:21 59:22 81:5 82:17 86:18,19 101:18,22 105:13 110:10 112:12 116:14 119:21 120:5 124:3 129:1 155:20 166:6 <b>morning's</b> 15:4 <b>motion</b> 31:23 82:4,6,7,14,16 82:20 260:15 262:9 274:24</p>	<p><b>motions</b> 81:15 81:23 <b>mountain</b> 119:16,22 120:4,19 121:4 121:21 122:12 123:24 124:6 124:16,25 125:7,14,23 126:10,21 127:6 <b>move</b> 19:8 20:23 22:2 24:2 25:23 26:4,21 35:11 41:7 46:3,22 49:1 50:1 74:11 75:17 79:22 83:12 109:13 118:7 128:21 131:2 132:22 146:21 160:3 175:5 198:24 201:18 202:9 206:3 220:17 221:14 247:4,4 249:6 <b>moved</b> 118:5 165:4 202:1 247:5 254:16 256:15 <b>moves</b> 242:6 <b>moving</b> 18:18 30:13 45:12 61:19 88:13</p>	<p>118:14 120:9 230:6 240:9,13 <b>mrc</b> 25:6,6 37:6 83:25,25 87:23 87:24 112:9,11 112:14 113:1 113:10 <b>multi</b> 132:8 <b>multiple</b> 17:6 63:5 71:15 251:21 <b>multitude</b> 251:22 252:5 <b>mute</b> 21:15,20 21:20 60:13 69:14 100:1 110:6 117:22 128:10 166:2 <b>muted</b> 99:21,22 104:7 109:21 128:9 161:5 <b>muting</b> 144:8 145:9 <b>mutual</b> 42:15</p>	<p>271:19 <b>named</b> 141:8 154:5 <b>names</b> 70:23 142:8 153:7 <b>nancy</b> 98:13,20 <b>native</b> 200:16 204:19 205:10 <b>natural</b> 1:2 <b>near</b> 183:17 221:3 227:21 <b>nebraska</b> 19:7 <b>necessarily</b> 174:19 258:6 <b>necessary</b> 21:10 23:19 27:22 28:3 176:6,10,13 265:14 <b>need</b> 22:23 26:17 28:14 31:20 34:11 39:2,3 40:16 43:13 44:21 47:3 55:20 75:17 91:18 95:13 99:10 100:15 111:17 118:2 145:2 146:18 156:23 158:12 165:5 174:1,2,20 187:2 191:6 208:11 209:18 210:7 243:21</p>
		<b>n</b>	
		<p><b>n</b> 3:1 4:1 5:1 14:1 98:19 121:5 134:13 <b>name</b> 28:12 36:1 98:4,5,8 113:3 117:15 121:4 141:18 142:2 149:9 173:4,5 256:5 265:20 269:12</p>	

[need - notice]

<p>251:6,15 266:7  266:22 267:22  268:13 269:1  271:12 272:21  274:21 275:10  <b>needed</b> 100:16  107:7 146:1  158:2 174:6  <b>needing</b> 94:23  <b>needs</b> 29:19  44:2 52:11  145:20 269:19  270:11  <b>nef</b> 229:4  <b>negative</b>  206:17 217:16  218:2 238:7,14  246:9 253:11  <b>negotiating</b>  31:8  <b>negotiations</b>  38:11 145:19  163:23 165:15  <b>neither</b> 266:24  277:10 278:7  <b>network</b>  186:10 200:2  245:9  <b>never</b> 91:17  <b>nevertheless</b>  245:5  <b>new</b> 1:1 2:6  14:10 18:9  19:3 39:12  41:23 43:13,18</p>	<p>49:22 73:5  95:10,24 101:6  102:11 106:4  111:6 129:21  154:4,6,16  168:15 171:11  192:15 202:21  213:9 214:8  215:2 216:15  244:1 253:4  254:22 259:17  260:5 261:18  261:22 264:23  267:17 273:6  <b>newer</b> 19:14  <b>news</b> 103:23  158:9  <b>newspaper</b>  59:25 60:5  114:24 127:1  158:8 255:18  256:1  <b>nice</b> 207:19  208:12 271:13  <b>nick</b> 129:25  <b>nm</b> 46:5,9 48:3  48:19  <b>noise</b> 35:18  128:9  <b>noisy</b> 35:23  <b>non</b> 28:16  62:19,22 63:10  65:1,23,24  66:1,16 70:22  72:6 77:2,6</p>	<p>84:11,24 85:15  85:17 138:20  139:1,4 147:24  148:4,11 151:5  152:5,13  <b>noon</b> 168:15  <b>nordstrand</b> 4:8  259:4,10,21,21  259:23 260:14  260:22 262:13  262:16,17,18  262:25 265:1  268:19,22  269:2,6  <b>nordstrom</b>  265:8 266:7  267:1 273:21  <b>nordstrom's</b>  265:20 269:11  <b>normal</b> 186:17  188:3 214:5  261:24  <b>normally</b> 79:21  192:6  <b>north</b> 48:7  54:14,25 62:25  63:14,14,15,19  63:25,25 64:2  197:6 239:12  <b>northeast</b>  48:13 76:24  129:16,17  <b>northern</b> 261:5  261:9 262:24  267:1</p>	<p><b>northwest</b>  48:11 49:21  63:16,20 70:17  102:10,17,23  102:24 113:8  129:18  <b>nos</b> 1:9 16:17  33:14 53:1  68:16 92:7,9  92:11 93:5,10  94:5  <b>notary</b> 2:7  277:22  <b>notated</b> 197:9  <b>notating</b>  197:25  <b>notation</b> 211:3  <b>note</b> 27:1 55:5  55:10 70:20  72:4,10 110:1  153:6 164:7  181:5,6 184:3  185:20 189:10  189:12,15,19  191:17,22  195:7  <b>noted</b> 44:5  146:19 147:8  150:24 183:15  193:16 197:4  255:24  <b>notes</b> 55:15  110:11 157:24  <b>notice</b> 6:8,16  6:24 7:8,18,21</p>
---	---	---	---

[notice - ocd]

8:5,11,15,20,21 9:6,12,17,24 11:21 12:5,8,9 12:16,21 13:6 42:8 49:11 50:17,19,19 56:12 58:15 66:14 71:18 72:5 73:2,3,4 73:16,17,19,20 73:24 74:7,8 76:21 77:8 79:8,12,16 80:10 81:15 85:20,21,23 90:8,9,10,12 93:13,19,20 96:24 97:6,11 103:19 107:18 107:18,20 108:22,22,23 114:19,21,24 121:16,17 126:24,25 130:8,18 133:19 135:17 135:19,21 139:22,25 140:17,24 142:12 144:19 148:24 149:2 152:25 156:25 157:3,5,10,12 157:18,23 158:1,7 159:1	163:17,18,20 166:14 198:24 198:25 199:8 199:18,19,20 199:23 200:5 255:5,9,17,18 255:25 256:9 256:10,12,22 257:3 270:1,5 274:13 <b>noticed</b> 95:18 95:19 103:18 135:17 153:2 274:13 <b>notified</b> 55:17 71:13 73:15,22 199:25 <b>notify</b> 87:15 163:25 <b>november</b> 57:7 65:15 <b>nsl</b> 85:1 86:23 87:4,7 88:1 <b>nsp</b> 71:18,19 77:9,11 154:6 <b>number</b> 27:3 60:15 69:9 78:13 97:13 141:7 143:15 143:17 158:6 166:9,13 176:8 205:2 208:6 217:9 268:12 <b>numbers</b> 196:23 197:4	197:10 210:8 264:8 269:25 <b>numerical</b> 64:24 <b>numerous</b> 71:14 78:6  <b>o</b>  <b>o</b> 14:1 121:5 134:13 137:21 137:24 <b>oath</b> 172:22 232:5 <b>object</b> 47:8 83:25 162:2 165:6 <b>objected</b> 42:10 55:19 87:24 <b>objecting</b> 89:21 <b>objection</b> 34:10 38:5 42:10,20 45:9 46:17 49:5,6 50:5 53:21 54:2 56:14 59:11 61:25 67:11 81:15,20 85:1 86:6,8 87:14 87:24 118:14 120:8 122:23 272:10 <b>objections</b> 51:7 59:9 61:19 67:9 74:17 123:1 164:24 165:7 257:4	<b>objective</b> 271:8 <b>objects</b> 64:11 <b>obligations</b> 86:24 <b>observe</b> 114:13 <b>observed</b> 237:11 <b>obtained</b> 48:19 55:21 <b>obvious</b> 210:4 <b>obviously</b> 38:2 39:6 40:12 62:11 247:15 255:1 272:3 <b>occur</b> 181:13 187:14 206:14 <b>occurred</b> 252:25 <b>occurring</b> 163:24 205:3 208:23 224:20 <b>ocd</b> 11:14,15 14:12 15:3 23:17 25:17 26:21 43:25 51:19 59:19 61:1 67:25 68:4 74:25 75:7 80:14,19 88:5 90:20,21 94:14,14 97:25 104:15,19 110:7 111:23 115:19 118:13 123:5 128:13
---	--	---	---

[ocd - okay]

130:4 131:13 132:16 136:15 144:1,5 150:3 153:25 166:1 179:17 180:7 188:24 190:13 201:5,10 210:19 213:10 216:4 218:12 227:4 252:21 252:23 256:21 257:4 266:21 271:9,18 276:9 <b>ocd's</b> 40:18 192:15 <b>october</b> 16:5 31:11 32:3 33:17,18,23,24 33:25 34:6,6,8 34:14,18,21 43:22,23 44:3 44:7,14 275:3 275:4,17,19 <b>offering</b> 169:23 <b>offers</b> 109:10 <b>office</b> 16:22 17:7 22:14 24:23 25:4 37:5 41:15 53:7 55:17 61:11 101:19 105:14 112:13 155:21 199:15 255:8 259:17 262:8 268:18	271:7,7 <b>officer</b> 140:19 153:21 277:1,2 <b>offing</b> 43:3 <b>offset</b> 72:8 73:15 180:8,21 181:7 197:10 201:8,11 235:3 235:4 237:8,12 238:5,9 246:10 <b>offsets</b> 72:5 <b>offsetting</b> 135:3 258:14 <b>ogrid</b> 27:2 <b>oh</b> 21:16 24:19 24:20 35:9 36:15 44:1 60:14 68:25 104:7 110:19 116:5,7 117:10 125:19 146:23 158:3 164:6 165:7 195:25 222:10 229:9 232:25 238:18 248:4 251:25 261:6,6 <b>oil</b> 1:3,6 14:9 17:9 48:21 53:21 54:2 61:18,24 70:2 73:5 78:15 80:24 81:13 132:22 137:7 142:12 146:22	186:22,22 187:21 203:3,8 204:19,23 210:13 238:4 238:15,15 246:10 250:10 262:6 268:23 <b>ojo</b> 84:13 <b>okay</b> 14:7,25 15:25 16:13,13 17:10,12,15 18:7 20:18,25 21:12,22 22:1 22:21 23:14 25:20 30:5 31:12 32:11 34:18 35:5 36:4,8,9 37:20 39:7 44:18,25 45:23 46:24 47:24 51:25 53:12,23 59:7 60:9,24 68:3,9 68:25 69:17 70:6 75:3 80:9 80:23 81:8,24 82:8,24 83:4 87:9,16 88:2 91:14 92:2 94:9 96:9,12 96:13,15 98:22 99:4,6,14,16,23 100:8,21,23 101:3 105:6 109:24 111:1	111:19 115:14 116:24 117:10 117:17 118:18 120:10 131:23 137:13,25 138:2,8 141:19 141:25 142:9 142:23 143:16 143:21 147:1 147:15,20 150:9 154:10 154:19,22 155:12,13 156:3,15,21 158:3 159:19 159:23 160:19 161:6,17,23 165:7,9,9,19 168:9 169:10 169:15,22 170:23 173:7 173:10 175:11 176:3,13 179:19 180:13 180:19 181:18 182:11 184:20 185:13 188:22 189:18,21 190:4,14 191:4 191:15 192:8 192:17 195:14 196:5,9,14,16 197:19 198:17 200:22 202:7 202:12 205:17
---	---	---	---

[okay - order]

207:7,13 208:4 208:9,18 211:7 211:17 212:15 212:24 213:13 213:17,19 216:2,11 217:20 218:11 220:20 224:22 225:1 228:23 229:7,13 230:24 231:15 231:21,24 232:3,4,22 233:3,5,5 238:16,18,23 249:12 250:5 250:13 252:4 252:18 253:16 253:25 254:20 257:10 258:13 258:20,20,22 259:23,23 261:7,12 265:22 270:13 270:17 271:11 274:10 275:13 275:18 276:2 <b>old</b> 36:13 <b>older</b> 117:8 <b>once</b> 118:25 187:23 209:13 237:13,24 247:24,24 252:8,16 275:9	<b>one's</b> 272:15 <b>ones</b> 110:3 215:17 254:22 <b>ongoing</b> 163:23 164:14 <b>online</b> 29:15 37:4 187:21,25 190:11 206:6 210:13 244:6 <b>onward</b> 16:5 <b>ooh</b> 26:14 <b>open</b> 187:25 226:1 <b>opening</b> 178:17 <b>operate</b> 194:23 215:14,22,23 <b>operated</b> 56:9 84:21 <b>operates</b> 43:19 85:13 <b>operating</b> 16:18,22 24:6 24:25,25 27:3 27:5 32:17,21 46:5,10,16 53:20 61:18 72:8 73:16 83:13,19 88:14 88:18 116:11 116:15 151:21 162:8 163:1 236:9 <b>operation</b> 188:7 192:3 195:4 204:8	214:5 <b>operational</b> 194:22 195:8 204:25 209:21 <b>operationally</b> 205:24 215:13 235:25 <b>operations</b> 171:14 186:17 188:4,4 192:1 192:12 211:12 213:11 215:9 <b>operator</b> 26:6,9 29:10,13,19 72:7 73:15 92:19 93:3 151:21 154:5 264:1,9,18,23 264:23 265:6 267:12,14,17 267:17,19 268:5,22 270:24 273:5,6 274:5,9 275:22 <b>operators</b> 135:5 253:2 265:6 266:22 266:24 267:11 267:21 269:20 270:23 <b>operatorship</b> 269:1 <b>opinion</b> 198:17 200:22 226:6 226:12 246:20	273:20 <b>opportunity</b> 95:12 96:23 171:3 <b>opposed</b> 154:15 212:9,16 252:12 273:15 <b>optional</b> 273:19 <b>options</b> 184:10 <b>orange</b> 184:1 186:2 223:5 <b>oranges</b> 186:2 <b>order</b> 18:16 26:14 29:25 31:24 32:3 34:17,21 39:18 43:3,4 45:1 48:4 55:9 64:3 64:24 77:10 87:4,4,20,25 89:3 92:9,12 92:21 93:1,5 94:24 95:9 106:9,16 107:24 109:11 111:6 120:20 125:1,8,14,23 129:13 138:17 145:20 147:21 151:3,4,9,12,13 151:19,24,25 154:4,7,12,15 154:16 162:9 164:11 174:23 176:11 179:9
--	--	---	---

[order - packer]

<p>184:16 192:2  206:8 211:15  243:4 245:21  251:7,16  263:20 264:3  272:22  <b>ordered</b> 55:21  <b>orders</b> 64:4  93:8,13 95:2  111:4 146:1  179:7,9,10,12  179:18 201:6  <b>ore</b> 203:7  <b>organization</b>  27:13  <b>orient</b> 186:12  <b>orientation</b>  72:12 122:9,10  127:19 135:6  <b>original</b> 94:24  154:13 162:18  164:8,10,14  193:15 234:22  241:12  <b>originally</b> 79:9  166:18,20  <b>outcome</b>  277:15 278:12  <b>outline</b> 182:23  <b>outlined</b> 163:24  185:22  <b>outlines</b> 163:11  <b>outlining</b> 219:1  <b>outright</b> 28:21</p>	<p><b>outs</b> 114:14  224:9 268:3  <b>outset</b> 44:6  <b>outstanding</b>  257:19  <b>overhead</b> 72:1  134:23  <b>overlapping</b>  55:13,18 64:6  64:10 212:21  <b>overlying</b>  226:11  <b>override</b> 66:19  <b>overrides</b> 58:17  <b>overriding</b> 57:1  58:19 65:11  <b>overview</b> 180:7  181:25 182:18  188:3 191:16  219:18  <b>own</b> 19:25  25:25 73:11  145:18 167:14  215:11 219:7  <b>owner</b> 19:1  36:2 58:19  72:8 117:9  134:12  <b>owners</b> 55:16  56:13,21,25  57:1,5,15  62:21 64:10  65:9,12 66:19  71:11,17 73:7  73:11 76:23</p>	<p>78:12 106:5,10  106:17 107:1,6  107:20,25  108:10,13,24  110:25 125:9  125:15,24  126:22 137:20  141:4 163:12  199:2,9,19,21  199:25 200:1  205:9 255:11  255:12  <b>ownership</b>  49:12 71:21  85:6 89:25  90:2 93:14  103:7 106:25  108:9 110:23  113:24 130:12  130:14 139:8  148:15 152:18  199:6  <b>owns</b> 139:12  <b>oxy</b> 130:13,19  131:17 155:16  155:22 171:5  171:17,20,21  172:9 173:14  176:19 177:1  177:12 178:18  190:8,24  191:20 192:8  192:18 194:23  198:24 199:19  199:23,24</p>	<p>200:8,18  204:24 207:1  207:23 213:5  216:21 217:4  217:12,16  225:3,4 233:12  233:16 234:13  234:24 238:11  243:2,11  244:16 245:18  245:18 255:10  <b>oxy's</b> 176:24  189:13 226:7</p>
			<b>p</b>
			<p><b>p</b> 3:1,1 4:1,1  14:1 98:14,20  98:20  <b>p.m.</b> 168:24  276:18  <b>p.m.s</b> 20:2  <b>pace</b> 45:13  <b>pacific</b> 261:5,9  262:24  <b>pack</b> 249:9  <b>package</b> 54:18  57:4 62:9  76:20 79:22  133:18,18  136:6  <b>packages</b> 58:4  62:12 70:11  <b>packer</b> 172:10  177:18,22  189:15 209:1  213:12 255:4</p>

[packer's - party]

<p><b>packer's</b> 227:20</p> <p><b>packet</b> 48:15 55:24 113:13 121:1 176:5 188:14,20 190:23 192:21 192:25 193:11 194:18 195:2 199:12</p> <p><b>packets</b> 93:9 103:4 126:7 189:24 190:5</p> <p><b>padilla</b> 3:18 24:10,12,15 25:18,19 27:19 27:20 29:22 30:4,9 41:22 41:23,25 43:11 43:12 44:19,20 45:12 46:11,12 47:7,9 49:5,6 50:4,5 51:8,9 51:17,18</p> <p><b>padilla's</b> 47:23</p> <p><b>page</b> 52:1 60:17 67:2 77:25 95:4,5 97:5,11 185:17 188:24,24 192:25 199:12 230:2 234:1,2</p> <p><b>pages</b> 188:19 188:23 195:1 229:2</p>	<p><b>panel</b> 3:9,10,11 3:12,13,14,16 3:17,18,19,20 3:21,23,24,25 69:15</p> <p><b>paper</b> 122:7 127:18 253:9 253:11,20,22</p> <p><b>paragraph</b> 267:16</p> <p><b>pardon</b> 97:23</p> <p><b>parker</b> 57:18 66:4</p> <p><b>part</b> 27:10,10 154:12 182:25 183:1 185:24 188:14 189:23 200:4,7 201:5 220:9 221:24 228:11,16,19 241:10 247:1 258:7 269:16</p> <p><b>partially</b> 197:14 198:3</p> <p><b>participants</b> 17:23</p> <p><b>participate</b> 95:12</p> <p><b>participating</b> 16:12</p> <p><b>particular</b> 63:1 205:10 206:22 234:17 236:23 237:21 253:3</p>	<p><b>particularly</b> 173:25</p> <p><b>parties</b> 8:22 17:2,3,21 22:11,20,24,25 24:16 25:13 30:23 31:8 32:25 33:7 37:11,17 38:9 39:1 41:21 42:1,9,25 43:1 43:5 45:10 47:7 49:12 50:18 53:18,25 54:6 58:15 59:9,17 60:16 61:15,22 62:11 65:19,25 66:15 66:16 69:5 70:5 71:10,13 72:7 73:21 74:17,23 76:2 78:17,19 79:16 81:10 83:23 84:4 85:21 87:1 88:22 89:25 90:1,3 92:1 93:14,21 94:13,23 95:6 95:14 101:24 103:8,20,20 105:20 107:2 108:11 112:19 116:19 117:1 118:17 120:3</p>	<p>120:12,20 121:12 124:10 126:20 129:6 130:19 133:13 134:14 135:17 138:4,11 139:8 139:14,16 142:8 144:24 145:25 147:4,5 148:12,16,19 148:21 149:9 150:22 152:14 152:20,22 153:8,8 156:2 160:2 161:10 161:19 162:10 163:7,8,15 164:1,2,4,7,13 198:25 199:10 199:11,17,24 255:9,10 256:4 259:13,20,24 275:7 277:11 277:14 278:8 278:11</p> <p><b>partner</b> 50:16</p> <p><b>partway</b> 159:15</p> <p><b>party</b> 42:10 110:13,14 113:25 130:12 130:13 141:4 141:17 142:20 142:21 143:12 152:18 156:20</p>
---	---	---	---

[party - pick]

<p>164:1 184:8 262:19 <b>pass</b> 202:4 247:5 <b>passing</b> 65:4 <b>past</b> 174:20 203:2 206:25 229:25 <b>paste</b> 21:7 <b>path</b> 42:15 87:19 <b>pathways</b> 187:8 <b>patience</b> 276:13 <b>paul</b> 4:8 259:21 262:16 <b>paula</b> 3:25 37:5 112:13 <b>pay</b> 228:4 <b>pdf</b> 95:5 <b>peeper</b> 98:14 <b>peer</b> 253:19,22 <b>pena</b> 3:19 101:18,19,22 102:3,5 104:10 104:22,23 <b>pending</b> 164:10 211:8 <b>penetrate</b> 197:11 198:3 198:18 <b>penetrates</b> 198:12</p>	<p><b>people</b> 15:16 21:23 58:16 134:8 167:15 168:10 262:1 <b>people's</b> 159:17 <b>percent</b> 72:1 122:15 134:22 139:12 148:17 166:8,11 167:13 170:22 244:20,25 245:1,24 269:22 274:5 <b>percent's</b> 167:6 <b>percentage</b> 56:23 134:8 <b>perfect</b> 32:5 175:10 213:9 256:12 257:3 <b>perforations</b> 240:15,16 249:10 <b>period</b> 34:5 216:23 244:7 249:8 <b>permeability</b> 222:10 225:14 <b>permian</b> 24:6 24:24 25:6 26:9 27:15 35:12 37:6 41:10,16 78:5 83:13,18,25 84:10,21,22 85:12 112:9,11</p>	<p>112:14 <b>permission</b> 118:4,24 <b>permit</b> 26:6,24 29:17,21 193:4 <b>permit's</b> 204:2 <b>permits</b> 203:16 <b>permitting</b> 206:3 <b>person</b> 75:19 76:7 80:6 109:20 117:12 138:1 268:9 <b>personally</b> 272:18 <b>persons</b> 22:20 25:12,13 33:9 37:18 42:2 47:2,4 54:7 62:4 69:7 70:6 74:23 76:4,10 82:2 84:5 88:24 92:3 94:14 102:1 105:21 109:22 112:21 117:21 120:13 124:11 129:7 133:15 138:12 150:24 156:4 161:20 161:25 259:25 <b>persuaded</b> 260:22 <b>pertinent</b> 183:11,11</p>	<p>197:13 <b>peryam</b> 107:11 <b>peter</b> 98:14,20 98:20 <b>peters</b> 98:14 <b>petrogulf</b> 81:1 81:7,19 <b>petroleum</b> 48:20 49:2,20 50:3 89:17 173:15 175:16 175:24 218:22 232:9 <b>ph</b> 46:13 95:5,6 95:18,19 96:20 96:20 106:12 106:23 108:7 109:3 113:3,3 116:23,23 161:14,15 162:25 167:15 169:21 179:3,5 186:20 229:4 254:10 <b>phil</b> 15:5 <b>phillip</b> 3:5 14:19 25:17 <b>phone</b> 100:1 150:1 155:9 268:12 <b>pi</b> 183:3 186:15 211:20,21 <b>piazza</b> 45:7 <b>pick</b> 160:25 168:8,23</p>
---	--	---	---

[pick - pooled]

<p>212:20  <b>picking</b> 230:1  <b>picks</b> 229:21  257:20 258:12  <b>picture</b> 57:19  239:7 242:5,6  <b>pilot</b> 171:5,7,22  177:2 178:1,4  178:10 215:2  225:9 235:18  <b>pinch</b> 114:14  224:9  <b>pink</b> 223:4  <b>pipeline</b> 186:24  187:4 274:1  <b>pipelines</b> 184:7  <b>place</b> 19:9  145:19 184:5  194:12 203:17  213:3 271:24  275:10  <b>placement</b>  148:5 152:7  <b>places</b> 213:6  <b>plan</b> 50:14  55:19 57:5,9  64:9,11 65:16  161:2 192:15  194:12,15,18  194:23 195:4,8  200:8,15 268:1  <b>planned</b> 211:13  <b>planning</b> 44:9  137:11 169:11</p>	<p><b>plans</b> 39:23  <b>plat</b> 63:1 72:5  85:5 89:24  103:7 130:11  139:8 148:11  148:15 152:14  <b>plats</b> 77:23  <b>plc867a</b> 184:18  193:4  <b>pleadings</b>  31:20  <b>please</b> 14:14  21:15 22:6  24:17 30:17  32:19 35:25  37:2 41:12  47:4 53:5 61:8  70:9 76:9  83:16 96:8  98:3,4,12,18  105:24 117:15  124:2 128:10  138:15 155:19  166:2 169:24  173:3 218:17  259:14 275:23  <b>plenty</b> 78:19  <b>plot</b> 49:11  93:13  <b>plug</b> 268:25  270:1,6,7,12  <b>plugged</b> 198:10  269:4 270:4,10  273:10</p>	<p><b>plugging</b>  268:20,21  269:6 271:8  <b>plus</b> 72:1  134:22  <b>point</b> 17:18  20:1,14 26:7  31:9,17 39:11  42:15,22 46:22  47:18 49:1  79:10 80:13  109:8 135:19  135:22 145:2,5  177:4 181:20  181:22 183:15  183:15 187:18  189:11,22,25  203:9,12,21  204:7 206:10  208:12 210:7  221:6,7,10,18  221:19 225:18  226:22 228:1  233:14 239:18  239:23 245:3  247:23 259:3  268:17 271:13  273:2,8 274:11  <b>pointing</b>  191:19  <b>points</b> 223:22  <b>pool</b> 54:12,25  56:25 57:16,23  65:10,12,20,22  66:15 70:15</p>	<p>71:16 76:22  78:4,8 79:9  84:13 89:12  92:8 95:13  102:7 106:16  107:25 113:1,3  113:4 114:1  131:22 133:20  145:25 163:13  163:15 164:4  164:12 172:6  178:25 179:4,5  188:16 197:11  198:4  <b>pooled</b> 49:12  56:22 71:10,11  73:7,11,12,22  78:17 79:11  89:25 90:2,5  92:12,21 93:7  93:15 94:23  103:8,20,21  106:5 107:2,3  107:6,7 108:10  108:11 121:12  126:21,23  130:12 134:13  135:12,18  139:8,13  141:17 144:24  145:2,15  148:15,18  149:10 151:14  152:18 153:8  162:10 163:8,9</p>
--	---	---	---

[pooled - pressure]

<p>164:1,2,7 166:12 167:11 167:16 <b>pooling</b> 6:4,12 6:20 7:11,20 9:21 10:4,8,13 10:18,23 11:4 12:11 47:23 48:4,16 55:22 55:24 62:20 64:14 70:21 74:3 77:10 79:18 89:3 95:9 110:23,24 113:15 114:23 120:20 121:2 125:1,8,15,24 126:8 129:13 129:24 131:17 132:1 136:2 138:18 139:3 145:20 147:22 151:10 154:6 162:12,16,17 162:20,21 167:19 <b>pools</b> 178:25 179:2 180:5 <b>popped</b> 95:7 <b>portal</b> 275:15 <b>portion</b> 77:8,9 <b>position</b> 19:12 29:20 30:2 45:9</p>	<p><b>positions</b> 38:17 39:4 43:2,6 <b>positive</b> 206:16 238:7,14 246:9 <b>possibility</b> 142:4 248:19 <b>possible</b> 33:18 44:11,13 148:7 152:9 174:11 174:16 <b>possibly</b> 174:5 <b>post</b> 237:10 238:2,24 <b>postal</b> 114:21 <b>potentially</b> 43:1 82:22 194:2 <b>powerpoint</b> 230:15 <b>practical</b> 23:6 <b>practice</b> 261:22 <b>pre</b> 31:24 32:3 34:17 45:1 171:25 <b>predict</b> 235:8 236:10 <b>predicts</b> 238:21 <b>prefer</b> 157:11 157:15 168:10 262:1 263:2,6 264:5 <b>preference</b> 38:8 190:6 <b>preferred</b> 72:12 87:18</p>	<p><b>prelimit</b> 207:21 <b>premature</b> 267:5,20 269:14 <b>prenarary</b> 204:18 <b>preparation</b> 28:8 <b>prepare</b> 179:12 194:22 201:14 232:14 246:11 <b>prepared</b> 27:23 163:18 174:13 178:7 179:8 180:19 189:1 189:23 192:9 193:6 195:15 199:5 218:7 219:1 225:24 226:16 233:12 234:8 245:15 246:24 255:8 262:2,3 278:3 <b>present</b> 68:5 76:10 87:17 117:9 137:11 137:18 145:15 157:16 158:11 169:14,16 171:3 255:6 267:22 272:8 272:16 <b>presentation</b> 46:23 52:4 53:10 61:4</p>	<p>62:15 67:21 76:13,15 81:16 81:20 82:22 84:1 128:18 132:18 165:11 174:7,13 217:4 254:6 <b>presentations</b> 243:11 <b>presented</b> 47:8 58:24 63:8 64:9,11 66:6 79:22 162:3 167:9 175:2 176:5 188:8,10 189:13 191:20 195:5 200:19 216:21 233:18 233:22 236:12 238:20 246:25 254:16 263:5 <b>presenting</b> 58:5 158:18 159:8 262:13 <b>preset</b> 195:10 <b>pressure</b> 172:3 177:15,16 183:20,24 184:2 186:24 187:4 190:16 191:10 192:5 195:12 214:6 214:10,19 215:18,20,24 234:25 236:1,2</p>
--	---	---	---

[pressure - production]

236:3,5,7 237:5 239:16 239:22 241:2,3 241:8,11,12,15 241:17,18 242:6,7,14,20 243:21 <b>pressures</b> 235:2 237:7 <b>pressuring</b> 242:2,12 <b>pressurized</b> 187:6 <b>presuming</b> 78:6 91:21 <b>pretty</b> 72:25 208:25 229:15 233:11 263:9 264:14 266:21 274:18 <b>prevent</b> 109:6 195:11 198:20 200:23 220:11 246:21 251:19 <b>prevention</b> 109:6 194:12 194:15,18 <b>previous</b> 42:24 106:25 108:18 149:24 150:8 154:15 179:7 191:24 240:25 242:10 243:11 <b>previously</b> 56:2 57:18 58:7	64:21 89:15 106:5 110:21 113:17 121:5 121:21 126:11 127:7 130:3 134:25 138:24 163:2 173:16 177:1,14 185:1 188:8,10 191:20,23 193:2 195:5 200:19 206:11 216:21 232:8,8 233:18 236:19 238:20 268:18 <b>primarily</b> 66:19 <b>primary</b> 187:9 236:25 237:2 <b>prime</b> 58:10 66:9 <b>principal</b> 18:12 19:5,6,16 28:23 44:9 <b>prior</b> 26:13 43:9 64:13 93:13 145:19 152:10 154:12 166:22 192:17 213:7 233:19 256:3 277:5 <b>probably</b> 21:23 38:20 87:3,25 111:3 138:6 146:5 157:15	159:9,16 174:13 177:4 181:22 204:14 206:21 209:11 214:20 215:2 220:23 225:9 252:15 265:11 266:8,9 268:9 268:10 271:2 271:13 272:3 275:7 <b>probe</b> 175:7 <b>problems</b> 28:16 118:14 271:6 <b>procedure</b> 263:23 274:23 <b>proceed</b> 31:17 48:1 69:21 70:1 76:17 82:10 92:5 104:14 137:14 147:14,17 150:19 151:1 157:4,11 158:18,24 169:9 170:18 262:3,10,23 <b>proceeded</b> 63:9 162:23 <b>proceeding</b> 2:5 53:22 54:3 61:25 276:19 278:4 <b>proceedings</b> 277:3,4,6,8	278:6 <b>process</b> 26:12 26:16,24 83:3 88:8 185:18 236:24 264:13 268:4,12 269:3 <b>processes</b> 86:23 <b>processing</b> 186:20 <b>produce</b> 84:12 89:11 171:8,13 171:17,23 186:18 238:2 251:17 <b>produced</b> 177:8 194:1 200:13,16 235:13 245:4 265:3 266:12 <b>producing</b> 28:16 72:2 177:9 184:21 187:11,21 202:22 203:20 204:6,14 206:6 214:9,19 258:16 <b>product</b> 238:24 <b>production</b> 22:3,8 24:25 53:16 72:24,25 78:5 79:5 85:14 105:15 122:14 135:12 135:13,14
--	---	---	--

[production - provided]

<p>141:14 171:18  185:3 187:13  188:2 194:4  200:11 202:20  202:23,25  203:3,4,6,8,23  204:20,23  205:10 207:5  208:16,23  210:13 216:16  217:17 218:3  224:18,20  228:6,9,14  238:17 243:14  243:25 244:1,4  244:5 253:2,12  257:24,25  258:15</p> <p><b>production's</b>  258:16</p> <p><b>professional</b>  6:6,14,22 7:6  7:16,25 8:9,18  9:4,10,15,22  10:5,9,14,19,24  11:5,9 12:6,14  12:19 13:4  121:3 126:10  163:1</p> <p><b>professional's</b>  103:5</p> <p><b>profile</b> 241:2  <b>profiles</b> 241:3  <b>project</b> 18:17  43:18 171:6,7</p>	<p>171:10,12,19  171:22 177:3  178:1,4,24  180:4,4,8,24  181:7,21 182:1  182:5,15,20,24  184:11,15  185:2 186:5,8  186:9 196:6  198:21 199:3  200:4 215:2,15  217:10 219:2  219:20 224:5  224:10,19  225:4,9 226:13  234:13,24,25  235:9,19 236:1  236:4 237:14</p> <p><b>projects</b> 174:19  178:8,10  238:12 253:4</p> <p><b>promised</b> 45:18</p> <p><b>pronounce</b>  251:1</p> <p><b>pronouncing</b>  250:23</p> <p><b>proof</b> 267:6  <b>proper</b> 72:22  <b>properly</b> 256:9  <b>property</b> 36:2  <b>proportionally</b>  249:17</p> <p><b>proposal</b> 49:13  57:3 65:13  71:22 78:20</p>	<p>93:15 95:10  96:21 103:8  107:3 108:11  114:2 121:15  126:23 130:16  134:18 163:14  200:18 233:17  272:10</p> <p><b>proposals</b>  39:23</p> <p><b>propose</b> 33:15  171:8</p> <p><b>proposed</b> 11:14  11:15 12:4  19:1 49:11  50:13 55:18  56:16 64:25  65:17,24 66:1  66:10 76:21  93:12 113:11  130:8,16  133:19 171:19  178:1,8 180:13  180:14,20  188:12 189:1  190:10,15  197:2 198:4  200:18 201:5,8  201:10 202:19  219:2 222:3  226:6,12  246:15</p> <p><b>proposes</b>  194:23</p>	<p><b>proposing</b>  152:1</p> <p><b>propriety</b>  43:15 234:12  234:19</p> <p><b>proration</b>  70:23 72:6  77:2,7</p> <p><b>protect</b> 200:24  226:13 246:21</p> <p><b>protected</b>  205:13 221:24</p> <p><b>protection</b>  109:5</p> <p><b>protective</b>  198:19 226:8</p> <p><b>protest</b> 84:24  86:25 87:3  88:9</p> <p><b>provide</b> 18:17  30:1 148:4  152:6 190:2  209:9 211:16  227:15 258:2  268:12</p> <p><b>provided</b> 56:12  78:24 85:21  89:16 95:24  96:24 103:2  107:11 108:17  109:9 113:14  166:17 178:12  179:17 180:23  188:13 223:9  255:9,17</p>
--	--	--	--

[provides - questions]

<p><b>provides</b> 54:19 65:25 66:4 85:5,8 89:24 90:6 107:17 108:21 111:16 139:7,17 148:10,20,22 152:12,23 189:4</p> <p><b>providing</b> 65:16 192:22</p> <p><b>psi</b> 172:3 177:16 183:25 187:7 191:10 214:6,7,11 215:19,22,24 236:2,3,5,6 237:16 241:8 241:16 242:8 242:20 243:20</p> <p><b>public</b> 2:7 19:11 73:18 157:23 259:17 277:22</p> <p><b>publication</b> 6:9 6:17,25 7:10 7:19 8:25 9:6 11:22 12:10 50:22 58:23 66:23 73:21,22 79:17,18 90:10 93:25 103:23 107:18 108:22 114:24 121:18 127:1 136:2</p>	<p>139:24 142:11 149:1 153:2 163:20 255:18 255:25 256:3 256:13</p> <p><b>publish</b> 85:22 90:11 139:25 149:1 158:7,9</p> <p><b>published</b> 50:23 94:1 103:24 107:19 108:23 130:20 163:21 253:7,9 253:19 255:18 256:1</p> <p><b>puff</b> 235:5</p> <p><b>pull</b> 180:2 181:20 182:3,5 219:6,11</p> <p><b>pump</b> 248:12</p> <p><b>pumped</b> 249:18</p> <p><b>punch</b> 34:7</p> <p><b>purchased</b> 141:11</p> <p><b>purple</b> 89:11 223:6</p> <p><b>purpose</b> 1:7 162:10 171:12 254:11 263:14 269:4,6</p> <p><b>purposes</b> 171:23 199:23</p> <p><b>put</b> 19:17 63:9 63:13 118:21 124:17 160:5</p>	<p>179:16 188:1 204:8,24 206:6 242:25 243:22 244:7 249:5</p> <p><b>puts</b> 209:13</p> <p><b>putting</b> 26:19 64:4 243:6 276:12</p>	<p>208:2,10 209:12,15 210:25 212:13 214:3 215:1,6 215:8 224:14 228:25 247:17 249:21 251:3,9 254:1 265:12</p> <p><b>question's</b> 271:5</p> <p><b>questioning</b> 15:13 173:23 209:14 216:8 253:1</p> <p><b>questions</b> 15:15 18:22 23:16 43:25 51:4,16 51:20,22,24 59:17,19 60:23 60:25 67:19 68:2,8,12 74:22,24 75:2 75:6 76:16 80:14,16 86:2 86:13 88:5 90:15,21,23 94:7,14,17 97:20,25 100:19 104:4 104:14,17 109:17 110:8 111:20,22 115:3,7,18,21 117:20,22 122:19 123:3,4</p>
		<b>q</b>	
		<p><b>qualified</b> 277:7</p> <p><b>qualifying</b> 29:21</p> <p><b>quarter</b> 48:12 48:12,13,14 63:16,20 70:17 72:22,22 76:24 79:3,4 92:16 92:25 102:10 102:14,15,17 102:17,21,21 102:23,24 106:3,19 113:8 129:15,16,17 129:18,18 133:22</p> <p><b>question</b> 15:8 15:10,23 32:10 36:17 45:4,15 110:17,22 120:1 131:15 131:20 140:14 166:5 204:10 204:17,18 206:20 207:18 207:20,25</p>	

[questions - rather]

123:6,8 127:22 128:12,15 131:4,5,13,24 132:13,16 136:15,18 140:3,12 144:1 144:3,4 149:5 149:17 150:7 153:10,18,18 154:1,20 162:21,22 164:18 165:10 165:20,23 166:1 167:23 190:1 191:5 202:15 206:23 210:17,19 214:1 216:4,14 217:1,22,25 218:7,8,9,12 226:25 227:5,8 227:13 230:22 231:5,5,25 233:14 247:6 247:10,12 250:16,21 251:1 252:21 252:22,23 254:3 255:2,3 256:21 257:23 266:2 <b>quick</b> 144:9 164:6 214:3 247:12 267:15	<b>quickly</b> 87:21 124:21 175:6 202:2 203:15 244:24 271:24 273:3 <b>quite</b> 78:9,12 90:4 225:17 251:13 260:3  <b>r</b>  <b>r</b> 3:1,5 4:1 14:1 134:13 <b>r22067</b> 92:9,12 93:5 <b>r22069</b> 92:9,21 93:5 <b>r22195</b> 151:4 151:10,12 <b>r22528</b> 106:16 <b>r22530</b> 107:24 <b>r22616</b> 162:9 <b>r22650</b> 64:1 <b>r22654</b> 64:3 <b>r22668</b> 55:21 <b>radar</b> 40:18 <b>rahul</b> 5:8 169:19 170:12 232:2 <b>raise</b> 169:24 <b>raises</b> 144:19 <b>ramp</b> 45:16 <b>ran</b> 236:22 <b>range</b> 19:5 20:3 48:8 70:19 84:16 89:7 92:16 93:1	102:11,16,18 106:4 113:9 120:23 124:19 129:19 138:21 148:1 151:7,17 181:11 <b>ranges</b> 214:6 <b>rankin</b> 3:20 5:5 5:7,9 24:18,20 25:3,4,9 41:13 41:14,19 42:4 42:6 44:4,5 45:3,12,24 114:20 155:20 155:21,25 156:5,10,11,18 157:8,10,14 158:3,20,22,25 159:5,6,23 160:11,13 161:3,5,7 168:3,4,10,20 169:6,8,12,13 169:17 170:18 170:19 171:2 173:2,8,11,18 173:20,21 174:7,12,21 175:11,14,22 176:3,17 181:19 182:8 182:11,14 183:6 184:9 185:5,9,13,14 190:19,21	195:19,25 196:1 201:17 201:24 202:5,8 216:5,7,12 218:6,19,24 219:4,11,15 220:16,20 221:16,17 223:25 224:2 226:24 227:3 231:4,6,13,15 231:21,24 232:7,13,23 233:2,4,7,9,25 234:6,10 247:3 247:9 252:22 252:24 253:17 253:21 254:2,7 254:8 255:1 257:13,15,16 258:4,13,20 <b>rankin's</b> 227:10 256:18 257:1 <b>rate</b> 105:2 172:4 191:12 204:6 237:6,17 237:22 238:15 238:17 246:10 <b>rates</b> 72:1 134:23 235:1 <b>rather</b> 28:20 55:22 118:22 178:2 179:9 189:10 190:24
---	---	---	---

[rather - recordkeeping]

<p>191:18 193:22  194:11 203:15  233:10  <b>rcx</b> 5:3  <b>rdx</b> 5:3  <b>reach</b> 42:14  140:25 145:25  <b>reached</b> 46:15  164:3  <b>reaches</b> 145:17  163:25  <b>read</b> 195:20  241:7 264:16  267:15 274:12  <b>readdress</b>  209:12  <b>readily</b> 40:8  <b>reading</b> 23:5  230:13 273:3  <b>readings</b>  272:14  <b>ready</b> 159:17  160:2 169:9  203:17 204:9  204:25 220:17  237:13  <b>real</b> 144:8  267:15  <b>realeza</b> 120:7  <b>realize</b> 28:1  <b>really</b> 20:17  82:5 167:7  210:8 215:4  222:14 229:19  241:1 244:9</p>	<p>254:10 258:8  265:11  <b>reappearance</b>  19:14  <b>reapply</b> 271:19  <b>reason</b> 29:1  62:18 84:18  142:22 209:18  228:2 250:8  264:15  <b>reasonable</b>  71:24 78:22  134:20 248:24  260:23 271:20  <b>reasons</b> 28:14  235:9 271:14  <b>recall</b> 216:25  <b>recapitulation</b>  130:14  <b>receipt</b> 130:18  <b>receipts</b> 50:21  90:10 93:24  139:23 148:25  153:1 255:21  <b>receive</b> 73:23  142:11 199:18  206:8  <b>received</b> 50:20  51:15 58:17  59:16 66:18  67:18 73:16,19  74:8,21 79:11  80:4 85:22  86:12 91:4  93:23 94:12</p>	<p>104:13 112:4  114:22 115:17  128:6 131:11  136:14 140:10  140:17,24  149:15 153:3  153:16 201:23  254:25 256:20  268:19  <b>receiving</b>  141:14 200:5  268:25  <b>recently</b> 18:3  118:1 131:20  212:7 253:8  263:25  <b>recognize</b> 23:6  <b>recognized</b>  50:7 89:17,21  130:3 218:22  <b>recommend</b>  20:5 86:22,23  167:18 266:5  267:21  <b>reconvene</b>  52:14 168:23  260:6  <b>record</b> 30:8  47:2 51:2,13  52:18,20,22  59:6 67:5,15  71:17 73:10  75:9,12 76:7  77:23 80:2,10  81:17,18 82:7</p>	<p>87:7 88:8 94:5  94:10 96:22  101:12 104:5  104:11 106:10  106:14,17  107:1,25  108:10 109:14  110:25 112:1  113:19 115:5  121:23 122:19  122:24 123:22  124:1 126:12  127:8,22 132:1  132:7 136:8,12  147:8 150:7,21  150:23 160:18  160:20 163:3  164:18 165:14  168:23,25  169:2,7 173:4  174:24 175:17  201:19 216:10  236:20 254:17  256:15 260:11  261:4,11  262:16 266:11  266:13 267:13  275:22 277:9  278:5  <b>recorded</b> 277:6  <b>recording</b>  277:8 278:4  <b>recordkeeping</b>  86:21</p>
---	---	--	---

[records - repeated]

<p><b>records</b> 190:13 266:15</p> <p><b>recover</b> 248:10 248:21 249:23 250:3 252:6,10 252:11,12</p> <p><b>recoverable</b> 246:13</p> <p><b>recovered</b> 204:21 247:20</p> <p><b>recovering</b> 238:12</p> <p><b>recovery</b> 238:4 248:2,6 250:4 250:10 252:16</p> <p><b>rectangle</b> 183:20</p> <p><b>rectangles</b> 182:22</p> <p><b>red</b> 183:21 184:4,4 186:25 187:3 197:4 219:23 222:5 239:4 241:9</p> <p><b>redid</b> 95:1</p> <p><b>redo</b> 154:13</p> <p><b>reduce</b> 205:4</p> <p><b>reduced</b> 277:6</p> <p><b>redundant</b> 222:17</p> <p><b>redwood</b> 27:3,4 28:6,12</p> <p><b>reef</b> 127:15</p> <p><b>reestablish</b> 80:5</p>	<p><b>refer</b> 18:12 62:14 176:7,12 188:23,23</p> <p><b>reference</b> 20:6 122:4 127:16 127:17 207:8 208:12 258:4,9 259:3 267:13</p> <p><b>referenced</b> 64:7 201:3 267:13</p> <p><b>referral</b> 227:10</p> <p><b>referred</b> 177:5 180:9 216:20</p> <p><b>referring</b> 181:25 216:25 217:4,8</p> <p><b>refers</b> 171:20 180:3</p> <p><b>refile</b> 18:14 21:11</p> <p><b>refiled</b> 82:17</p> <p><b>reflect</b> 30:8 256:4</p> <p><b>reflected</b> 57:9 58:18 181:9</p> <p><b>reflecting</b> 130:9 255:8</p> <p><b>reflection</b> 244:10</p> <p><b>reflects</b> 66:17 88:9 255:25</p> <p><b>reg</b> 264:1</p> <p><b>regarding</b> 27:11 73:3 114:4 144:5</p>	<p>148:5 152:6 165:11 207:14 213:5 255:3 256:22</p> <p><b>regardless</b> 250:9</p> <p><b>regards</b> 144:3 208:24 209:16 227:10 228:5 228:25</p> <p><b>region</b> 239:20</p> <p><b>regional</b> 122:9 122:10</p> <p><b>register</b> 19:18</p> <p><b>registry</b> 239:14</p> <p><b>regulation</b> 274:12</p> <p><b>regulations</b> 271:18</p> <p><b>reiterate</b> 165:16</p> <p><b>reiterating</b> 245:16</p> <p><b>reject</b> 58:20</p> <p><b>relate</b> 196:24 255:5</p> <p><b>related</b> 103:6 153:20 156:25 277:11 278:7</p> <p><b>relates</b> 225:6</p> <p><b>relating</b> 137:20</p> <p><b>relation</b> 127:15</p> <p><b>relationship</b> 28:7</p>	<p><b>relative</b> 234:17 277:13 278:10</p> <p><b>relatively</b> 216:15 252:14 271:24</p> <p><b>released</b> 270:12</p> <p><b>relevance</b> 189:20</p> <p><b>relevant</b> 258:8</p> <p><b>relied</b> 233:17</p> <p><b>relief</b> 55:20</p> <p><b>rely</b> 23:18 44:1</p> <p><b>remain</b> 56:21 107:13 192:7</p> <p><b>remaining</b> 53:11 62:21</p> <p><b>remediation</b> 211:5</p> <p><b>remember</b> 69:9 105:1 110:20 218:17</p> <p><b>reminder</b> 69:1 91:19 232:6</p> <p><b>reminding</b> 172:22</p> <p><b>remote</b> 2:5</p> <p><b>remove</b> 164:2</p> <p><b>removed</b> 47:23</p> <p><b>renewed</b> 23:20</p> <p><b>reopen</b> 106:9 146:1 162:9</p> <p><b>repeat</b> 98:17 146:18 174:15</p> <p><b>repeated</b> 20:14</p>
--	--	--	--

[replace - reviewing]

<p><b>replace</b> 152:4  <b>reported</b> 2:7  202:20,23  <b>reporter</b> 52:21  98:9,17,21  117:15 159:13  160:19 169:1  <b>represent</b>  184:7 261:19  <b>representation</b>  183:12  <b>representative</b>  217:11  <b>represented</b>  219:23  <b>representing</b>  22:7 36:6 54:2  61:24 68:21  83:25 161:13  <b>represents</b>  45:14 219:21  238:22 245:24  <b>reproduces</b>  237:2  <b>request</b> 31:24  33:23 39:12  66:17 77:6  84:18,25 86:2  89:16 90:16  139:1,4 140:4  149:6 231:22  257:4 260:14  260:17 261:10  267:5,6 269:20</p>	<p><b>requested</b>  42:16 217:5  260:16  <b>requesting</b>  82:17 122:13  154:4 171:22  172:9 176:24  177:6,15,18,21  207:15,16  215:19  <b>requests</b>  134:22 257:25  261:25 274:20  <b>require</b> 18:14  97:3 177:12  261:21  <b>required</b> 64:6  73:18 151:24  172:14 174:25  191:1 198:7  199:18 207:3  <b>requirement</b>  172:11 177:19  203:5 257:3  <b>requirements</b>  27:23 190:25  <b>requires</b> 55:12  197:22  <b>reran</b> 95:1  <b>reserve</b> 165:17  <b>reservoir</b>  193:22 194:1,2  200:16 217:20  225:3,13  233:16 235:7</p>	<p>235:16 241:8  241:10 244:11  246:18 247:15  248:25 251:3  251:11  <b>reservoirs</b>  244:12,13  246:14  <b>resolution</b>  29:10 42:16  45:6 230:17  <b>resolve</b> 26:18  43:1  <b>resources</b> 1:2  24:24 25:6  83:13,19 84:10  84:21,22 85:13  151:21  <b>respect</b> 17:18  159:1 195:8  243:18  <b>respective</b> 39:4  43:5  <b>respectively</b>  106:7  <b>response</b> 18:4  27:19  <b>rest</b> 204:6  268:14  <b>restricting</b>  203:3  <b>result</b> 84:25  139:2 194:2  211:16</p>	<p><b>resulted</b> 85:15  <b>results</b> 238:10  253:6,10  <b>resume</b> 49:25  <b>retender</b>  175:23  <b>retire</b> 44:9  <b>retract</b> 207:20  <b>return</b> 8:23  62:7 103:22  130:18 135:21  141:15 160:22  200:15  <b>returned</b> 79:12  88:7 200:11  218:3  <b>returns</b> 50:20  50:21 93:23,24  <b>review</b> 111:3  111:18 154:20  176:25 189:22  195:14,15,17  196:2,17,20  198:11 217:15  219:12,17  223:16 226:10  245:14 263:16  <b>reviewed</b> 18:8  64:23 65:5  196:13 206:11  225:25 226:17  246:12 253:19  253:22  <b>reviewing</b>  25:21 26:5</p>
--	---	--	---

[reviewing - ryan]

<p>186:5  <b>revised</b> 166:17  <b>rhodes</b> 95:5,18  96:20  <b>richard</b> 3:16  259:16,18  <b>ridge</b> 198:15  <b>right</b> 15:1,1  16:15 17:11  19:20 20:21  21:3,4 22:2  23:15,18,25  24:2 25:11  27:18 30:8,13  30:13 31:18  32:6,10 36:14  37:20,22 38:22  40:20 41:3,7  43:24 44:1  46:19,25 47:16  47:17,25 50:6  51:6 52:1,10  52:25 61:2,6  62:6 68:6,10  69:1,6,18 70:8  74:4 75:4,8,11  75:13 76:6  80:20 81:25  83:3,10 88:6  88:13,25 90:24  92:4 96:14  98:2 99:3,12  99:17,25 100:5  100:11 101:13  101:25 102:3</p>	<p>104:18 105:23  109:18,25  110:4,21  111:21,24  112:22 115:10  115:22 116:9  117:19,23  118:19,19  119:14,25  120:11 123:9  123:15,21  124:11 128:12  129:9,20  131:24 132:17  133:7,11,16  136:19 137:14  138:9,14 141:7  143:12,14  144:22,23  146:7,13,14  147:3 149:22  149:23 153:25  154:23 155:7  155:13 156:16  156:22,25  159:20,21,25  160:14,21  162:1,5 165:20  165:25 167:24  168:5,14,15,22  169:3,11,16,24  183:3,11 186:6  186:13,14  193:16 204:2  214:11 215:18</p>	<p>216:5 218:5  219:21 221:21  221:22 222:16  223:20 225:18  225:22 227:2  227:22 229:17  230:18 231:11  232:20 233:8  239:24 241:22  241:22 251:7  252:4,19 259:2  259:22 260:2  261:7,13 262:9  266:6 272:24  276:7,10  <b>rights</b> 109:5  117:8 165:17  198:20 200:24  205:13 226:14  246:22  <b>righty</b> 144:11  <b>riley</b> 24:5 25:25  26:9 27:15  <b>rings</b> 111:2  <b>rip</b> 2:4 14:2  15:9 21:13  32:2 69:12  <b>ripe</b> 270:22  <b>risk</b> 71:25  122:15 134:22  <b>road</b> 211:10  <b>room</b> 83:1  <b>rotate</b> 207:24  <b>rough</b> 166:9</p>	<p><b>roughly</b> 57:19  57:22 166:11  191:14 236:2  273:22  <b>routinely</b>  274:20  <b>row</b> 30:11  271:17 272:7  275:24  <b>royalty</b> 57:1  58:19 65:11  199:25 255:11  <b>rudimentary</b>  271:1  <b>rule</b> 264:24  265:3,7 267:12  267:13,18  268:2 270:24  273:4  <b>rules</b> 29:21  73:19 269:9  270:23  <b>ruling</b> 260:19  261:16  <b>run</b> 156:10  263:3  <b>running</b> 213:5  <b>rustler</b> 220:24  221:2,3,4,12  <b>ryan</b> 3:21  53:19,20 59:11  61:17,17,21  67:11,20,22</p>
---	---	---	---

[s - section]

<p><b>s</b></p> <p><b>s</b> 3:1,12,13,17 4:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 73:6 <b>s263412k</b> 113:4 <b>safe</b> 204:5 215:4 <b>safety</b> 187:16 188:1 195:11 214:12,13,16 214:22,23,24 215:3,3,5,9 <b>sage</b> 89:12 <b>sake</b> 264:7 <b>salado</b> 221:5,8 221:9,13,25 <b>sales</b> 177:9 <b>salmon</b> 183:20 <b>saltwater</b> 28:4 <b>salvidrez</b> 3:8 14:6 21:13,18 21:25 32:2,9 34:17,20 39:9 39:16,17 40:22 41:1 44:16,17 44:25 45:3 50:8 69:12 75:18,20 76:14 80:5,7 82:25 83:2 257:8 275:1,13,18 <b>sample</b> 8:20 11:17 49:12</p>	<p>50:17 71:21 93:15,20 103:8 103:19 114:1 114:20 121:15 126:23,23 130:15 163:14 179:12,15,17 193:6 201:13 <b>san</b> 102:7 <b>sand</b> 72:16,18 72:19 178:22 178:23 220:1,3 222:14 223:1,2 223:5 <b>santa</b> 2:6 17:7 22:14 24:23 25:4 37:5 41:14 53:7 61:11 101:19 105:14 112:13 155:21 <b>sante</b> 16:21 <b>santiago</b> 261:5 261:9 <b>sat</b> 171:4 <b>satisfactory</b> 158:16 159:2 <b>satisfy</b> 27:23 257:2 <b>saturation</b> 239:2,5,17,22 240:11,18,18 241:2 <b>savage</b> 3:23 105:4,11,14,18</p>	<p>105:23,25 109:19 110:8 110:10,15,21 111:8,14,16,21 111:24 112:6 <b>save</b> 21:23 170:22 <b>saving</b> 32:9 <b>saw</b> 64:13 235:3 237:8 265:21 <b>saying</b> 240:12 <b>says</b> 234:23 273:4 <b>scale</b> 239:2,4 241:7,15 <b>scales</b> 230:20 <b>scenario</b> 245:1 <b>schedule</b> 113:25 211:9 <b>scheduled</b> 171:16 <b>scheduling</b> 39:8,18 <b>schematic</b> 122:3 127:15 198:10 <b>schematics</b> 189:5 <b>schill</b> 105:15 <b>science</b> 49:18 49:19 <b>scott</b> 3:17 17:13 120:6 129:1</p>	<p><b>screen</b> 40:18 176:11,13 181:20,23 182:9 185:5,10 195:20 219:6 234:4 <b>scrub</b> 19:25 <b>sdv</b> 187:16 <b>se</b> 206:1 <b>seals</b> 103:3,13 <b>second</b> 34:13 38:21,25 55:10 70:24 72:18,19 77:25 96:22 150:21 169:18 173:20 178:22 180:6,6,17 181:16 185:10 206:9 211:21 212:1 218:10 219:22,25 220:2 222:25 223:2,4,18,21 231:18 235:2 263:10 <b>secondary</b> 211:4 <b>secondly</b> 55:3 <b>section</b> 29:25 48:12,14 50:13 57:24 58:10 63:7,17 66:9 70:17,18 72:10 72:17,23 76:24 76:25,25 79:4</p>
---	---	---	--

[section - separate]

84:16 85:9,13 90:6 92:15,16 92:24,25 102:9 102:10,15,18 102:21,22,24 103:15 106:3 106:18,19 113:7,8 114:12 122:4 127:17 127:17 129:16 129:17,18 130:25 133:22 133:24,25 135:10 139:19 143:3 148:23 151:6,17 152:24 211:25 222:19,22,25 223:8 235:18 235:18,19 239:11 <b>sections</b> 48:7 54:15 55:2 63:6,15 78:25 89:7 106:2 120:22 124:18 125:4,11,17,25 138:21 147:25 178:2 224:3 <b>see</b> 15:2,4 20:2 22:2 25:11 26:15 29:9 30:13 36:15 38:3,11 52:14 52:25 54:21,22	54:24 55:7 57:6 58:3,11 60:14 63:2,3 63:12 64:8 73:4 75:22 80:7,23 86:21 90:4 91:6 95:4 97:5,11 99:4 100:11 109:20 110:10 113:25 141:7,8,16,24 142:7 153:7 157:24 159:20 182:9,10,13,22 183:8,9,18 185:24 188:22 190:20 195:19 195:22 196:14 197:6 209:25 212:2,11 213:2 213:21 220:2 220:13 221:11 222:4,7,12,24 223:4 224:7 229:18 230:20 234:4,21,23 235:10 237:16 238:3,7,23 239:6,7,9,15,18 239:20,20,24 240:3,7,9,17 241:6,10,13,21 242:5,24 247:18 270:25 271:23 273:22	276:16 <b>seeing</b> 149:8 182:18 212:10 239:1,6 <b>seek</b> 54:25 55:4 65:22 66:15 70:21 71:4,25 72:1 106:9 148:3 154:7 <b>seeking</b> 78:4,8 92:8 103:21 110:13,14 114:1 120:20 122:14 131:22 139:3,3 164:4 164:12 171:5 177:1 191:9 226:7 <b>seeks</b> 54:12 55:13 56:25 57:16,23 62:19 65:10,12,20 70:15,22 71:16 71:18 76:22 84:10 102:6 106:15 107:24 113:1,10 125:1 125:8,14,23 129:12 133:20 134:21 138:17 147:21 151:3 152:5 162:9 163:13,15 <b>seem</b> 76:10 211:21 272:20	<b>seemed</b> 58:20 204:19 <b>seems</b> 20:10 31:16 251:10 271:12 272:13 <b>seen</b> 66:5 132:2 194:5,9 217:16 238:13 245:18 246:8 <b>select</b> 209:24 <b>selected</b> 209:17 216:17 <b>selection</b> 212:15 <b>self</b> 48:17 50:16 106:24 108:8 121:2,19 126:9 127:5 262:20 263:1 <b>selling</b> 187:24 <b>sending</b> 39:23 <b>sense</b> 40:19 53:9 69:19 87:11 111:2 208:2 243:19 269:9 <b>sent</b> 50:18,20 57:10 93:21,22 95:10 97:11 103:19 107:19 108:23 163:14 166:14 183:25 186:23 255:20 <b>separate</b> 20:17 119:23 133:5,6
--	--	---	---

[separate - shows]

<p>166:24 186:21 262:19 <b>separately</b> 68:22 119:24 137:12 <b>separating</b> 102:21 <b>september</b> 23:11,21 33:25 43:21 44:10,12 44:18,24 45:1 45:8 <b>sequence</b> 212:9 <b>series</b> 63:4 <b>serpentine</b> 106:22 108:5 <b>serve</b> 228:20 <b>served</b> 95:20 96:21 107:20 <b>service</b> 26:19 183:17 197:5 <b>set</b> 23:20 31:9 33:14,15,22 38:9,15,21 39:25 40:11 42:17 43:22 126:6 160:3 177:22 182:16 227:20 232:14 243:9 <b>setbacks</b> 45:17 <b>sets</b> 213:4,14 <b>setting</b> 31:25 39:9 45:8 172:10 177:19</p>	<p>212:16 255:4 <b>settle</b> 43:5 <b>settled</b> 81:19 <b>settlement</b> 22:25 268:24 <b>setup</b> 191:25 <b>seven</b> 186:14 209:19 210:12 220:10 237:20 237:20,24 <b>several</b> 27:17 68:5 73:10 81:15 229:2 245:6 <b>severance</b> 77:17 <b>severity</b> 207:23 <b>shaheen</b> 3:24 30:24,25 31:3 31:13,15 259:8 259:9,12 260:8 262:15 263:14 263:22 265:10 265:17,22 268:6,15 269:24 270:13 270:17 271:4 271:10,21 274:24 275:8 275:16,20,25 276:3,5 <b>shale</b> 222:10 227:20,21 231:17</p>	<p><b>shallowest</b> 181:12,14 221:23 <b>shane</b> 103:3 <b>shanor</b> 16:22 22:14 24:24 30:19 32:21 46:9 83:18 88:18 91:13 101:20 137:7 <b>share</b> 185:5 234:2 <b>sharing</b> 219:7 <b>sharon</b> 3:24 30:25 259:9 <b>she'll</b> 50:7 <b>sheet</b> 27:14 189:2 <b>shelf</b> 49:21 <b>short</b> 142:6 159:14 233:16 238:21 243:3 244:6,17 251:3 <b>shorten</b> 174:5 <b>shortly</b> 132:11 225:7 <b>should've</b> 110:1 <b>show</b> 47:22 72:18 180:1 220:6 225:11 234:1 272:6 <b>showing</b> 56:18 57:21 66:7 71:5 72:5,25</p>	<p>73:21 74:8 78:25 107:1,5 108:9,12 122:7 127:2,14 135:13,20 163:20 170:20 183:12,13 184:6 185:9 194:14 195:20 197:10 198:2 222:25 223:20 224:8 234:6 242:2,9 255:22 270:16 <b>shown</b> 145:1 213:10 222:5 241:9 243:15 <b>shows</b> 50:19,22 77:25 78:11,16 85:6 93:22,25 103:24 114:22 121:17 126:20 126:25 135:10 135:11 139:24 144:13 163:18 193:13 196:23 201:10 219:17 222:2,18 225:5 234:17 237:21 239:23 240:3,6 240:10,25 241:16,22 242:10,16,18 242:18,20 243:7,13</p>
--	---	---	--

[shumana - sorry]

<p><b>shumana</b> 46:13  <b>shut</b> 171:15,18  177:12 187:15  187:15 195:11  266:14  <b>shutdown</b>  187:16 188:1  <b>sic</b> 47:17 48:10  58:24 63:20  70:24 92:18  93:2 106:22  108:5 135:9  152:3 161:9  177:23 179:21  203:7 204:4  229:25 265:8  265:20 266:7  267:1,14  269:11 273:21  <b>side</b> 84:20  131:16 144:13  145:12 147:16  183:3 185:22  186:7  <b>sign</b> 47:14  264:12 276:16  <b>signature</b>  277:20 278:16  <b>signed</b> 46:16  47:12 78:14  114:19 250:7  <b>significant</b>  248:5  <b>significantly</b>  211:10</p>	<p><b>signify</b> 196:23  <b>similar</b> 126:5  146:5,11 175:2  192:1 215:15  225:12,14,14  225:15 236:12  <b>similarity</b> 43:9  225:11  <b>simmons</b> 48:18  48:18 49:2  <b>simple</b> 45:15  <b>simply</b> 33:24  190:5 263:3  269:6 273:9  <b>simulation</b>  235:7 236:25  238:25 243:7  246:1,8 252:7  <b>single</b> 15:19  184:16  <b>sir</b> 23:23 35:14  35:14,16,16,19  67:12,24 70:10  86:14 109:23  157:21,22  158:22  <b>sister</b> 271:6  <b>sit</b> 246:2  267:22  <b>site</b> 270:9,12  <b>sits</b> 240:22  242:14  <b>situation</b> 25:22  78:10 145:19  208:8 265:18</p>	<p><b>six</b> 26:1 28:19  78:18 220:10  <b>sixth</b> 18:12  19:5,6,16  <b>size</b> 190:6  <b>skills</b> 277:10  278:6  <b>skip</b> 175:12  190:19 218:18  223:11 232:11  <b>slide</b> 219:14,21  220:15,17,19  221:11,15  222:1,18 225:5  230:15 234:17  236:13 240:24  242:10  <b>slides</b> 219:1,13  220:7 232:14  234:7 246:24  <b>sliding</b> 18:13  <b>slightly</b> 204:20  241:19 273:24  <b>slips</b> 8:24  103:22  <b>slow</b> 229:20  266:16  <b>slow's</b> 266:20  <b>slowly</b> 242:13  <b>slows</b> 266:17  <b>small</b> 90:5  139:14 141:8  141:11 148:18  182:12 195:21  219:9 221:10</p>	<p>235:21 241:7  243:8  <b>snafu</b> 82:15  <b>snail's</b> 45:13  <b>snee</b> 122:7  127:18  <b>soft</b> 232:23  233:4  <b>solarity</b> 207:22  <b>sold</b> 186:22  187:9  <b>solution</b> 271:17  <b>solve</b> 270:2,4,5  270:7,7,11  <b>somebody</b>  128:8 138:10  269:15  <b>somewhat</b> 63:8  <b>soon</b> 60:20  244:13 268:25  <b>sooner</b> 118:22  168:18  <b>sorry</b> 19:16  20:13 21:5,17  24:22 52:14  80:25 110:10  115:11,13  116:4 117:5  122:9 144:10  145:11 147:5  147:15 156:9  166:5,19  179:15 190:20  196:11,16  201:9 212:12</p>
---	--	--	--

[sorry - springs]

<p>232:25 238:17  239:6 251:12  251:25,25  <b>sort</b> 27:21 43:3  43:8 191:16  216:14 267:24  <b>sought</b> 55:21  63:23 79:9  <b>sound</b> 40:20  44:13 69:22  161:2 267:8  271:19  <b>sounds</b> 31:11  33:17 40:16  75:8,10 95:25  118:12,23  198:16 203:25  203:25 266:18  267:5  <b>source</b> 147:12  184:20 192:22  193:7,21  <b>sources</b> 221:22  226:3,8  <b>south</b> 19:1,5  48:7,8 54:14  55:1,6,6 63:19  63:20 64:2  70:18 77:1  84:16 89:7  92:16,25  102:11,16,18  106:3,18 113:9  120:23 124:19  129:16,16,18</p>	<p>133:22,25  138:21 143:4  147:25 151:7  151:17 179:5  197:6  <b>southeast</b> 48:13  92:25 129:15  133:22  <b>southern</b> 183:1  <b>southwest</b>  48:12 92:15  102:14,15,17  106:2,3,19,19  129:17  <b>spaced</b> 85:14  <b>spacing</b> 48:6  54:12 55:4,6  55:13,18,22  56:9 62:19  63:10,23 64:6  64:10 65:1,23  65:25 66:1,16  70:16,22 72:6  77:2,6 84:15  89:6,9,11  92:14,23 102:9  102:12 103:1  113:6,11 125:2  125:3,10,16  129:15 138:20  139:1,4 147:24  148:4,11 151:6  151:15 152:6  152:13 235:20</p>	<p><b>speak</b> 45:5  156:16 161:5  191:5 228:14  <b>speaker</b> 4:9,10  4:11 99:20  117:3,7,13  138:6 140:21  <b>speaking</b> 21:15  35:25 39:15  157:25 210:3  257:7 258:5  <b>spear</b> 120:7  <b>specific</b> 208:7,7  209:24 217:13  217:14 257:25  <b>specifically</b>  203:14 217:22  <b>spectators</b>  21:19  <b>speed</b> 176:12  <b>spell</b> 98:12  <b>spelled</b> 121:4  <b>spelling</b> 98:8  <b>sperling</b> 37:13  81:6 124:6  <b>spinning</b> 26:22  <b>split</b> 210:4  <b>spoke</b> 211:11  <b>spoken</b> 31:15  165:13  <b>spot</b> 177:22  182:24,25  186:16 189:16  207:14 209:16  211:21 255:3</p>	<p><b>spread</b> 212:3  <b>spreadsheet</b>  7:9,21 12:9  74:8 79:13  135:20  <b>spring</b> 54:13  55:8 62:20  63:10 70:16,24  71:19 72:11,18  72:19,24 76:23  77:13,17 79:1  84:13 92:13,22  106:6,20 113:2  120:21 125:16  126:1 133:20  135:2 138:18  171:9,13 172:7  178:21,22,22  179:2,3,5  180:16,17  181:9,13,16  197:11 198:4  198:12 203:14  219:22,25  220:1,2,3  221:25 222:13  222:14 223:1,2  223:4,5,18,21  223:24 231:18  231:18  <b>springs</b> 129:14  211:22,23  212:1,2 235:3  235:16</p>
--	---	---	--

[square - storage]

<p><b>square</b> 274:21  <b>squeezed</b> 211:3  <b>srv</b> 241:18  <b>ssvs</b> 214:14  <b>stacking</b> 212:3  <b>staff</b> 97:25  123:5 132:16  <b>stake</b> 262:6  <b>stamp</b> 188:24  <b>stand</b> 72:11  73:1 96:11  100:4,5 110:5  115:7 127:22  135:4 146:14  172:18 254:10  255:1 263:3  268:5 269:10  273:18  <b>standalone</b>  53:9  <b>standard</b> 19:11  48:6 54:12  55:4 62:19,22  63:10 65:1,23  65:24 66:1,16  70:22 72:6  77:2,6 84:11  84:14,24 85:15  85:17 89:5  92:14,23 102:8  102:25 103:6  113:5 120:21  125:2,9,15  126:1 129:14  138:20 139:1,4</p>	<p>139:7 147:24  148:4,10,11  151:5,15 152:5  152:13,13  172:10 180:3  236:24  <b>standing</b> 172:4  191:13  <b>standup</b> 56:9  <b>stars</b> 184:4,4,6  184:6  <b>start</b> 21:5  38:10 119:17  137:3,15  159:22 182:4  187:25 188:24  211:1 243:19  <b>started</b> 57:6  <b>starting</b> 167:14  188:22 199:12  <b>starts</b> 56:1  242:23  <b>state</b> 1:1 19:2,9  55:17 56:19  65:6 84:12  120:24 124:17  125:5,5,21  126:2 138:23  148:2 151:20  152:4 173:3  199:15 250:9  259:17 261:22  262:7 268:18  270:15 271:6,7  277:23</p>	<p><b>stated</b> 78:21  107:12 134:20  176:25 177:14  <b>statement</b> 47:6  48:18 50:16  106:24 108:8  171:25 225:24  246:12 250:7  262:20 263:1,3  263:10  <b>statements</b>  27:5 256:18  <b>states</b> 79:2  <b>stating</b> 132:5  <b>station</b> 187:5  <b>statis</b> 26:23  <b>status</b> 22:22  23:5,11,20  26:6 32:15  38:9,15,22,25  39:12,19 40:1  40:11,23,24  42:5 46:4  82:21 127:2  204:25 255:22  266:10,14,14  272:6  <b>statutory</b> 19:15  19:20 20:17  <b>staveren</b> 89:14  89:15  <b>staveren's</b>  89:23  <b>stay</b> 36:25  80:11 99:10</p>	<p>249:10,14  <b>staying</b> 240:14  249:25 250:1  <b>stays</b> 242:12  248:10,19  <b>step</b> 28:24  <b>steps</b> 38:4,18  40:13  <b>steve</b> 186:20  <b>steven</b> 5:4  169:18 170:2  172:19 173:5  <b>steward</b> 30:15  30:19 101:15  101:20 102:6  <b>stimulated</b>  248:25  <b>sting</b> 29:24  <b>stomachs</b>  159:17 168:11  <b>stop</b> 24:3  <b>storage</b> 177:5  183:13,14  186:8,15  187:14,14,20  187:23,24  188:5 191:24  192:3 197:3,3  197:7 198:5  200:1,10,15  203:18 205:24  205:25 206:8  206:13,14  209:25 210:12  214:13,25</p>
---	---	---	---

[storage - summary]

<p>215:15 216:23                  217:11,14,18                  232:17 235:9                  235:23 236:4                  237:14 238:8                  242:18 243:2                  244:17 245:9                  245:17,22                  246:10 251:5                  253:4  <b>store</b> 186:11  <b>stored</b> 177:10                  187:20  <b>straddling</b>                  183:9 186:3  <b>straighten</b>                  28:13,20  <b>stratigraphic</b>                  103:14 222:3  <b>stratigraphy</b>                  225:12  <b>streamline</b>                  15:22 118:9                  174:5,11,15                  176:11  <b>stress</b> 122:9,10  <b>stretching</b>                  229:2  <b>strip</b> 240:5,8,9  <b>strips</b> 240:3  <b>strong</b> 43:14  <b>structural</b>                  50:12 58:10                  66:9 114:12</p>	<p><b>structure</b> 50:12                  57:21 66:7                  78:25 90:6                  103:14 114:11                  122:4 127:16                  130:24 135:1                  139:18 148:23                  152:24 223:1                  224:8  <b>structured</b>                  62:10,12  <b>study</b> 232:15                  246:1  <b>stuff</b> 111:4  <b>sub</b> 59:5                  109:14 113:23                  114:11 115:4                  130:17  <b>subject</b> 150:12                  179:1 193:7                  217:18 255:12  <b>submission</b>                  32:1  <b>submit</b> 31:20                  31:23,24 34:1                  40:17 100:15                  132:4 229:20                  269:15  <b>submittal</b>                  208:11  <b>submitted</b> 26:4                  31:20 48:15                  76:20 84:25,25                  93:9 103:4                  120:25 121:1</p>	<p>132:10 133:18                  138:24 172:16                  178:14 190:8                  190:12 191:24                  194:19 198:13                  223:11 261:5                  261:10 262:19                  262:20 269:21  <b>submitting</b>                  26:11 131:25                  132:6,6 264:2  <b>subpart</b> 130:15                  130:22  <b>subparts</b> 51:12                  59:13 80:1                  115:10,14                  128:1 131:4  <b>subsea</b> 50:12                  103:13 114:11  <b>subsection</b>                  273:7  <b>subsequent</b>                  57:9  <b>subsequently</b>                  65:15 200:13  <b>subset</b> 216:22  <b>substance</b>                  124:23  <b>substantiated</b>                  238:11  <b>subsurface</b>                  214:13,16,24                  215:3,8 221:22                  229:19</p>	<p><b>subtle</b> 242:4  <b>success</b> 211:15  <b>successor</b>                  151:22  <b>successors</b>                  116:22 161:14  <b>succinctly</b>                  188:4  <b>suffice</b> 275:3  <b>sufficient</b> 77:7                  261:17  <b>sufficiently</b>                  156:8  <b>suggest</b> 271:22  <b>suggested</b>                  261:18 271:23  <b>suggesting</b>                  159:14  <b>suggestion</b>                  15:21 29:23                  30:3 160:23                  215:6 257:1                  272:4  <b>suggests</b> 236:15  <b>suitable</b> 232:16  <b>suite</b> 121:10                  122:2 127:12  <b>summarized</b>                  193:10  <b>summarizing</b>                  232:15  <b>summary</b> 57:14                  65:18 97:6                  103:9 121:14                  126:21 130:17</p>
---	---	--	--

[summary - taken]

<p>134:16 154:3  163:9,10,24  194:17,22  245:13 267:9  <b>summer</b> 272:2  <b>sun</b> 103:23  <b>supplemental</b>  190:3 209:9,11  258:14 275:10  <b>supplements</b>  162:17  <b>supplied</b>  193:11  <b>support</b> 210:9  <b>supporting</b>  176:20  <b>supports</b>  233:13  <b>suppose</b> 174:14  203:4  <b>suppressed</b>  204:20  <b>sure</b> 15:12 20:6  20:8 23:24  28:7 38:5  44:21 59:25  60:6,7 61:10  70:20 87:8,12  88:2 95:8  96:23 98:10  100:15 111:5  132:2 142:18  142:21 143:7  144:7,10,15  145:10,24</p>	<p>146:16 147:18  150:21 167:18  168:21 171:1  172:20 174:24  182:7,17 185:8  201:1 202:2  205:12,16  206:24 208:7  209:2,5 215:7  216:24 217:23  221:16 230:3  231:7,22  234:21 237:1  247:25 249:13  250:23 257:18  258:1,8,21  262:22,23  263:12,23,24  264:21 265:8  266:4,20  268:11,15  275:3,24  <b>surface</b> 48:11  102:14 114:5  148:5 152:7  172:3 177:15  190:16 191:9  193:3 195:12  199:1,5,8  214:12,21,22  215:4 236:2,5  243:20  <b>surround</b> 65:24  <b>surrounding</b>  85:7 196:6</p>	<p><b>survey</b> 19:11  <b>suspect</b> 21:6  <b>suspicious</b>  142:15  <b>swd</b> 45:7  <b>swift</b> 45:13  <b>switch</b> 237:15  <b>sworn</b> 170:3,8  170:13 277:5  <b>sympathize</b>  230:12  <b>system</b> 19:11  177:13 184:1  185:1,19 186:1  186:6,10,14  187:22 204:13  204:15 205:3,5  205:12 209:24  212:23 225:21  275:3  <b>systems</b> 215:14</p> <hr/> <p style="text-align: center;"><b>t</b></p> <hr/> <p><b>t</b> 3:24 6:1 7:1  8:1 9:1 10:1  11:1 12:1 13:1  73:6  <b>t.o.</b> 137:24  140:16 141:10  146:11  <b>ta</b> 266:14  <b>tab</b> 121:1,2,19  126:7,8 127:4  162:24 166:17  <b>table</b> 197:18,20  197:23,24,25</p>	<p>198:6 243:13  <b>tabulation</b>  196:24  <b>tack</b> 113:3,3  <b>taco</b> 217:5,10  <b>take</b> 19:7,25  23:22 28:18  29:24 44:14  47:6 51:7  52:11 54:9  60:18 70:3,8  77:11 80:20  82:3 101:1  119:3 145:19  145:21 154:20  158:15,25  159:9 160:6,8  160:9,24 161:8  167:25 168:7  183:15,15  204:9 236:25  255:6 257:13  260:3,6,7  265:11 272:17  275:7,16,17  <b>takeaway</b>  184:8,10,14  187:9,10  <b>taken</b> 51:3 52:2  59:4 61:3 67:6  68:12 74:13  75:15 79:24  86:3 90:17  91:2 94:6  100:12 104:6</p>
--	--	--	--

[taken - ten]

<p>104:20 109:16  112:1 115:5,24  123:11 128:17  132:18 136:8  136:21 140:5  145:6 146:4  149:7 150:11  153:11 154:24  277:3,12 278:9  <b>takes</b> 237:17  252:12 272:19  <b>talk</b> 40:16 96:1  99:14 118:25  146:10 269:17  <b>talked</b> 110:16  <b>talking</b> 21:18  21:19 77:16  203:9 206:10  244:20  <b>tank</b> 171:21  183:19 186:19  186:20 187:5  211:20 224:24  225:10,17  235:16,17  <b>tanks</b> 177:3  182:18 183:2  185:18 228:8  <b>tapped</b> 135:10  <b>target</b> 44:11  58:12 66:10  79:3 193:23  204:23 219:19  228:4</p>	<p><b>targeting</b>  178:18,20  <b>tax</b> 141:15  <b>taylor</b> 103:3  235:15  <b>tbd</b> 181:15,17  207:16  <b>team</b> 268:11  274:3  <b>technical</b> 14:12  14:15,17,19,21  14:23 15:7,11  15:14,18,25  16:10,21 17:6  17:19,22,25  18:7,24 19:24  20:12,19,22  21:2 24:11  25:16,17,20  29:5 34:3  45:11 51:21,23  59:20,23 60:4  60:10,12,19,22  68:1,7 75:1,5  80:15 86:17,20  87:10,16 90:22  94:16,19 95:16  95:23 96:18  97:4,9,16,19  100:17 101:3,6  104:16 105:13  110:9,19 111:1  111:11,15,19  115:20 118:16  123:7 124:4</p>	<p>128:13,14  129:11 131:14  131:23 132:12  136:15,17  141:20 142:1  144:2,6,12  145:8,11 150:3  150:6 154:1,2  154:10,14,19  157:2,21  158:17,21  159:3 161:4  166:4 167:2,22  174:8 202:14  203:19 204:1  204:16 205:6  205:19,21  206:18 207:7  207:13 208:1,4  208:9,18 209:4  209:7,10 210:2  210:14,19,21  211:7,14 212:8  212:14,24  213:2,13,17  214:2,17  215:16 216:1  218:14 227:7  227:12,23  228:12,18,23  229:7,9,13,18  230:4,10,16,19  230:25 231:12  231:16,23  247:11 248:3</p>	<p>248:14,17,22  249:12,20  250:5,13,20,25  251:14,23  252:2,18  254:12 256:23  257:5 258:3,18  258:22 260:25  261:3,8 263:7  263:13 264:6  265:16,19,23  267:10 268:8  268:16 269:8  270:3,14,18  272:11 273:16  275:5,21  <b>techs</b> 73:5  <b>telephone</b>  143:14  <b>tell</b> 18:23 22:23  29:3 47:11  170:4,9,14  222:1 269:19  <b>temporarily</b>  171:8,13,23  186:11  <b>temporary</b>  171:14 178:19  184:13 185:21  192:23 194:23  200:10 216:18  217:18 226:6  232:17 253:4  <b>ten</b> 36:6 69:13  241:24 243:4</p>
--	---	---	--

[ten - thickness]

<p>244:22,23  245:20 250:1  256:2 260:6  <b>tend</b> 95:2  <b>term</b> 243:3  244:17  <b>terms</b> 28:8  39:25 74:17  92:9 93:8  163:23 203:3  210:6 216:15  248:1  <b>test</b> 11:17  192:9 207:9  228:1  <b>testamentary</b>  134:13,17  135:18  <b>tested</b> 79:1  <b>testified</b> 56:2  57:12,18 64:22  89:15 106:12  113:17 121:5  121:22 126:11  127:7 134:25  163:2 170:5,10  170:15 173:16  218:21 232:9  <b>testifying</b>  217:21 277:5  <b>testimony</b> 8:14  8:15,18,19,20  32:1 49:16  50:1,11 93:11  93:20 103:5,19</p>	<p>107:12 169:14  169:24 172:12  172:23 174:6  219:13 225:6  254:6  <b>testing</b> 227:24  <b>tests</b> 192:11  201:13  <b>texas</b> 49:18  <b>text</b> 219:9  <b>thank</b> 15:1 16:1  16:7 17:15  20:25 21:12,17  22:16 23:23  24:14 25:1,8  30:20 31:2,7  32:7,9,12,13,22  33:12,21 34:23  35:3,9 36:7,23  37:8,15 38:1  38:13 41:2,18  42:6 45:3,24  45:25 48:2  49:9 50:8 52:4  52:6,23 53:23  54:4 61:4,20  62:2,8 67:7,22  68:14 74:13,14  76:19 79:25  80:17,22 81:8  81:25 82:13  83:8,11,11,17  83:20 84:2,9  86:4 88:19  89:2,22 90:18</p>	<p>91:2,5,24 92:6  94:8 97:14,18  97:19,21,22  98:5,21 100:6  100:9,10,21  101:8,10 102:5  104:6,9,10,22  104:23 105:11  105:17,25  109:19 111:20  111:21 112:2,6  112:16,24  115:8,25 116:1  116:16,24  119:13 120:11  120:17 122:21  122:25 123:12  123:16,19  124:7 127:24  128:11,18,19  129:3,10 131:6  131:7 132:12  132:14,20  133:3 136:10  136:20,23  137:8,24 138:9  138:16 140:6  143:22,24  146:16,23  147:9 149:11  149:20 150:1,9  150:18 151:2  153:12,22,23  154:21,25  155:1,6,24</p>	<p>160:13,15  161:17,23  162:7 164:19  164:21 165:12  166:15 167:20  168:2,20  170:16,17,19  171:2 174:21  174:22 175:10  176:3 180:9  184:15 190:4  196:16 202:5  210:14,15,16  210:16 215:7  216:7 218:5,19  227:3,11  228:24 230:25  231:2,25  245:12 247:8  247:11 250:14  250:15,17,21  254:3,4 258:20  258:23 259:8  259:11,19  260:8,9 261:13  262:15 268:6  275:20 276:5,8  276:11,16  <b>thanks</b> 69:1  116:8 119:11  132:17 159:20  216:2 230:23  252:19 261:13  <b>thickness</b> 72:20  223:20</p>
--	--	--	---

[thicknesses - timely]

<p><b>thicknesses</b> 223:21</p> <p><b>thing</b> 23:9 27:22 39:22 42:22 55:10 63:18 142:15 164:6 177:6 181:6 189:15 192:4 206:9 237:9 252:25 257:17,22 266:21</p> <p><b>things</b> 15:22 19:17 29:15 68:21 96:19 118:9,25 119:7 173:25 174:1 174:17 185:20 195:21 205:22</p> <p><b>think</b> 19:25 23:7,10 24:5 28:23,25 29:11 31:9 37:20 38:8 39:24 40:5 42:24 44:21,24 45:10 54:17 66:19 74:16 75:20,21 76:8 79:21 86:21,22 87:1 87:6,13,17,18 88:10 95:25 97:5 99:24 115:9 118:8 122:16 136:6</p>	<p>138:1 141:13 141:14 145:4 147:12 154:17 156:23 157:10 157:14,25 158:1 160:5 166:24 168:6 168:11 170:25 176:1,4 180:9 181:21 184:24 189:25 201:2 201:14 203:22 205:1 206:15 207:16 208:11 209:20 212:6 212:19,20 216:9,20 219:14 221:14 223:7 226:19 230:22 232:19 232:20 233:11 234:1,3 236:19 244:15 249:1,2 249:24 251:21 252:5,6 253:14 253:18 254:21 260:18 261:4 263:22 266:16 267:20 269:13 270:22 272:16 272:23 274:20 275:6,8</p> <p><b>thinking</b> 69:19 119:15 145:20 160:24 205:15</p>	<p>271:15</p> <p><b>third</b> 169:19 184:8 203:23 219:24</p> <p><b>thirteen</b> 69:14</p> <p><b>thirty</b> 244:23</p> <p><b>thomas</b> 107:11 137:21,23</p> <p><b>thoroughly</b> 265:12</p> <p><b>thought</b> 38:18 53:9 82:15 166:20</p> <p><b>thoughts</b> 33:20 157:6</p> <p><b>thousand</b> 241:16</p> <p><b>thousandths</b> 167:12</p> <p><b>three</b> 56:24 169:13,23 178:20 182:24 193:22,23 202:19 211:19 222:4,23 237:19 239:9 239:25 241:23 243:24 270:6 274:6</p> <p><b>thresholds</b> 190:25</p> <p><b>thursday</b> 2:2</p> <p><b>tied</b> 20:15</p> <p><b>tiffany</b> 162:25</p>	<p><b>time</b> 2:3 14:10 38:16,20 39:1 39:3 52:12,15 69:23 74:4 76:11 95:2 101:7 109:13 109:21 115:6 117:20 118:6 119:4,5,5,11 120:9 131:2,12 134:12 140:23 141:13 142:6 142:16 145:3 154:5 157:10 157:12 158:15 164:9 165:3,8 165:21,24 166:14 167:19 168:16,17 175:22 201:17 201:25 202:9 214:19 215:6 226:24 233:22 244:7,13 247:3 247:7 249:8 251:2,17 252:12 260:5 263:15,17 272:8 274:3</p> <p><b>timeframe</b> 40:1 206:7 256:8</p> <p><b>timeline</b> 206:1</p> <p><b>timelines</b> 38:7</p> <p><b>timely</b> 50:23 58:24 66:23</p>
--	---	---	---

[timely - treble]

85:22 90:11 93:25 103:24 107:19 108:23 120:25 121:17 121:18 126:4 126:25 127:1 139:25 148:25 149:1 153:1 162:11 163:19 163:21 <b>times</b> 71:14 218:21 <b>title</b> 71:17 73:10 95:1 106:10,17 107:1,25 108:10 110:25 145:1 164:8,13 166:7 167:18 <b>today</b> 16:6 37:5 46:23 55:14 58:5 68:24 82:9,11 87:17 118:6 157:16 158:18 159:8 165:17 169:14 219:1 262:4,18 262:24 263:16 267:22 269:10 273:14 275:19 276:5,6 <b>today's</b> 14:9 53:1 101:14 156:17 169:4 178:14 276:11	<b>toes</b> 91:17 <b>together</b> 20:15 42:19 63:9,13 64:4 124:17 133:23 134:17 179:16 243:6 <b>tony</b> 5:6 169:19 170:7 <b>top</b> 62:25 177:22 182:24 182:24 186:15 186:15 189:16 197:11 198:3 207:14,16 208:25 209:16 211:20,20 220:12,24 221:1,8,9,12,13 223:1 227:21 228:5 229:21 231:13 240:5,8 240:8 241:22 242:5 255:3 257:20 <b>topic</b> 206:23 208:15 263:8 <b>topics</b> 175:4 <b>total</b> 26:1 237:25 240:1 242:19 243:9 247:16 249:9 <b>totally</b> 245:21 <b>touch</b> 172:11 174:24 175:3 220:7,15 231:7	234:3 268:10 <b>touched</b> 201:2 202:6 265:3 266:13 273:21 274:2 <b>touching</b> 236:20 <b>toward</b> 276:12 <b>towards</b> 42:15 45:19 54:21 227:19 228:3,5 240:10,19 242:7,8 <b>township</b> 19:5 20:3 48:7 70:18 84:16 89:7 92:16,25 102:10,15,18 106:3 113:9 120:23 124:19 129:19 138:21 143:4 147:25 151:7,17 <b>track</b> 37:21 <b>tract</b> 49:12 56:18 65:5 70:21 71:5,21 77:25 89:25 93:14 113:24 121:11 126:19 130:11 134:6 139:8 148:15 152:18 166:17 166:19,19,20 166:21,22,23	167:1 <b>tracts</b> 49:12 56:20 65:6,24 71:5 78:13 84:20,20 85:5 85:7,19 89:24 93:14 103:7 130:10,11 134:7 166:24 <b>trajectories</b> 183:14 197:6 <b>transcriber</b> 278:1 <b>transcript</b> 30:1 278:3,5 <b>transcriptionist</b> 277:7 <b>transducers</b> 192:5 <b>transfer</b> 263:19 266:22 269:12 <b>transferred</b> 264:12 269:5 274:4 <b>transition</b> 185:3 <b>translates</b> 236:3 <b>trapped</b> 248:18 <b>treat</b> 194:16 270:20 <b>treated</b> 177:8 260:15 <b>treble</b> 124:17 125:5,5,20
--	--	---	---

[treble - under]

<p>126:2  <b>tremendous</b>  242:24  <b>tried</b> 162:19  <b>trouble</b> 272:13  <b>troutman</b> 5:6  169:19 170:7  208:20 209:6  209:12 218:9  218:20,25  219:4,16  220:14 223:12  224:4,14  225:23 226:17  226:19,25  227:5,9,14,15  230:23 236:12  254:16  <b>true</b> 43:16  226:9 229:12  248:11 254:8  269:14 277:9  278:5  <b>trust</b> 134:13,17  134:18 135:18  135:20 142:2,4  142:5,7 170:21  <b>truth</b> 170:4,4,5  170:9,9,10,14  170:14,15  <b>try</b> 39:22 45:16  45:21 104:10  119:10 168:16  176:12 182:12  185:11 190:2</p>	<p>254:11 271:13  <b>trying</b> 38:7  63:8 96:1  100:3,6 111:7  155:9 157:24  161:5 233:25  239:1  <b>tubing</b> 186:18  203:6 207:24  213:3,3,6,14  227:20  <b>tuesday</b> 176:5  179:20  <b>tulsa</b> 48:20  <b>tuned</b> 36:25  <b>turn</b> 17:17  22:22 25:14,21  31:5 33:10  39:15 42:4  47:18,25 51:20  74:24 77:25  84:7 87:22  88:25 90:20  92:4 102:3  110:7 112:23  115:18 120:15  138:15 150:3  <b>turned</b> 144:25  <b>turning</b> 147:13  238:16,19  <b>turns</b> 35:1  <b>twelve</b> 36:7  <b>twenty</b> 241:25  <b>two</b> 16:19  20:15 24:4,17</p>	<p>25:12 30:2  31:19 32:15,25  33:7,9 37:11  37:17,18 40:16  44:2 49:19  53:11 54:15,22  56:15 58:4  61:12,16,22  62:9,24 63:7  64:12 65:21  67:14 68:21  70:11 71:11  72:6 73:6 78:8  78:17 91:11,20  92:3 94:9,15  96:19 100:12  104:25 105:20  109:15,22  125:11 146:15  158:11,14  162:20 166:5  166:23 168:18  172:6 176:2  179:2 180:1  183:10 184:10  185:20 186:3  187:8 204:3  205:22 210:22  222:9 243:25  244:23 250:4  255:4 256:2,11  257:2,13 275:9  <b>type</b> 71:24 78:1  124:22 142:15  174:3 212:17</p>	<p>219:17 228:25  <b>types</b> 56:18  191:2 274:19  <b>typewriting</b>  277:7  <b>typical</b> 130:23  273:23  <b>typically</b> 20:2  132:4 237:19  264:9,19 268:1  273:20</p> <hr/> <p style="text-align: center;"><b>u</b></p> <hr/> <p><b>uic</b> 29:17,21  <b>unable</b> 140:25  158:8  <b>unavailable</b>  34:1 43:20  <b>uncommitted</b>  48:4 62:21  65:9 89:4 92:8  92:12,21 102:7  113:2 120:20  125:1,9,15,24  129:13 138:18  147:22 151:10  151:14  <b>uncontested</b>  23:8  <b>under</b> 29:21  51:3 52:2 55:7  55:9,21,24  56:11 59:4  61:3 64:7 67:6  68:13 74:13  75:15 79:24</p>
---	---	--	--

[under - upcoming]

80:21 86:3 90:17 91:2 92:9 93:7 94:6 100:12 104:6 104:20 109:16 112:1 115:6,24 123:11 128:17 132:18 136:9 136:21 140:5 141:10 142:2,4 144:16 145:6 145:14 146:4 149:7 150:11 151:9 153:11 154:20,24 158:15 167:25 172:14,22 174:25 199:1,9 232:5 243:20 246:25 261:24 264:1 265:20 271:18 <b>underground</b> 226:3 <b>underlying</b> 48:5 54:13 70:16 76:23 89:5 92:13,22 102:8 106:20 108:4 113:5 125:10,17 129:14 138:19 147:23 151:11 151:15	<b>understand</b> 17:19 19:21 21:1 28:11 38:16,19 39:4 39:22 40:6 42:14,20 43:2 44:5 81:21 94:22 95:17 119:4 141:2 157:17 158:4 218:20 230:13 243:16 249:13 251:13 253:8 253:22 257:18 264:15 266:16 269:9 274:15 <b>understandable</b> 167:13 <b>understanding</b> 44:22 88:6 166:16,18 167:1 174:12 217:3,24 218:1 227:18 253:10 253:23 271:1 <b>understood</b> 167:21 216:24 216:24 217:8 217:23 231:22 268:6 269:21 275:25 276:1 <b>unfortunately</b> 34:5 38:23 40:7	<b>unidentified</b> 4:9,10,11 99:20 117:3,7 117:13 138:6 140:21 <b>uniform</b> 79:2 <b>unilateral</b> 263:25 <b>unit</b> 19:1,1 20:17 48:6,9 54:13 55:4,7 55:13,18,22 65:25 66:1,17 70:16,23 72:6 72:20,23 77:1 77:2,7 79:2,4 84:15,20 85:6 85:19 89:6,9 89:11 92:17,19 92:23 93:2,4,7 102:9,12,15,17 103:1 106:20 106:21 107:13 108:3,4,4 113:6,11 120:21,21,23 122:8 125:3,3 125:10,16,20 126:1,1,2 127:14 129:15 129:21 130:14 133:21 134:1,9 138:20,22 139:1,4 147:24 148:1,4,11	151:6,11,15,19 151:22 152:2,6 152:13 154:13 <b>unitization</b> 19:15 <b>units</b> 19:20 56:9 62:19,22 63:10,23 64:6 64:10 65:1 77:16 135:4 <b>university</b> 48:19 49:18 <b>unknown</b> 130:19 141:4 <b>unlocatable</b> 71:12 90:11 139:14 148:19 152:20 <b>unmute</b> 69:14 <b>unnecessary</b> 109:7 130:20 135:22 <b>unopposed</b> 82:20 <b>unplugged</b> 268:21 <b>unscheduled</b> 171:15 <b>unsure</b> 15:15 <b>untimely</b> 260:18,18 <b>unusual</b> 55:22 63:4 <b>upcoming</b> 225:6
--	--	--	--

[updated - want]

<p><b>updated</b> 36:14 49:15 95:24 106:25 108:9 131:25 132:4 192:19 223:9 <b>updates</b> 233:21 <b>uploaded</b> 190:8 <b>upper</b> 182:25 220:1 221:24 228:10 229:22 231:10,14 257:21 <b>ups</b> 242:1 <b>upset</b> 171:14 185:4 <b>upsets</b> 205:2 <b>upstream</b> 48:21 <b>upward</b> 228:1 <b>usa</b> 17:9 33:2 155:16,22 173:14 <b>use</b> 65:22 69:23 111:3 205:24 205:25 209:25 210:6 235:8 237:14 <b>used</b> 58:6 106:25 167:12 209:25 212:18 213:6 222:22 234:11,18,19 235:6 <b>useful</b> 109:12</p>	<p><b>user</b> 60:13 75:21 80:8 96:4 98:2 <b>using</b> 194:8 214:9 225:19 <b>usual</b> 71:4 72:10 77:18 78:24 121:10 122:2 127:12 134:6 <b>usually</b> 230:5 251:5 <b>utilize</b> 210:11 <b>utilized</b> 107:4 206:13 <b>utilizing</b> 186:9</p>	<p>112:17,22,24 115:9,11,25 116:1,5 <b>variance</b> 207:15 <b>various</b> 56:18 57:23 180:14 182:23 <b>versions</b> 95:24 190:7 <b>versus</b> 212:3 273:18 <b>vertical</b> 177:19 <b>vertically</b> 27:25 <b>video</b> 14:5 <b>videoconfere...</b> 2:1 3:3,4,5,6,7 3:8,9,10,11,12 3:13,15,16,17 3:18,19,20,22 3:23,24,25 4:3 4:4,5,6,7,8,9,10 4:11 <b>view</b> 180:22 201:7,12 222:3 <b>views</b> 11:16 180:23 181:10 274:18 <b>vince</b> 102:13,19 <b>violation</b> 265:2 267:11 <b>violations</b> 28:24 267:7,7 <b>virtually</b> 23:1</p>	<p><b>virtue</b> 260:20 <b>visual</b> 219:6 227:11 <b>volume</b> 232:24 238:1 242:19 242:21,22 243:8,9,13 244:9,18,20 245:6,23 246:14 247:16 249:4,5,9,18,18 <b>volumes</b> 244:16</p>
	<b>v</b>		<b>w</b>
	<p><b>vacate</b> 154:15 <b>valid</b> 29:18 107:14 108:18 <b>value</b> 208:7 <b>valve</b> 187:16 188:1 213:14 214:16,24 215:3 <b>valved</b> 213:3 <b>valves</b> 195:11 214:12,14,22 214:22 215:9 <b>van</b> 89:14,15 89:23 <b>vance</b> 3:25 37:3 37:5,9,20,23 38:2,14 39:21 40:7 112:12,13</p>		<p><b>w1</b> 151:20 <b>wait</b> 19:24 69:20 76:9 99:10 160:8 <b>waiting</b> 26:23 <b>walk</b> 171:25 172:8,11 191:6 191:18 233:10 262:25 <b>walking</b> 189:11 196:25 <b>want</b> 31:13 39:18,19 55:10 96:23 100:15 119:6 132:22 143:9 163:22 164:7 189:21 201:1 202:2 203:16 209:11 216:23 220:15 221:6 223:16 231:9,21</p>

[want - wells]

<p>249:13 257:18                  258:1,13                  261:15 272:1,3  <b>wanted</b> 15:3                  21:14 94:21                  95:8 111:5                  142:14,15,16                  157:4,9 165:13                  165:15 217:23                  253:17 258:21                  269:7  <b>wanting</b> 229:3  <b>wants</b> 76:17                  175:7 227:4  <b>warren</b> 30:25                  103:3  <b>waste</b> 200:23                  246:21  <b>water</b> 186:22                  186:23 187:21                  221:2,4,22                  226:4,8 248:16  <b>waterflood</b>                  20:16 43:18  <b>way</b> 21:5,24                  23:7 25:25                  31:17 40:19                  62:10,13 72:22                  80:22 88:1                  135:3 175:5                  197:15 228:4                  235:15 263:23                  264:4 270:11  <b>wc</b> 113:3</p>	<p><b>we've</b> 24:4                  42:11 48:25                  65:4 118:25                  120:7 122:1,6                  146:10 171:3                  176:8 180:23                  184:24 196:12                  206:24 213:4                  226:19 235:7                  237:23 238:6                  245:17,19                  246:8 250:7                  253:14 260:2  <b>website</b> 268:13  <b>week</b> 205:25                  240:1 241:23                  256:11 273:25  <b>weeks</b> 158:11                  158:14 257:2                  275:9,12  <b>weigh</b> 272:4  <b>welcome</b> 14:8                  143:23 271:18  <b>well's</b> 270:4,10  <b>wellbore</b> 122:3                  127:15 186:13                  189:5 194:3                  197:14 198:10                  249:15  <b>wellbores</b>                  223:3,4,5  <b>wellhead</b>                  187:17 191:17                  191:25</p>	<p><b>wells</b> 26:19                  27:24 28:14,15                  28:16 29:13                  54:16,22 56:16                  57:12,22 58:11                  64:25 65:17                  66:11 70:24                  71:24 72:11,12                  73:1,1 77:12                  77:13,13,16                  85:13,18 89:10                  106:23 108:6                  109:7 113:11                  113:24 114:15                  122:11 124:17                  127:19 135:2,3                  135:14 138:23                  171:17,21                  177:9,12,19,20                  180:5,7,8,13,21                  180:21 181:7                  182:19,24,25                  183:4,13,14                  184:1,21                  186:11,15,16                  186:17 187:11                  187:20,20,25                  188:1,12,17                  189:2 190:8,9                  192:8,10,13,19                  192:22 193:3                  194:13 195:16                  196:6,18,19                  197:10,25                  198:2,7,18</p>	<p>199:9 200:1,2                  200:11 201:8,8                  201:11,11                  202:19 203:13                  203:15 204:6                  204:13,14,24                  205:10,11,24                  205:25 206:5                  206:12,14,17                  209:17,20,22                  209:23,24                  210:4,6,11                  211:19,21                  212:6,15,22                  213:7 214:4,13                  214:14,15,25                  215:23 216:15                  216:17,19                  217:5 218:3                  224:23 235:4                  235:15,17,18                  235:19,23                  236:11 237:9                  237:12,23                  238:5,9 239:6                  239:8,9,10,10                  239:15 241:13                  242:17,18,22                  243:19,23,24                  243:25 244:1,4                  244:5,21 245:4                  246:10,10                  250:11 251:5                  255:12 265:1,2                  265:14,24,24</p>
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[wells - works]

<p>266:10,15                  267:25 268:21                  268:25 269:4                  270:15,15                  273:21 274:1,8  <b>went</b> 57:4                  164:9 255:22                  273:24  <b>west</b> 70:18                  84:15,20 89:6                  92:15,23,24                  102:9,21,22,22                  102:23 106:1                  106:18 113:6,7                  113:7 120:22                  124:18 125:3,3                  125:10,17,17                  125:25 133:21                  133:23,25                  151:6,16  <b>western</b> 270:15  <b>whatever's</b>                  23:19  <b>wheel</b> 213:23  <b>wheels</b> 26:23  <b>whichever</b>                  263:5 264:4  <b>wholly</b> 198:3  <b>whoops</b> 185:9  <b>wife</b> 146:12  <b>william</b> 30:25  <b>willing</b> 157:8  <b>wish</b> 82:10                  137:14 204:8                  204:24 207:23</p>	<p>259:25  <b>wishful</b> 119:15  <b>wishing</b> 158:18  <b>withdraw</b>                  46:17 81:22                  82:6 208:10                  258:9  <b>withdrawal</b>                  251:8,16  <b>withdrawing</b>                  251:20  <b>withdrawn</b>                  85:2 86:25                  87:3  <b>withdraws</b>                  81:20 87:24  <b>witness</b> 5:3                  43:20 44:9                  85:12 106:13                  159:16,22                  160:12 169:18                  169:19 170:3,8                  170:13 172:18                  173:6,10                  175:24 182:7                  182:10 183:5                  185:8,11                  195:23 203:11                  203:24 204:10                  205:1,17,20,22                  207:6,12,25                  208:3,5,17                  209:2,5,8,20                  210:10 211:6                  211:11 212:5</p>	<p>212:12,19                  213:1,8,15                  214:15 215:7                  215:21 216:6                  218:10,13,17                  219:10 220:18                  220:21 225:2                  227:22 228:8                  228:13,22                  229:6,8,11,17                  230:3,8,12,18                  230:24 232:2,3                  232:25 233:3,5                  233:8 234:5,9                  247:22 248:5                  248:15,18                  249:2,16,24                  250:12,21                  251:12,21,25                  252:4,23 254:4                  262:18 277:4  <b>witnesses</b> 34:12                  34:19 35:1                  159:8 169:9,11                  169:13,23                  172:21 174:1,2                  175:1 176:2                  232:8 254:7  <b>wolfcamp</b>                  63:24 89:4,12                  106:6 108:3                  125:2,10,12                  147:22 151:11                  151:14</p>	<p><b>woman</b> 78:3  <b>wonderful</b>                  116:2,6 119:2                  129:11  <b>wondering</b>                  144:19 157:4                  215:2  <b>wooten</b> 56:2                  64:21  <b>word</b> 30:2,2  <b>words</b> 62:25                  149:19 273:18  <b>work</b> 16:6                  34:15 38:25                  44:10 95:1                  145:1 164:8,14                  165:16 166:7                  167:5,19 185:1                  186:6 190:1                  236:25 253:7                  271:14 272:5  <b>worked</b> 47:10  <b>working</b> 18:25                  55:16 56:13,21                  56:24 57:4,15                  65:9 71:11                  73:6,11 126:22                  163:12 166:8                  166:11 170:21                  199:25 268:23  <b>workovers</b>                  215:10  <b>works</b> 159:3,6                  160:4 275:6</p>
---	---	--	---

[worksheet - zoomed]

<p><b>worksheet</b> 36:13,13</p> <p><b>worrall</b> 130:1,2 130:22</p> <p><b>worried</b> 211:22</p> <p><b>worse</b> 266:25</p> <p><b>worst</b> 21:9 245:1</p> <p><b>worth</b> 236:20</p> <p><b>worthy</b> 191:18</p> <p><b>would've</b> 142:3 194:9 266:1</p> <p><b>wpx</b> 78:4,4 79:11</p> <p><b>wrap</b> 168:19</p> <p><b>wrenches</b> 263:10</p> <p><b>wrinkle</b> 172:8</p> <p><b>written</b> 260:14</p> <p><b>wrong</b> 21:7 24:3 41:9 53:3 132:3 185:9 201:9 263:14</p>	<p><b>yeah</b> 36:24 40:6 54:10 60:19,21 76:6 96:5 98:5 137:22 140:21 142:23 144:13 155:13 156:11 166:19 167:2 168:10,13 173:8 176:25 185:13 193:21 195:25 197:19 201:9 205:7 209:10 210:2 212:19 214:17 215:1,16 220:20 222:21 225:8,23 227:12 230:16 230:20,20 231:21 233:2,2 233:7 236:24 238:23 241:1 242:17 243:17 244:22,24,25 245:16 246:16 252:4,19 253:8 253:13 254:20 258:24 261:8 264:6 267:10 268:8 269:8</p> <p><b>year</b> 88:10 151:9,25 192:13,13 202:24 203:23</p>	<p>212:23</p> <p><b>years</b> 19:17 44:10 48:20 49:20 71:13 204:3 206:2 274:2,6</p> <p><b>yellow</b> 58:13 186:1 197:9</p> <p><b>yep</b> 173:21</p> <p><b>yesterday</b> 47:11,22 49:15 140:17,24 141:1 142:13 190:12 263:16</p> <p><b>youthful</b> 229:25</p>
<b>x</b>		<b>z</b>
<p><b>x</b> 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1</p> <p><b>xto</b> 156:6,11</p>		<p><b>zero</b> 239:4,22 244:8</p> <p><b>zoback</b> 122:7 127:18</p> <p><b>zone</b> 78:25 135:10,11 226:3 228:4</p> <p><b>zones</b> 79:3 212:21 222:5 231:11 257:22 258:15</p> <p><b>zoom</b> 183:6</p> <p><b>zoomed</b> 182:21</p>
<b>y</b>		
<p><b>y</b> 130:13,19</p> <p><b>y'all</b> 146:14 173:6</p> <p><b>yarithza</b> 3:19 101:19</p>		