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

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:
Case Nos. 24774, 24892, 24893,
25050, 25051, 25052, 25092,
25141, 25142, 25143, 25144,
25160, 25161, 25162.

HEARING

DATE: Tuesday, February 18, 2025
TIME: 8:30 a.m.
BEFORE: Hearing Examiner Gregory A. Chakalian
LOCATION: Energy, Minerals, and Natural Resources
Department
Pecos Hall, Wendell Chino Building
1220 South Saint Francis Drive
Santa Fe, NM 87505
REPORTED BY: James Cogswell
JOB NO.: 7013938

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18 John Garcia, Technical Examiner (by

19 videoconference)

20 Freya Tschantz, Law Clerk

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I N D E X

PAGE

OPENING STATEMENT By Mr. Feldewert 64

WITNESSES: DX CX RDX RCX

COLLIN CHRISTIAN

THOMAS SLOAN

By Ms. Bennett 76 106

By Mr. Feldewert 104

By Mr. Feldewert 110

CHARLES CROSBY

By Ms. Bennett 90

By Mr. Feldewert 103

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E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Cases 25160-25161:		
Exhibit 1	Tab A	23/23
Exhibit 2	Tab C	23/23
NO.	DESCRIPTION	ID/EVD
Case 25162:		
Exhibit 3	Tab A	24/25
Exhibit 4	Tab B	24/25
NO.	DESCRIPTION	ID/EVD
Cases 25141-25144:		
Mewbourne:		
Exhibit A	Compulsory Pooling	
	Application Checklist	29/30
Exhibit B	Application for Compulsory	
	Pooling	29/30
Exhibit C	Self-affirmed Statement of	
	Carson Cullen	29/30
Exhibit D	Self-affirmed Statement of	
	Cole Hatchel	29/30
Exhibit E	Self-affirmed Statement of	
	Notice	29/30
Exhibit F	Affidavit of Publication	30/30

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

NO.	DESCRIPTION	ID/EVD
Case 25092:		
Exhibit A	Self-affirmed Statement of Rett Dalton	34/35
Exhibit B	Self-affirmed Statement of Matthew Van Wie	35/35
Exhibit C	Self-affirmed Statement of Dana S. Hardy	35/35
NO.	DESCRIPTION	ID/EVD
Cases 24774 and 24892-24893:		
Mewbourne:		
Exhibit A	Self-affirmed Statement of Thomas Sloan	64/68
Exhibit B	Self-affirmed Statement of Charles Crosby	65/68
Exhibit C	Self-affirmed Statement of Notice	67/68

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P R O C E E D I N G S

THE HEARING EXAMINER: Good morning again. It is 8:30 a.m. on February 18, 2025. These are the hearings of the Oil Conservation Division. We have a special examiner hearing docket today on the docket, which was published according to the Open Meetings Act. We are going to begin with case numbers 25050, '51, and '52. These are compulsory pooling applications filed by Permian Resources.

Entries of appearance, please.

MS. SHAHEEN: Sharon Shaheen on behalf of Permian Resources.

THE HEARING EXAMINER: Thank you.

MS. VANCE: Good morning, Mr. Hearing Examiner. Paula Vance with the Santa Fe Office of Holland & Hart on behalf of Apache.

THE HEARING EXAMINER: Thank you.

Did you enter an objection?

MS. VANCE: No. It's just a entry of appearance at this point.

THE HEARING EXAMINER: Perfect. Thank you.

Mr. Samaniego. Mr. Bruce.

MR. BRUCE: I was just going to enter an appearance on behalf of Mewbourne. Thank you.

1 THE HEARING EXAMINER: Mewbourne. Did
2 you object?

3 MR. BRUCE: Yes, I did.

4 THE HEARING EXAMINER: Oh, you did
5 object. Okay. Thank you, Mr. Bruce.

6 MS. HATLEY: Good morning,
7 Mr. Examiner. Keri Hatley entering an appearance on
8 behalf of COG Operating

9 THE HEARING EXAMINER: COG. And did
10 you object?

11 MS. HATLEY: No, sir.

12 THE HEARING EXAMINER: Thank you.

13 This is a motion hearing. The
14 motion -- and I don't hear one of the parties who
15 entered an appearance.

16 Mr. Samaniego, are you having trouble
17 with your microphone?

18 Well, it was published correctly, and
19 it was sent to you. So we're going to continue with
20 the motion hearing, and if you'd like to participate,
21 you have a right to.

22 Ms. Shaheen, your motion, please.

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

24 In this motion, Permian seeks to strike
25 the entry of appearance by American Energy Resources.

1 American Energy is not entitled to notice and
2 therefore is not entitled to participate by entering
3 an appearance.

4 In addition, American Energy does not
5 have the circumstances necessary to have standing
6 or -- have standing to intervene in the action as
7 well. In 19.15.4.10a to b provides as follows: "The
8 parties to an adjudicatory proceeding shall include
9 the applicant, a person to whom statute rule or order
10 requires notice, and a person who properly intervenes
11 in the case."

12 In this instance, Permian Resources is
13 not required to provide notice to Permian Resources
14 because it has no record title. Our landman has had a
15 title review performed twice now before the
16 applications were filed.

17 And at that time, there was no
18 indication that American Energy Resources,
19 Mr. Samaniego, or Blackgold, I believe is the other
20 related entity -- at that time, there's no indication
21 that they had any interest at all in these
22 applications.

23 After I spoke with Mr. Samaniego and I
24 informed him of that review and he sent me a lease
25 that we've attached to the motion, which is a lease

1 from -- I'm scrolling down to it here -- a lease from
2 Blackgold Developers as the lessor and American Energy
3 Resources as the lessee.

4 Permian Resources, again, had title
5 review done and, again, found no indication that
6 Blackgold Developers or American Energy had any
7 interest in the acreage at issue here. And I'll note
8 for the record that the lease that was provided
9 actually had a different -- I believe it was a
10 different range, range 27 east, whereas these
11 applications concern range 26 east.

12 Therefore, because they have no
13 interest and -- or no record title interest and have
14 provided us with no other information that would
15 indicate that they have an interest, American Energy
16 does not have standing to participate in this
17 proceeding.

18 As for their standing to intervene,
19 standing to intervene is only appropriate when the
20 circumstances rise to the level of an interest
21 sufficient to sustain intervention.

22 In order number R-11775-B, the
23 commission relied on New Mexico appellate cases
24 regarding the court proceedings, recognizing that in
25 order to obtain standing for judicial review in New

1 Mexico, litigants must allege that a direct injury
2 might occur as a result of the court proceeding.

3 In the commission case, the commission
4 concluded that the proposed interview there, which was
5 the operator of the San Juan Coal Mine, which would be
6 affected by coalbed methane production, did have
7 standing to intervene. So there, there was a direct
8 injury here.

9 Mr. Samaniego and American Energy have
10 not stated any particular injury that would occur.
11 Their only argument is that they have an interest,
12 which does not appear to be of record title or valid.
13 And with that, we ask that the division strike the
14 entry of appearance filed by American Energy Resources
15 and disallow any subsequent attempt to intervene.

16 THE HEARING EXAMINER: Thank you,
17 Ms. Shaheen. Do we have your witness available?

18 MS. SHAHEEN: Let me look.

19 MR. CHRISTIAN: Yes. I'm available.

20 THE HEARING EXAMINER: Okay. Good
21 morning.

22 MR. CHRISTIAN: Good morning.

23 THE HEARING EXAMINER: Mr. Christian,
24 would you raise your right hand, please?

25 //

1 WHEREUPON,

2 COLLIN CHRISTIAN,

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 THE HEARING EXAMINER: Would you state
7 your name and spell it for the record?

8 MR. CHRISTIAN: Collin Christian,
9 C-O-L-L-I-N C-H-R-I-S-T-I-A-N.

10 THE HEARING EXAMINER: Okay.
11 Mr. Christian, have you been qualified as an expert in
12 petroleum landman matters before this division?

13 MR. CHRISTIAN: I have.

14 THE HEARING EXAMINER: Thank you. I
15 see you submitted a self-affirmed statement on the 7th
16 of February. Is this yours, sir?

17 MR. CHRISTIAN: Yes, it is.

18 THE HEARING EXAMINER: You adopt it
19 under oath?

20 MR. CHRISTIAN: I do.

21 THE HEARING EXAMINER: Are there any
22 changes you want to make to it?

23 MR. CHRISTIAN: There are not.

24 THE HEARING EXAMINER: Okay. Okay. I
25 have a couple questions about this oil and gas lease.

1 Do you have a copy of it? It's Exhibit B to the
2 motion.

3 MR. CHRISTIAN: I can pull it up. I
4 have it pulled up.

5 THE HEARING EXAMINER: Okay. You've
6 seen this before?

7 MR. CHRISTIAN: I have.

8 THE HEARING EXAMINER: Okay. What is
9 it?

10 MR. CHRISTIAN: It is an oil and gas
11 lease between Blackgold Developers and American Energy
12 Resources covering Section 6, Township 22 South, Range
13 27 East. Which is --

14 THE HEARING EXAMINER: Is that -- go
15 ahead.

16 MR. CHRISTIAN: -- is not a part of --
17 which is not the correct legal pertaining to these
18 cases.

19 THE HEARING EXAMINER: Ms. Shaheen.

20 MS. SHAHEEN: Yes.

21 THE HEARING EXAMINER: Did you know
22 that this lease is not part of the subject lands?

23 MS. SHAHEEN: Yes. As explained in the
24 motion, it references, I believe, Range 27 East. And
25 the acreage at issue here is Range 20 -- is in Range

1 26 East.

2 THE HEARING EXAMINER: Okay. So,
3 Mr. Christian, besides that it's not within the
4 subject land seeking to be pooled by the applicant,
5 are there occasions when neighboring lands need to be
6 noticed?

7 MR. CHRISTIAN: There are occasions.
8 However, in this case here, that lease would be
9 approximately 4 miles away from this DSU, and I don't
10 see a scenario where they would need to be noticed in
11 this case.

12 THE HEARING EXAMINER: Okay. Can you
13 explain to me how it's 4 miles away?

14 MR. CHRISTIAN: So this is a part of
15 another unit that Permian operates. And like I said,
16 it's in Township 22, South 27 East. What we're
17 pooling would be 22, 26. So looking at a map, it --
18 it looks to be at least 4 miles to the east of the --
19 the unit we're pooling here.

20 THE HEARING EXAMINER: So this lease is
21 in Section 6 only?

22 MR. CHRISTIAN: That's correct.

23 THE HEARING EXAMINER: Okay. And
24 then -- so what is the closest section in 26 East
25 that's part of your subject lands?

1 MR. CHRISTIAN: Closest section would
2 be Section 1.

3 THE HEARING EXAMINER: And what
4 sections are between 1 and 6?

5 MR. CHRISTIAN: You got 1, 2, 3, and
6 4 --

7 THE HEARING EXAMINER: I see.

8 MR. CHRISTIAN: -- as 22, 26.

9 THE HEARING EXAMINER: And then you
10 have Section 5 of 27?

11 MR. CHRISTIAN: That's correct.

12 THE HEARING EXAMINER: All right.
13 Okay. Now, this oil and gas lease, for my own
14 benefit, Blackgold, do they own a mineral interest in
15 this section 6?

16 MR. CHRISTIAN: I would have to look
17 back at our title to see.

18 THE HEARING EXAMINER: I see. So your
19 research really rested on the fact that it's 4 miles
20 away?

21 MR. CHRISTIAN: Correct. We were only
22 running title on this specific -- these specific cases
23 that we're trying to pool. We're not running title
24 one stuff 4 miles away at this point.

25 THE HEARING EXAMINER: Okay. So thank

1 you, Mr. Christian.

2 Do you have any follow-up, Ms. Shaheen,
3 to the questions I asked Mr. Christian?

4 MS. SHAHEEN: I do not.

5 THE HEARING EXAMINER: Okay. Thank
6 you, Mr. Christian. You're excused.

7 MR. CHRISTIAN: Thank you.

8 THE HEARING EXAMINER: Well, I guess I
9 shouldn't excuse you yet.

10 Do we have Mr. Samaniego, Freya?

11 THE CLERK: I don't see him. I did
12 send him a direct email at 8:30 today with the link
13 and call-in information. I haven't received a
14 response.

15 THE HEARING EXAMINER: Okay. And did
16 you send him this docket when you sent it out to
17 everyone else yesterday?

18 THE CLERK: Yes. I double checked that
19 his email address was included, and so he would also
20 have been included on the docket that I sent last week
21 as well.

22 THE HEARING EXAMINER: Okay. And he
23 knew about this motion hearing?

24 THE CLERK: Yes. He was present when
25 we set the motion hearing.

1 THE HEARING EXAMINER: All right.
2 Okay. Thank you. Thank you, Freya.

3 Thank you, Mr. Christian. You're
4 excused.

5 Ms. Shaheen, we don't have
6 Mr. Samaniego's -- we have no evidence to say
7 that -- to counterbalance your evidence. The standard
8 of evidence at an administrative hearing is
9 preponderance of evidence. You've exceeded a
10 preponderance of evidence in this case, so I'm
11 granting your motion. Would you draft the order?

12 MS. SHAHEEN: Yes, I will.

13 THE HEARING EXAMINER: All right.
14 Thank you.

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

16 THE HEARING EXAMINER: Is there
17 anything else on this case?

18 MS. SHAHEEN: Not today.

19 THE HEARING EXAMINER: Okay. Anything
20 by any of the other parties in this case?

21 Do we have a hearing set for this case?

22 MS. SHAHEEN: We do not, but I believe
23 Ms. Tschantz sent us an email asking whether we wanted
24 to do April 1st or April 15th.

25 THE HEARING EXAMINER: Yes.

1 MS. SHAHEEN: And Permian would prefer
2 April 15th.

3 THE HEARING EXAMINER: Okay. Let's
4 nail this down now so we can issue a pre-hearing order
5 for the other parties who have entered an appearance
6 on this case.

7 Ms. Vance, April 15th?

8 MS. VANCE: Yes. That's perfectly
9 fine.

10 THE HEARING EXAMINER: All right.
11 Thank you, Ms. Vance.

12 Mr. Bruce?

13 MR. BRUCE: Yes. That's fine,
14 Mr. Examiner.

15 THE HEARING EXAMINER: Thank you,
16 Mr. Bruce. Do you anticipate filing -- are you filing
17 a competing application or are you going to have
18 witnesses? How are you going to proceed?

19 MR. BRUCE: I'm not quite sure. I did
20 confirm just five minutes ago that Mewbourne and
21 Permian are in talks, so I'll flesh that out as we go
22 along. I have not heard anything from Mewbourne about
23 filing counterapplications. I think they just simply
24 needed more time.

25 THE HEARING EXAMINER: By all means.

1 Ms. Hatley?

2 MS. HATLEY: Yes, sir. No objection
3 to -- for that date.

4 THE HEARING EXAMINER: April 15?

5 MS. HATLEY: Yes, sir.

6 THE HEARING EXAMINER: Thank you.

7 So we're on for April 15. I don't
8 know -- Freya, do we have anything else on April 15 or
9 would that be the first thing on the docket?

10 THE CLERK: I believe it will be the
11 first thing on that day.

12 THE HEARING EXAMINER: Okay. We'll
13 issue a pre-hearing order. And if you resolve your
14 issues with Mewbourne, we'll hear your case by
15 affidavit either -- well, in March I suspect. Or we
16 could even add it to a special docket if we have one,
17 giving you more flexibility.

18 MS. SHAHEEN: I'll keep you posted.

19 THE HEARING EXAMINER: All right.

20 MS. SHAHEEN: Thank you.

21 THE HEARING EXAMINER: Thank you.

22 All right. We're off the record in
23 these three cases. I am now moving on to numbers 4 --
24 let's see. Is it -- yes, it is conjoined.

25 Okay. So we have case number 25160.

1 It's our Franklin Mountain Energy 3 amendment to order
2 R-22812. It looks like it's joined 25142, 43, and 44.
3 Entries of appearance, please.

4 MS. PENA: Good morning, Mr. Hearing
5 Examiner. Yarithza Peno with Modrall Sperling on
6 behalf of Franklin Mountain Energy 3. And actually,
7 so case number 25160 and 25161 we would like to
8 present consolidated, and then 25162, line item 6, if
9 I can present that separately.

10 THE HEARING EXAMINER: I'm a little
11 lost on the -- unless my -- you know -- I -- give me a
12 moment here. I see the problem. Okay. So which
13 cases do you want to present first?

14 MS. PENA: 25160 and 25161.

15 THE HEARING EXAMINER: Okay. Those
16 you'd like to present first. Okay.

17 So do we have any other entries of
18 appearance besides Ms. Pena?

19 MS. PENA: Not that I believe.

20 THE HEARING EXAMINER: Okay. Please
21 proceed.

22 MS. PENA: Thank you.

23 THE HEARING EXAMINER: Oh, and do we
24 have Mr. Garcia with us?

25 THE TECHNICAL EXAMINER: I'm here.

1 THE HEARING EXAMINER: Okay. Good
2 morning, Mr. Garcia.

3 THE TECHNICAL EXAMINER: Morning.

4 THE HEARING EXAMINER: Okay. We are
5 taking cases 4 and 5 together. Go right ahead.

6 MS. PENA: Yes. Thank you.

7 In 25160 and 25161, Franklin Mountain
8 seeks an order from the division for the limited
9 purpose of amending order numbers R-22812 and R-22816
10 to pool additional parties under the orders.

11 Both orders were issued on August 4,
12 2023, and pooled uncommitted interest owners in a
13 320-acre Wolfcamp and Bone Spring horizontal spacing
14 units comprised of the east half, west half of
15 Sections 27 and 34, Township 19 South, Range 35 East
16 in Lee County, New Mexico.

17 We filed both exhibit packets on
18 February 5th, and each exhibit packet included
19 exhibits in tab A, which contain the land exhibits,
20 and exhibits in tab C, which contain the standard
21 notice exhibits including the declaration of Ms. Deana
22 Bennett, a sample notice letter, mailing list, and
23 affidavit of publication showing that we published
24 January 28, 2025.

25 //

1 (Exhibit 1 and Exhibit 2 were marked
2 for identification.)

3 I ask that the exhibits for 25160 and
4 25161 be admitted into the record and that the cases
5 be taken under advisement. And our landman is
6 available if there are any questions.

7 THE HEARING EXAMINER: All right.
8 Thank you.

9 Are there any objections? Not hearing
10 any, your exhibits in these two cases are admitted
11 into evidence.

12 (Exhibit 1 and Exhibit 2 were received
13 into evidence.)

14 Mr. Garcia, are there any questions?

15 THE TECHNICAL EXAMINER: No questions.

16 THE HEARING EXAMINER: Perfect. These
17 two cases are taken under advisement.

18 MS. PENA: Thank you.

19 THE HEARING EXAMINER: Let's move to
20 number 6 on our docket. This is 25162, also an
21 amendment to order R-23031 Franklin Mountain Energy.

22 Entries of appearance, please.

23 MS. PENA: Yarithza Pena with Modrall
24 Sperling on behalf of Franklin Mountain Energy 3, LLC.

25 THE HEARING EXAMINER: Are there any

1 other parties that you know of?

2 MS. PENA: Not that I know of.

3 THE HEARING EXAMINER: Okay. Please
4 proceed.

5 MS. PENA: Thank you. In 25162,
6 Franklin Mountain seeks an order for the limited
7 purpose of amending order R-23031 to pool additional
8 parties. Order R-23031 was issued January 31, 2024,
9 and pooled uncommitted interests in an 800-acre Bone
10 Spring horizontal spacing unit in Sections 1, 12, 13,
11 11, and 14 of Township 19 South, Range 35 East in Lee
12 County.

13 We timely filed this exhibit packet on
14 February 5th with a standard set of exhibits. Under
15 tab A includes the land exhibits, and tab B includes
16 the notice exhibits with the standard set of notice
17 exhibits and an affidavit of publication showing that
18 we published on January 28, 2025.

19 (Exhibit 3 and Exhibit 4 were marked
20 for identification.)

21 I ask that the exhibits for 25162 be
22 admitted into the record and the case be taken under
23 advisement, as our landman is available for any
24 questions.

25 THE HEARING EXAMINER: Thank you. When

1 did you say this order expired, 23031? Or when was it
2 issued?

3 MS. PENA: It hasn't expired. It was
4 issued -- or apologize. It was issued January 31,
5 2024.

6 THE HEARING EXAMINER: Thank you.

7 Are there any objections?

8 Hearing none, your exhibits are
9 admitted into evidence.

10 (Exhibit 3 and Exhibit 4 were received
11 into evidence.)

12 Mr. Garcia, any questions on 25162?

13 THE TECHNICAL EXAMINER: No questions.

14 THE HEARING EXAMINER: We'll take this
15 case under advisement. Thank you, Ms. Pena.

16 MS. PENA: Thank you.

17 THE HEARING EXAMINER: We're now moving
18 on to Mewbourne Oil, 25141. It is number 7 on our
19 docket. I believe it is joined to a couple of other
20 cases, but I'll let the applicant fill me in on this.
21 Entries of appearance, please.

22 MS. MCLEAN: I believe that that number
23 7 is for Energy Partners, number 25092.

24 THE HEARING EXAMINER: That's not what
25 I have on my docket.

1 MS. MCLEAN: Oh, that's what Freya had.
2 THE HEARING EXAMINER: I have 25141,
3 Mewbourne Oil compulsory pooling hearing by affidavit.
4 I don't have Spur until number 9.
5 MS. MCLEAN: Oh.
6 THE CLERK: It looks like the hearing
7 module got disorganized.
8 THE HEARING EXAMINER: Aha. Well, I'm
9 going by the hearing module. So who do we have for
10 Mewbourne? We have at least two cases, 25141 and 42.
11 MS. VANCE: Good morning, Mr. Hearing
12 Examiner. Paula Vance with the Santa Fe Office of
13 Holland & Hart on behalf of the applicant Mewbourne
14 Oil Company.
15 THE HEARING EXAMINER: Good morning,
16 Ms. Vance. Are there any other parties that you know
17 of?
18 MS. HATLEY: Yes, Mr. Examiner. Good
19 morning. Keri Hatley representing Marathon Oil
20 Permian. And I do believe these cases are 25141,
21 25142, 25143, and 25144.
22 THE HEARING EXAMINER: I guess it's the
23 hearing module that's throwing me off here. Give me a
24 second. Okay. Yes. I do see those two cases.
25 They're number 10 and 11 on my docket.

1 So, Ms. Vance, do you want to enter an
2 appearance on the other cases as well?

3 MS. VANCE: Yes, please. We'd like to
4 present -- I'd like to present them as consolidated
5 cases.

6 THE HEARING EXAMINER: All four of
7 them?

8 MS. VANCE: Yes, please.

9 THE HEARING EXAMINER: Okay. So you're
10 entering an appearance on 43 and 44?

11 MS. VANCE: That's correct.

12 THE HEARING EXAMINER: Okay. Perfect.

13 And, Ms. Hatley, are you on all four as
14 well?

15 MS. HATLEY: Yes, sir.

16 THE HEARING EXAMINER: Okay. Thank
17 you. Are you objecting?

18 MS. HATLEY: No, sir.

19 THE HEARING EXAMINER: No. Okay. Are
20 there any other parties that you know of, Ms. Vance?

21 MS. VANCE: No.

22 THE HEARING EXAMINER: Okay. Please
23 proceed.

24 MS. VANCE: Thank you, Mr. Hearing
25 Examiner. So in these consolidated cases, Mewbourne

1 is seeking to pool the interests in irregular Section
2 4, in Section 9, in Township 25 South, Range 28 East,
3 and that is in Eddy County New Mexico. And this is
4 all in the Bone Spring, and the pool is the San
5 Lorenzo Bone Spring, and the pool code is 53600.

6 And I'll just run through each of the
7 cases very quick and how they are broken out. So case
8 number 25141 pools the west half, west half
9 equivalent, and that -- and Mewbourne seeks to
10 initially dedicate the spacing unit to the San Lorenzo
11 9-4 State Com 551H. And then in case number 25142,
12 Mewbourne is pooling the east half of the west half
13 and dedicating that initially to the San Lorenzo 9-4
14 State Com 553H.

15 Case number 25143, Mewbourne is
16 pooling the west half of the east half and initially
17 dedicating that unit to the San Lorenzo 9-4 State Com
18 556H. And then lastly is case number 25144, which
19 Mewbourne is seeking to pool the east half of the east
20 half and initially dedicate that to the San Lorenzo
21 9-4 State Com 558H.

22 In these cases, we have included a copy
23 of the application of the compulsory pooling checklist
24 as well as the self-affirmed land statements of Carson
25 Cullen and then geologist, Cole Hatchel, both of whom

1 have previously testified before the division and
2 their credentials have been accepted as a matter of
3 record.

4 (Mewbourne Exhibit A through Exhibit D
5 were marked for identification.)

6 Mr. Cullen's statement is Exhibit C and
7 includes all of the standard land exhibits. These
8 included over request for approval of an overlap for
9 each of the cases. We sent out the notice and we did
10 also include an overlapping diagram that shows the
11 existing spacing units in relation to the proposed
12 spacing units.

13 Mr. Cullin's statement and exhibits is
14 followed by Mr. Hatchell's statement, which is
15 Exhibit D, and his -- and also includes all the
16 standard sub exhibits for geology. And then lastly,
17 we have Exhibit D, which is my self-affirmed statement
18 of notice -- or I'm sorry. Not D. E, self-affirmed
19 statement of notice with a sample letter that went out
20 on January 24, 2025.

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

23 And then very last is the affidavit of
24 notice of publication for each of the cases, which was
25 timely published on January 30, 2025.

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

3 And unless there are any questions, I
4 would ask that the exhibits and sub exhibits be
5 admitted into the record and that these cases be taken
6 under advisement. And I do have both Mr. Cullen and
7 Mr. Hatchell available for any questions.

8 THE HEARING EXAMINER: Ms. Hatley, any
9 objections?

10 MS. HATLEY: None at all.

11 THE HEARING EXAMINER: Okay.
12 Ms. Vance, the exhibits are admitted into evidence in
13 all four cases.

14 (Mewbourne Exhibit A through Exhibit F
15 were received into evidence.)

16 Mr. Garcia, do you have any questions
17 in these four cases?

18 THE TECHNICAL EXAMINER: No questions.

19 THE HEARING EXAMINER: These cases are
20 taken under advisement. Thank you, Ms. Vance.

21 MS. VANCE: Thank you.

22 THE HEARING EXAMINER: You're welcome.

23 Okay. Let's go to Spur Energy
24 Partners, LLC, compulsory pooling, 25092. I'm not
25 going to say what number it is on the docket because

1 it's all different now. Entries of appearance,
2 please.

3 MS. MCLEAN: Yes. Jackie McLean on
4 behalf of Spur Energy Partners.

5 THE HEARING EXAMINER: Thank you. Are
6 there any other parties that you know of?

7 MS. MCLEAN: No, Mr. Examiner.

8 THE HEARING EXAMINER: Please go ahead.

9 MS. MCLEAN: Thank you. This case was
10 continued to the hearing this morning so that Spur
11 could provide additional information concerning the
12 depth severance as requested by Mr. McClure last week.
13 And so I sent an amended exhibit packet. I emailed
14 one around this morning. We had filed one Friday.

15 THE HEARING EXAMINER: I didn't get it.

16 MS. MCLEAN: You didn't?

17 THE HEARING EXAMINER: I did not.

18 Freya, did you get the packet that
19 Ms. McLean sent just this morning?

20 THE CLERK: I don't believe so.

21 THE HEARING EXAMINER: I didn't get it.

22 MS. MCLEAN: It shows it's in my --

23 THE HEARING EXAMINER: And I don't
24 think Mr. Garcia has it either.

25 MS. MCLEAN: It shows it's in my sent

1 items. Let me try again.

2 THE HEARING EXAMINER: Did you send it
3 to Mr. Garcia as well?

4 MS. MCLEAN: I did.

5 THE HEARING EXAMINER: Mr. Garcia, did
6 you get anything from Ms. McLean this morning?

7 THE TECHNICAL EXAMINER: I'm looking
8 now. I know I talked to Mr. McClure this morning,
9 and -- but let me look for the exhibit.

10 I'm sorry. It came from your email,
11 Jackie?

12 MS. MCLEAN: Yes, it did. I didn't
13 have time to file it. I just forwarded it again. I
14 have a new email address so it might go to your junk.
15 I don't know.

16 THE HEARING EXAMINER: There's nothing
17 in junk.

18 MS. MCLEAN: That's weird.

19 THE HEARING EXAMINER: I checked.

20 MS. MCLEAN: I'm connected to the
21 internet. I could show it on my screen if that helps.

22 THE HEARING EXAMINER: No. I'd rather
23 have it at least by email. Do you want to file it?
24 Do you want to --

25 MS. MCLEAN: I can file it. I just

1 forwarded the email again, and it's so strange that
2 it's not sending.

3 THE HEARING EXAMINER: Okay. Why don't
4 you file it? We can go onto the -- something just
5 came through.

6 MS. MCLEAN: Okay.

7 THE HEARING EXAMINER: Mr. Garcia, did
8 you just get the email I did?

9 THE TECHNICAL EXAMINER: I did.

10 THE HEARING EXAMINER: Okay. You got
11 too. All right.

12 MS. MCLEAN: Okay. Great. Maybe I
13 wasn't connected to the internet yet.

14 THE HEARING EXAMINER: It just -- we
15 was just got it.

16 MS. MCLEAN: Okay. Perfect.

17 THE HEARING EXAMINER: All right. Why
18 don't you go on with your presentation.

19 MS. MCLEAN: So we've -- I emailed
20 around the second amended exhibit packet because we
21 had filed one on Friday. Then Mr. McClure emailed us
22 yesterday with more specific information that he
23 wanted us to add.

24 That has been done to the compulsory
25 pooling checklist as well as to Exhibit A,

1 Mr. Dalton's self-affirmed statement. And we added
2 additional information to paragraph 9 that states more
3 specifically that the depth severance that is set out
4 in Exhibit A-2 is similar in multiple leasehold
5 conveyances covering the entire acreage for this unit.

6 (Exhibit A was marked for
7 identification.)

8 But because these are contractual
9 interests and there would be many, many pages, we just
10 attached one, which is exhibit A-2, as a sample of
11 where we got the 5,000 feet depth severance from.

12 So that's all that I have and I ask
13 that the second amended exhibit packet be admitted
14 into the record and that the case be taken under
15 advisement.

16 THE HEARING EXAMINER: So, Ms. McLean,
17 I have a couple questions before we accept these.
18 Mr. Dalton, I don't -- what page number is
19 Mr. Dalton's actual self-affirmed statement on?

20 MS. MCLEAN: It's on page -- let's see.
21 Of the exhibit -- so with the notice and -- page 5 of
22 the second of what I sent around.

23 THE HEARING EXAMINER: I'm on page 5
24 and I don't see it.

25 MS. MCLEAN: It should be.

1 THE HEARING EXAMINER: Okay. Wait a
2 second. I found it. I found it the --

3 MS. MCLEAN: Sorry. Page 6.

4 THE HEARING EXAMINER: I found it on
5 page 6. It didn't -- the way it's scanned in, I
6 couldn't search it. So first, I was trying to find
7 out whether, okay, he has been qualified as petroleum
8 land expert and it says he has.

9 MS. MCLEAN: Yes.

10 THE HEARING EXAMINER: What about your
11 other expert?

12 MS. MCLEAN: The geologist he has as
13 well.

14 THE HEARING EXAMINER: He has as well.

15 MS. MCLEAN: Yes.

16 THE HEARING EXAMINER: Okay. Very
17 good. Are there any objections to these exhibits in
18 this case? Not hearing any, your exhibits are
19 admitted into evidence.

20 (Exhibit A was received into evidence)

21 (Exhibit B and Exhibit C were marked
22 for identification and received into
23 evidence.)

24 Mr. Garcia, do you have any questions
25 either based on the original exhibits or the second

1 notice of amended exhibits?

2 THE TECHNICAL EXAMINER: The second one
3 that we just received through email, once it gets in
4 case file, I have no questions for it though.

5 MS. MCLEAN: Well, I think I have to
6 file it; right?

7 THE HEARING EXAMINER: You do.

8 MS. MCLEAN: Yeah.

9 THE HEARING EXAMINER: Yes.

10 THE TECHNICAL EXAMINER: Correct.

11 MS. MCLEAN: So I'll do that this
12 afternoon.

13 THE TECHNICAL EXAMINER: -- I guess.

14 THE HEARING EXAMINER: Is this --
15 Ms. McLean, is this 80-page PDF, is this a complete
16 exhibit packet so that Freya can remove anything
17 previous to this?

18 MS. MCLEAN: Correct.

19 THE HEARING EXAMINER: Okay. All
20 right. So, Mr. Garcia, this will be the only exhibit
21 packet once it's filed correctly and Freya has a
22 chance to deal with the redundancy.

23 THE TECHNICAL EXAMINER: Correct.

24 THE HEARING EXAMINER: Okay. So we'll
25 take this case under advisement. Thank you

1 Ms. McLean.

2 MS. MCLEAN: Thank you.

3 THE HEARING EXAMINER: Okay. We're off
4 the record in 25092. Let's see what's next here. We
5 have, it looks like Avant Operating, number 12 --
6 well, I'll stop saying that. This is case 24774. It
7 is a contested hearing. This case is also going to be
8 heard at the same time with Mewbourne Oil case 24892,
9 24893. Those are the cases. Entries of appearance,
10 please.

11 MS. BENNETT: Good morning,
12 Mr. Examiner. Deana Bennett on behalf of Avant
13 Operating and Coterra Energy, which recently acquired
14 Avant Operating.

15 THE HEARING EXAMINER: As of January --

16 MS. BENNETT: Seventeenth.

17 THE HEARING EXAMINER: Thank you.

18 MS. BENNETT: 2025.

19 MR. FELDEWERT: Good morning,
20 Mr. Chakalian and Mr. Garcia. Michael Feldewert with
21 Santa Fe Office of Holland & Hart on behalf of
22 Mewbourne Oil Company.

23 THE HEARING EXAMINER: Thank you. And
24 am I correct that there are three cases here, one from
25 Avant and two from Mewbourne?

1 MS. BENNETT: That's correct.

2 THE HEARING EXAMINER: It is correct.
3 Okay. Excellent. Okay. Are all of the exhibits
4 filed?

5 MS. BENNETT: Mr. Examiner,
6 Avant/Coterra, and I'm going to refer to them as
7 Coterra going forward, did not file any exhibits due
8 to timing constraints, which I'm happy to explain
9 further in an opening statement.

10 THE HEARING EXAMINER: Okay.

11 MS. BENNETT: Or I'm happy to do that
12 now if you'd like my opening statement now.

13 THE HEARING EXAMINER: Well, I just
14 wanted to deal with preliminary issues, and exhibits
15 typically are preliminary issues. So are you saying
16 you don't have any exhibits or you just haven't filed
17 them?

18 MS. BENNETT: We didn't file any
19 exhibits. If there were more time between the
20 acquisition of Avant's interest and the hearing we
21 would've -- Coterra would have filed exhibits.

22 But due to the fact that the hearing
23 of -- excuse me, Coterra acquired Avant's acreage on
24 January 17th, Coterra reached out to Mewbourne after
25 acquiring -- after the acquisition closed and

1 requested that Mewbourne agree to vacate the hearing
2 today and to continue the hearing so that Coterra
3 could actually understand what it had acquired, line
4 up witnesses, et cetera.

5 After several weeks of discussion,
6 Mewbourne did not agree to continue the case. And
7 given the division's reluctance to continue cases,
8 Coterra determined that it was unlikely that the
9 division would grant an opposed continuance, and so
10 Coterra decided against filing exhibits. But had it
11 had more time, it would have filed exhibits.

12 THE HEARING EXAMINER: Okay. Let me
13 ask you some questions about that before I turn it to
14 Mr. Feldewert. When you first entered an
15 appearance -- well, first of all, let me take a step
16 back here. Avant -- Coterra, did you file the initial
17 case or was it Mewbourne who filed the initial case?

18 MS. BENNETT: Avant filed first.

19 THE HEARING EXAMINER: You filed first?

20 MS. BENNETT: Yes.

21 THE HEARING EXAMINER: Okay. And you
22 expect -- and when did you file?

23 MS. BENNETT: I don't have the date in
24 front of me.

25 MR. FELDEWERT: August.

1 MS. BENNETT: It was august.

2 THE HEARING EXAMINER: Do you know?

3 August?

4 MR. FELDEWERT: August.

5 MS. BENNETT: Yes.

6 THE HEARING EXAMINER: So you filed
7 for -- is it a compulsory pooling application?

8 MS. BENNETT: Yes, it is.

9 THE HEARING EXAMINER: No -- that's it?
10 Just a compulsory pooling --

11 MS. BENNETT: And a non-standard unit
12 application.

13 THE HEARING EXAMINER: And a
14 non-standard unit. Okay. Okay. So you filed in
15 August.

16 And, Mr. Feldewert, when did you enter
17 an objection?

18 MR. FELDEWERT: We entered an objection
19 immediately. And then just to complete your history
20 of that case, Avant continued their case to the
21 October docket. At the October status conference,
22 Avant said they wanted to move forward with a
23 contested hearing, and you set it for today's date for
24 a contested hearing.

25 THE HEARING EXAMINER: Okay. So I set

1 it four months out.

2 MR. FELDEWERT: Yeah.

3 THE HEARING EXAMINER: October to
4 February is about four months. Thank you. And when
5 you objected -- or when your client objected,
6 Mr. Feldewert, what was their rationale for the
7 objection?

8 MR. FELDEWERT: I think when we
9 objected, the rationale was because we had a competing
10 application. And in fact, in October when we had the
11 status conference, those applications had been filed
12 and were of record. And that's why you were in energy
13 pre-hearing order referring all three cases then to
14 the docket today.

15 THE HEARING EXAMINER: Okay. All
16 right. Ms. Bennett, so can you explain to me why
17 Avant as an entity would not have been prepared for
18 today's hearing?

19 MS. BENNETT: Avant as an entity, the
20 employees of Avant no longer are employed by Avant.

21 THE HEARING EXAMINER: Okay.

22 MS. BENNETT: Coterra acquired Avant
23 Operating Company, and when it did so, it acquired the
24 assets but not the employees. So there's no way that
25 Avant Operating could have been prepared today because

1 the witnesses would be Coterra witnesses.

2 And as Mr. Feldewert mentioned, so
3 Avant proposed its development plan in July, and in
4 response to Avant's proposal, then Mewbourne proposed
5 its development plans, I believe, in -- excuse me.
6 Avant proposed in June. I think Mewbourne proposed in
7 July. Avant filed its pooling applications, Mewbourne
8 objected.

9 So Avant was -- when it was Avant,
10 Avant was trying to move the case forward, but
11 circumstances occurred, Avant was acquired by Coterra,
12 and Coterra did not -- as I mentioned, they did not
13 acquire the Avant employees. So there is no Avant
14 employee from four months ago, even two months ago, to
15 appear as a witness today.

16 THE HEARING EXAMINER: So what happens
17 to Avant's -- so why do we even have a contested
18 hearing today? I mean, why don't we just have a
19 hearing by affidavit? It sounds like Avant doesn't
20 have a plan to move forward.

21 MS. BENNETT: Coterra, as having
22 acquired Avant's interest, does have a plan to move
23 forward. Coterra intends -- would like to develop
24 this acreage. And Coterra has reviewed Avant's
25 application. And had we had some more time to prepare

1 for the hearing, Coterra was willing to -- would have
2 submitted exhibits in support of the Avant
3 application.

4 So there's no need to substitute
5 Coterra in. Coterra has acquired Avant Operating and
6 was willing -- is willing to move forward with the
7 Avant application as is.

8 THE HEARING EXAMINER: Okay. Thank
9 you.

10 Mr. Feldewert.

11 MR. FELDEWERT: So a couple things
12 going on here. First off, I guess I'm confused as to
13 who the -- if there was a competing case, who the
14 applicant's going to be. It's my understanding, and I
15 heard as early as a couple months ago, that, you know,
16 it was fairly well known that Coterra was in the
17 process of acquiring Avant.

18 So the fact that it took till January
19 to make the acquisition should not be an excuse for
20 why they weren't prepared -- why Avant, as the entity,
21 was not prepared to go forward. Coterra apparently
22 acquired Avant. Does that -- I don't know if that
23 means none of their employees are no longer with
24 Coterra or whether they just acquired the entity and
25 fired all their employees.

1 But nonetheless, the applicant is
2 Avant, and Avant hired -- filed this in August. They
3 asked that it be continued to October. Then in
4 October, they asked for a February hearing date. And
5 you sent a pre-hearing order saying that if you're
6 going to proceed with your application, you need to
7 file your evidence as of four days before the hearing.

8 They chose not to do that. They chose
9 not to pursue their application. Therefore, it seems
10 to me that their application has to be dismissed.
11 They can still object to ours and they can still ask
12 questions of our witnesses, but they have not done
13 what they needed to do to perfect to pursue their
14 application.

15 So in my -- it's my position that the
16 case 24774 has to be dismissed and we proceed today
17 with our cases, which is 24892 and 93, which have been
18 ready to go pursuant to your pre-hearing order.

19 THE HEARING EXAMINER: I'll give you a
20 chance to respond in just a moment. The part -- the
21 logical piece here that I am still wondering about,
22 and I haven't heard anything compelling from you yet
23 Ms. Bennett about this, is that this has been a long
24 time in the works. June, July, filing August,
25 objection, blah, blah, blah. Even in October. Even

1 in October, it was clear that we were going to hearing
2 today.

3 Now, I understand that Coterra didn't
4 actually sign the documents and make it final until
5 mid-January, but they knew that they were acquiring
6 lands that were subject to a contested hearing. I
7 mean, these are not unintelligent people. I still
8 don't understand why Coterra is not prepared to move
9 forward on what was Avant's application, which I would
10 assume is now Coterra's application. I don't see why
11 the name on it matters, to be honest with you.

12 So I don't really know the position
13 that you were put in by your clients. And I'm not
14 privy to any of that. But can you make a compelling
15 argument why they're not ready to move forward?

16 MS. BENNETT: Yes. So although there
17 were discussions and negotiations leading up to
18 Coterra acquiring Avant and Avant's interests, until
19 January 17th, that acquisition was not complete. And
20 immediately after January 17th, in fact, in
21 Mewbourne's materials, Coterra reached out to
22 Mewbourne to engage in trade -- in discussions.

23 So it makes sense that Coterra would
24 not be able to fully step into Avant's shoes until the
25 acquisition had closed because they didn't own an

1 interest in the units -- in this acreage.

2 THE HEARING EXAMINER: Excuse me for
3 interrupting you. If Coterra did not finalize the
4 deal with Avant, would Avant be here today with its
5 witnesses?

6 MS. BENNETT: I think so.

7 THE HEARING EXAMINER: Okay.

8 MS. BENNETT: I think so. I mean,
9 Avant was -- you know -- Avant was preparing to move
10 forward. They were prepared to move forward in July,
11 August, September. Mewbourne is the one that has
12 gummed up the works by filing competing applications.
13 Avant was ready to move forward.

14 If we'd had the hearing on this case in
15 October, if Mewbourne had filed its competing
16 applications earlier, Avant would have been prepared
17 and would have -- we would've gone to hearing in
18 August, September, October, November. But events
19 overtook the -- or the events that occurred overtook
20 the hearing preparation. And it wouldn't make
21 sense --

22 So there -- I don't know if there's a
23 single of Avant employee left. I don't know the
24 answer to that. What I do know is the Avant witnesses
25 who would've been testifying today are not employed by

1 Coterra. So there would not have been an Avant
2 witness who could appear today. And if we were asking
3 Avant to appear, that would be weird because they are
4 not part of Coterra.

5 THE HEARING EXAMINER: But it seems to
6 me -- it seems to me that if I were buying assets and
7 I knew that in the subject lands that there was a
8 competing application, but I wanted to develop these
9 lands and that I had a hearing coming up, seems to me
10 that I would, as a company, as Coterra, that I
11 would've assigned some employees to deal with this. I
12 would have filed my exhibits timely.

13 I mean, even from January 17 to
14 February 18, it's a whole month. I mean, it's not
15 like it's yesterday that it happened. So I'm just not
16 hearing anything compelling. But I do want to take a
17 break. I want have a discussion with my technical
18 examiner, Mr. Garcia, off the record, so --

19 MS. BENNETT: Mr. Examiner, before you
20 take a break, may I briefly address what Mr. Feldewert
21 raised about us not having submitted our exhibits
22 based on some prior decisions that the hearing
23 examiner has made under very similar circumstances
24 that I think would be useful for your discussion with
25 Mr. Garcia?

1 THE HEARING EXAMINER: Okay. Go ahead.

2 MS. BENNETT: So in a case that
3 involved Franklin Mountain Energy and MRC, the day
4 before the hearing, or a couple of days before the
5 hearing, MRC withdrew its objection to the case moving
6 forward by affidavit but did not dismiss its cases.

7 THE HEARING EXAMINER: Okay. I
8 remember that.

9 MS. BENNETT: And the reason why MRC
10 did not dismiss its cases was because the parties were
11 in discussions. And I raised a very similar argument
12 to what Mr. Feldewert is raising today, that -- and
13 that there were -- if they didn't submit any exhibits
14 then there's nothing for the division to consider from
15 MRC.

16 But what the division ruled was that
17 the division would allow the case to move forward and
18 would not take the cases under advisement -- the
19 Franklin Mountain Energy cases under advisement until
20 MRC dismissed its competing applications.

21 The division did not require MRC to
22 dismiss its competing applications that day. The
23 division did not indicate any concern other than
24 timing concerns with MRC's competing applications
25 being extant during the time of the Franklin Mountain

1 Energy case.

2 THE HEARING EXAMINER: Let me ask you a
3 different -- let me ask, why didn't you present this
4 in a different way so that I understand what you're
5 asking me? So we have -- as it is now, we have
6 competing applications. But your competing
7 applications, there's no -- I don't believe there's a
8 pre-hearing statement.

9 MS. BENNETT: I filed a pre-hearing
10 statement.

11 THE HEARING EXAMINER: You did file a
12 pre-hearing statement. So we have a pre-hearing
13 statement, but we have no evidence.

14 MS. BENNETT: Right.

15 THE HEARING EXAMINER: There's no
16 exhibits whatsoever.

17 MS. BENNETT: Right.

18 THE HEARING EXAMINER: Okay. So
19 there's no evidence, and this is a preponderance of
20 evidence scenario. We have a pre-hearing statement on
21 Mr. Feldewert's behalf, we have exhibits, we have
22 witnesses. So what are you asking me now?

23 MS. BENNETT: I'm asking for the
24 same --

25 THE HEARING EXAMINER: Which is what?

1 Just don't say "the same." Just what are you asking?

2 MS. BENNETT: I'm asking that we go
3 forward with the contested hearing today, that the
4 division not require me to dismiss Coterra's competing
5 applications, which is what I understood Mr. Feldewert
6 was asking you to do, and for the division to not take
7 the case under advisement until Coterra dismisses its
8 competing application, which is what occurred in the
9 Franklin Mountain Energy -- cases.

10 THE HEARING EXAMINER: I don't remember
11 all the facts from Franklin Mountain. I'll turn to
12 Mr. Feldewert for a minute so I can get his
13 perspective on what you're asking.

14 But if we have a pre-hearing order in
15 place and it says that we're going to a contested
16 hearing and evidence needs to be admitted a certain
17 amount ahead, I don't see how that's fair to the other
18 applicant because whatever evidence you do submit, if
19 you submit evidence, there isn't an opportunity to
20 cross-examine your witnesses, file rebuttal.

21 So you're -- sounds like what you're
22 asking me to do is just for tactical purposes in
23 negotiations.

24 MS. BENNETT: No. No, that's not it at
25 all.

1 THE HEARING EXAMINER: Oh, it's not.
2 So that's what it sounds like.

3 MS. BENNETT: Okay. That's not it at
4 all.

5 THE HEARING EXAMINER: So tell me where
6 I'm wrong.

7 MS. BENNETT: So this is the exact same
8 thing that happened. Mewbourne --

9 THE HEARING EXAMINER: It's not helping
10 me.

11 MS. BENNETT: I know, but --

12 THE HEARING EXAMINER: This comparison
13 to the other -- let me turn to Mr. Feldewert first to
14 find out what possible facts may be different.
15 Because I don't remember the facts of that well enough
16 to remember.

17 MS. BENNETT: And I'm happy to read
18 from the verbatim transcript, I have it here, if
19 that's helpful.

20 THE HEARING EXAMINER: It may be.
21 Well, let me turn first.

22 Mr. Feldewert, what I'm being asked is
23 that we keep this hearing open until what point?

24 MS. BENNETT: Until Cimarex files --

25 THE HEARING EXAMINER: Coterra.

1 MS. BENNETT: Sorry. Cimarex and
2 Coterra are the same.

3 THE HEARING EXAMINER: Is it?

4 MS. BENNETT: Yeah.

5 THE HEARING EXAMINER: Okay.

6 MS. BENNETT: Yeah. But until Coterra
7 dismisses its competing application.

8 THE HEARING EXAMINER: How long will
9 that take?

10 MS. BENNETT: Well, in the Franklin
11 Mountain Energy case, it took three months for MRC to
12 file its dismissal of its competing application.

13 THE HEARING EXAMINER: Okay.

14 MS. BENNETT: And just for the record,
15 MRC did not file -- there was a pre-hearing order and
16 MRC did not file any exhibits either in that case. So
17 the facts are analogous here.

18 THE HEARING EXAMINER: They are?

19 MS. BENNETT: Yes.

20 THE HEARING EXAMINER: Okay. All
21 right.

22 MS. BENNETT: And Coterra and Mewbourne
23 are in negotiations right now.

24 THE HEARING EXAMINER: I'm sure they
25 are. I gathered that. Yes.

1 Mr. Feldewert.

2 MR. FELDEWERT: Well, I don't remember
3 exactly the sequence of events there. My recollection
4 is we decided right before the hearing not to pursue
5 the case. I think I mentioned at the -- my guess is I
6 mentioned at the hearing that we were in the process
7 of dismissing our case. But I haven't looked at the
8 transcript. She's got the transcript. That's fine.

9 But my concern here is, is that to have
10 these cases -- our case is now set until they decide
11 when they're going to dismiss without any kind of an
12 agreement on that. Which would tell me is why should
13 I ever file my exhibits? I should just wait, let them
14 file their exhibits.

15 Then I'll say, "Well, we're going to
16 decide if we're going to dismiss our case or whether
17 we want to pursue our case later." And then I get a
18 tactical advantage of seeing their exhibits long
19 before I have to file anything.

20 So it seems to me that we got a couple
21 things here. And that is one, they certainly, as of
22 January 17th, which was a month ago, had plenty of
23 time to get ready for this case; okay? And that's
24 without even taking into account any due diligence
25 period as you mentioned previously.

1 The second thing going on here is I do
2 believe that there's a division policy, there's a memo
3 that's out there that says if the operator and
4 applicant are changed, then you have to dismiss your
5 application and refile with the correct operator and
6 the applicant so everybody knows who the operator is
7 going to be.

8 My understanding is that Avant is still
9 an entity and that -- I don't know whether Avant's
10 going to continue to be the operator or not. If they
11 are, then it doesn't make any difference that Coterra
12 acquired them because Avant is the one that's sitting
13 here saying they want to be the operator. Avant filed
14 the application. Avant should be ready to go forward
15 here today.

16 So I think there -- but I think there's
17 a real concern here if we're going to present this
18 case and then sit around and wait until they decide
19 when they want it dismissed.

20 THE HEARING EXAMINER: Ms. Bennett,
21 which -- before I go talk to Mr. Garcia, which case
22 are you referring to?

23 MS. BENNETT: One of the case numbers
24 is 24356.

25 THE HEARING EXAMINER: 24356.

1 MS. BENNETT: Yes.

2 THE HEARING EXAMINER: Okay. Hold on.

3 This is going to require some understanding. Okay.

4 So this is a Franklin Mountain Energy case. It looks
5 like it was filed in March of '24. It's going to take
6 me some time, Ms. Bennett, to figure out what's going
7 on here.

8 MS. BENNETT: And I am happy to read
9 from the verbatim transcript.

10 THE HEARING EXAMINER: Not yet. I'm
11 not ready for that yet.

12 MS. BENNETT: Okay.

13 THE HEARING EXAMINER: Can you tell me
14 what was the competing case number?

15 MS. BENNETT: If you look at -- I think
16 probably 24362 might be one of the MRC case numbers.

17 THE HEARING EXAMINER: Do you know for
18 a fact? Are you --

19 MS. BENNETT: Let me -- I can --

20 THE HEARING EXAMINER: Thank you. I
21 think it would be in the verbatim transcript, wouldn't
22 it?

23 MS. BENNETT: It is. It's just that
24 they're --

25 THE HEARING EXAMINER: All right.

1 MS. BENNETT: 24314 is --

2 THE HEARING EXAMINER: 24314 is one of
3 the MRC cases?

4 MS. BENNETT: Yes.

5 THE HEARING EXAMINER: Okay. All
6 right. This is going to take some review because I'm
7 just hearing about this now. This case from MRC was
8 filed on 3/6. It sounds like before the Avant case
9 was filed; is that right?

10 MS. BENNETT: I don't recall who --

11 THE HEARING EXAMINER: But you don't
12 know. Okay.

13 MS. BENNETT: -- who filed first.

14 THE HEARING EXAMINER: Well, it
15 looks -- well, I -- by the imaging system, there's no
16 reason for me to doubt the imaging system.

17 MS. BENNETT: And I will just say that
18 the filing history in those cases was a bit --

19 THE HEARING EXAMINER: Okay.

20 MS. BENNETT: -- off because we both
21 ended up filing and refiling and dismissing cases
22 during that contested hearing.

23 THE HEARING EXAMINER: I understand.
24 I'm trying to find the -- well, you said there was a
25 pre-hearing order in these cases. What date was that

1 entered? I think I found it. You know what? I think
2 I found it.

3 MS. BENNETT: Okay.

4 THE HEARING EXAMINER: I think I found
5 it. So it looks like -- and I don't know the date of
6 this pre-hearing order. Yes. This is on April 18th I
7 entered a pre-hearing order. Okay. Now, these were
8 for the cases -- Franklin Mountain Energy had a bunch
9 of cases. It looks like a lot of cases.

10 MS. BENNETT: Yes.

11 THE HEARING EXAMINER: And then MRC
12 Permian had also many, many cases as well. Okay. And
13 this was in the -- this had to do with an overlapping
14 horizontal well spacing unit. Okay. Pre-hearing
15 order. Okay. So then we had a contested hearing on
16 June 26th. June 26th, we had the same evidentiary
17 deadlines. All right. So June 26th.

18 Now, it looks like Franklin Mountain
19 Energy filed its exhibits on the 21st. Timely. Now
20 let me go back to MRC Permian. I have a lot of
21 filings here to look at. What is this? This is their
22 pre-hearing statement.

23 MR. FELDEWERT: It's -- Mr. Examiner.

24 THE HEARING EXAMINER: I'm sorry.

25 What?

1 MR. FELDEWERT: Look at our MRC
2 statement of the case.

3 THE HEARING EXAMINER: Okay.

4 MR. FELDEWERT: It was filed in a
5 pre-hearing statement.

6 THE HEARING EXAMINER: Okay. Is this
7 the -- on 6/21, am I looking?

8 MR. FELDEWERT: I filed it on 6/19.

9 THE HEARING EXAMINER: Yeah. It may
10 take a couple days for us to get these things. Hold
11 on a second. That was what I was -- I have a -- I
12 think I have multiple ones here. Hold on a second.
13 Oh, this is Franklin Mountain Energy's pre-hearing
14 statement. Okay. Hold on. They're next to each
15 other.

16 MR. FELDEWERT: I think we filed ours
17 before theirs.

18 THE HEARING EXAMINER: I see yours now.
19 Okay. What about it?

20 MR. FELDEWERT: And you'll see that
21 what we say in there on paragraph --

22 THE HEARING EXAMINER: What page? What
23 page in page?

24 MR. FELDEWERT: I'm on --

25 THE HEARING EXAMINER: There's five

1 pages total.

2 MR. FELDEWERT: I'm on page 2 of 5.

3 THE HEARING EXAMINER: Item 2. Okay.

4 MR. FELDEWERT: MRC statement of the
5 case.

6 THE HEARING EXAMINER: Yes. I see it.

7 MR. FELDEWERT: Second sentence. "The
8 applicants have recently reached an agreement in
9 principle that will resolve the competing development
10 plans and allow any necessary pooling by Franklin
11 Mountain to proceed in an uncontested fashion.

12 "MRC therefore does not intend to
13 present evidence at the scheduled hearing, but will
14 maintain its competing applications of record until
15 the agreement between the parties have been finalized.
16 MRC has separately filed a notice of withdrawal
17 objection."

18 There was an agreement that we would
19 not file our exhibits, we would not proceed, and they
20 would go ahead and proceed in an uncontested fashion.
21 That's why we didn't file our exhibits. That is a big
22 difference between that case and where we're at here
23 today.

24 THE HEARING EXAMINER: Ms. Bennett.

25 MS. BENNETT: Mr. Examiner, in the

1 hearing transcript from that day, Mr. Feldewert made
2 clear that the reason they weren't dismissing is
3 because although there wasn't an agreement in
4 principle, that agreement was not finalized and could
5 fall through.

6 And Mr. Examiner stated that --
7 yourself stated that you were concerned with not --
8 with MRC's cases not being dismissed for the very
9 reasons that you've articulated today. And you said
10 that, "I don't see how the division can proceed to
11 review these cases until it knows for sure whether the
12 MRC cases will be dismissed or not."

13 And Mr. Feldewert responded: "I
14 suggest to you that you can. It would be a
15 circumstance where a party in the case has chosen, for
16 in this case a good reason, not to present evidence to
17 support their application." And then he goes on to
18 say, "The other alternative is to continue the cases
19 until the deal is complete." And Mr. Hearing
20 Examiner, you did not want to continue the cases until
21 the deal was complete.

22 And so at the end of the day, you said,
23 "What I'm considering as an option is instead of
24 taking the cases under advisement, leaving the record
25 open for a few weeks for this deal to be finalized so

1 that the division knows for sure that if you go ahead
2 with the evidence in front of it, if something happens
3 with the deal and it doesn't go through, then we can
4 come back and we can hear evidence from MRC."

5 THE HEARING EXAMINER: What page are
6 you on?

7 MS. BENNETT: I'm on page 18, lines --

8 THE HEARING EXAMINER: Of 99?

9 MS. BENNETT: It's page 18 of the
10 transcript. I don't have the --

11 THE HEARING EXAMINER: That's okay.
12 I'm looking at a PDF of this.

13 MS. BENNETT: It probably is -- it is
14 page 18 of 99, and it's line 16 through 25.

15 THE HEARING EXAMINER: Okay. Hold on a
16 second. Okay. What page are you on?

17 MS. BENNETT: Eighteen.

18 THE HEARING EXAMINER: You're on page
19 18. Okay.

20 I see where Mr. Feldewert on page 14
21 says: "They have an agreement in principle. They're
22 just finishing up the paperwork and the diligence that
23 goes with that. So I fully expect to be at a position
24 at some point in time to dismiss our cases." So this
25 is as stated in the pre-hearing statement that was

1 filed.

2 Did you file a -- you said you filed a
3 pre-hearing statement in this case, didn't you?

4 MS. BENNETT: I did.

5 THE HEARING EXAMINER: Okay. Good. In
6 which case -- I have a little screen and way too many
7 windows open. Which case did you file your
8 pre-hearing statement in?

9 MS. BENNETT: I filed it in all three
10 cases. Are you asking about the Avant, Mewbourne
11 cases?

12 THE HEARING EXAMINER: No. I'm asking
13 about this case that I am -- the case that we're --
14 it's okay. I'll find it myself. It's okay.

15 MS. BENNETT: And I filed it in every
16 case.

17 THE HEARING EXAMINER: Okay. Are you
18 representing today that Coterra/Cimarex has an
19 agreement in principle with the other party?

20 MS. BENNETT: No, I'm not.

21 THE HEARING EXAMINER: You're not?

22 MS. BENNETT: No. But they are in
23 discussions. But ultimately the agreement in
24 principle wasn't the hearing examiner's primary
25 concern or the primary reason why, at least not from

1 this transcript, that I can tell because the division
2 had similar concerns as it has today and did not
3 require MRC to dismiss its cases even though there was
4 no evidence.

5 THE HEARING EXAMINER: I understand.
6 So my -- so I am the hearing examiner. I was then, I
7 am here. I don't know what I was thinking then, but I
8 have read through the transcript enough to understand
9 that -- and when I read it, what it says to me is
10 there's an agreement. All we have to do is reduce it
11 to a writing and sign it, and then we'll dismiss our
12 cases.

13 That to me seems like a big difference
14 between there is no agreement. And that to me is the
15 crux of -- what I'm trying -- I could excuse -- you
16 know -- ultimately, Ms. Bennett, you know, I issued a
17 pre-hearing order. And your client sort of ignored
18 it.

19 Well, you shake your head no, but
20 there's no evidence. And they had time to prepare.
21 From my perspective, they had time to prepare. That's
22 my perspective. I can't change that. It is what it
23 is. I mean -- so I've explained my rationale, but I
24 need to talk to Mr. Garcia now, get his perspective on
25 this, and then come back on the record.

1 So it's now 9:30. Let's take a
2 15-minute break to 9:45, and we'll be back on the
3 record. Thank you.

4 (Off the record.)

5 THE HEARING EXAMINER: It is 9:42 a.m.
6 on February 18. We are continuing our contested
7 hearing. And I have had a discussion with the
8 technical examiner. We are in agreement that we're
9 going to proceed with today's hearing.

10 So that being the case, let's get
11 opening arguments. I'm going to start with
12 Mr. Feldewert. And let's see if we can get your
13 exhibits admitted into evidence as well. Please
14 proceed.

15 MR. FELDEWERT: I don't really have
16 much of an opening argument other than, you know, like
17 I said, I think their case needs to be dismissed and
18 then ours move forward. We have filed our material,
19 including our self-affirmed statement of Thomas Sloan,
20 he's a landman who's previously testified before this
21 division, as our Exhibit A. And then he has four sub
22 exhibits A-1 through 4.

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

25 Then we have the self-affirmed

1 statement of Charles Crosby, he's a geologist who has
2 previously testified before this division, as our
3 Exhibit B. And he has three sub exhibits, B-1, B-2,
4 and B-3. And they support the request to pool two
5 spacing units. The acreage is located in the south
6 half of Sections 29 and 30, 18 South, 32 East.

7 (Mewbourne Exhibit B was marked for
8 identification.)

9 And the case 24893 seeks to pool the
10 entire Bone Spring under a standard 642.24-acre
11 spacing unit comprised of the south half of 29 and
12 then what is the south half equivalent of a regular
13 section 34.4 2-mile Choctaw Bingo wells.

14 Then we have the -- I would call it the
15 case for the smaller spacing unit, which is case
16 24892, which seeks to pool just a standard 161.13-acre
17 spacing unit in the Second Bone Spring only. And that
18 is in the south half, south half equivalent of a
19 regular Section 30 for the 1-mile Choctaw Bingo 528H
20 well.

21 The reason that is being done is
22 because there is an existing Second Bone Spring well
23 in the south half, south half Section 29 right next
24 door. So this essentially completes that development
25 across 29 and 30. So that's why you got one case

1 seeking to pool the entire Bone Spring in the south
2 half of this anchorage.

3 And in the second case, just seeking to
4 pool what's the south half, south half equivalent of
5 section 30. Mewbourne has a majority -- actually a
6 large majority of the working interest under its
7 control. That's why they're pursuing this development
8 plan.

9 THE HEARING EXAMINER: What is the
10 percentage ownership?

11 MR. FELDEWERT: Under their control is
12 in the case in the south half spacing unit is 73
13 percent.

14 THE HEARING EXAMINER: And the other
15 case?

16 MR. FELDEWERT: South half, south half,
17 I believe the exhibits show I think 53, 54.

18 THE HEARING EXAMINER: Thank you.

19 MR. FELDEWERT: And essentially, you'll
20 see that they developed this development pattern based
21 on existing development, which is not insubstantial in
22 this acreage. I mean we have a nice exhibit, it's
23 B-1, that shows the existing development.

24 Then you'll see this was kind of an
25 area of early horizontal development. So you'll see

1 some vertical wells completed in the Bone Spring.
2 You'll see some very short standup horizontal wells.
3 You'll see some very short laid out horizontal wells.

4 But the spacing pattern out here is
5 basically come down to about four wells per section.
6 That's what most operators are doing. That's what
7 you'll see is around their acreage. So that's -- they
8 took that and then they did kind of -- they developed
9 their plan around this existing development.

10 So everybody got notice. So we had my
11 notice affidavit as Exhibit C. So since everybody got
12 actual notice, we didn't need a notice of publication.
13 So we have Exhibits A, B, and C, and the witnesses are
14 here today for any examination by the division or by
15 counsel for Avant. And we would -- you know -- I'm
16 asking that those exhibits be admitted into evidence.

17 (Mewbourne Exhibit C was marked for
18 identification.)

19 THE HEARING EXAMINER: Ms. Bennett.

20 MS. BENNETT: No objections to the
21 exhibits being admitted into evidence.

22 THE HEARING EXAMINER: Thank you,
23 Ms. Bennett.

24 Mr. Feldewert, the exhibits in both
25 cases are admitted into evidence.

1 (Mewbourne Exhibit A, Exhibit B, and
2 Exhibit C were received into evidence.)

3 I assume there were no rebuttal
4 exhibits because there's no --

5 MR. FELDEWERT: No.

6 THE HEARING EXAMINER: -- exhibits from
7 Coterra/Cimarex. Okay. Let's hear from Ms. Bennett.

8 Ms. Bennett, did you have an opening
9 argument?

10 MS. BENNETT: I don't have an opening
11 argument. I already laid out everything when we had
12 our back and forth, which, just to summarize, is that
13 Coterra does intend -- or is interested in developing
14 the acreage and does object to Mewbourne's
15 applications. And I do have cross-examination
16 questions for Mewbourne's witnesses.

17 THE HEARING EXAMINER: Perfect.

18 MR. FELDEWERT: And I don't know,
19 Mr. Examiner. Have you determined what you're going
20 to do with the request to dismiss? And the
21 reason -- here's why I ask; okay? And that is
22 Ms. Bennett's pre-hearing statement indicates that
23 they still object to our case, and that they state
24 that the issue in the case is whether Mewbourne should
25 be the operator of this acreage, and that they reserve

1 their right to a de novo appeal; okay?

2 Now, if we leave their case intact, I
3 guess in theory are we just going to let them do a de
4 novo appeal of a case that they didn't pursue before
5 the division and didn't meet the requirements before
6 the division to perfect it?

7 That's why I believe it needs to be
8 dismissed absent an agreement like the parties had in
9 the MRC and the Franklin Mountain case, to let them
10 move forward and allow MRC to wait the file if
11 necessary in the event that their agreement didn't get
12 finalized. And as you'll see, as everybody expected,
13 the agreement got finalized. So that's a big
14 distinction.

15 But if -- I don't think the division
16 wants applicants coming before you under a pre-hearing
17 order and say: "Well, we had a month, but that wasn't
18 enough time for us, therefore we're not going to file
19 our exhibits. But we reserve our right to seek a de
20 novo appeal of our case before the commission."

21 THE HEARING EXAMINER: Okay. The way
22 it stands in my mind -- and I'll give you a chance in
23 just a moment, Ms. Bennett. I haven't asked you on
24 purpose. Because I considered the motion -- you
25 know -- I have -- I take a dim view of parties asking

1 to dismiss each other's cases. I feel like Avant, now
2 Coterra, filed an application, and they did not, for
3 whatever reason, pursue prosecuting that case by not
4 submitting evidence to support the case.

5 What the division does with that case
6 after today's hearing, I don't see how it's material
7 to today -- to your client's cases because your
8 client's cases have been objected to properly.
9 There's -- you're not making the argument that Coterra
10 doesn't have the standing or the ability to object.
11 They have objected.

12 You can't proceed by affidavit. We
13 know that. You have your witnesses, you have your
14 exhibits, everything was done according to the
15 pre-hearing order. And I don't see this idea about
16 if -- the appeal, are you suggesting that even if
17 their case was dismissed -- and I'm not saying I'm
18 doing that. Are you suggesting that if they didn't
19 have a case, that they couldn't appeal your order to
20 the commission?

21 MR. FELDEWERT: They could certainly
22 appeal our order.

23 THE HEARING EXAMINER: I thought so.

24 MR. FELDEWERT: But they don't have a
25 case or shouldn't have a case that they -- filed by

1 them that they can appeal because they didn't -- as
2 you said, they didn't pursue the prosecution in that
3 case. And we all know -- you know what happens if you
4 come up before a court and you don't pursue your
5 prosecution. It gets dismissed. Period; okay? So
6 that's what should happen with their case.

7 But you're right. They got every right
8 to object to ours. They got every right to appeal our
9 case to the commission, cross-examine my witnesses.
10 They perfected that with their pre-hearing statement.
11 But what they did not perfect is what they needed to
12 do to have their case remain for consideration by the
13 division. That's why I say it should be dismissed.

14 THE HEARING EXAMINER: Sure.
15 And -- sure. And I understand your perspective. I
16 have my own perspective on it.

17 And, Ms. Bennett, do you have anything
18 to say?

19 MS. BENNETT: Nothing that I have not
20 already said. Thank you.

21 THE HEARING EXAMINER: I thought so.
22 Okay. And you're not motioning for the division to
23 dismiss your case, are you?

24 MS. BENNETT: No. If the division
25 determines that this case is denied after the close of

1 the evidence, then that's within the division's
2 purview and seems like a way to move forward.

3 THE HEARING EXAMINER: Okay. All
4 right. Very good. Okay.

5 Mr. Feldewert, your witnesses, can you
6 ask them to appear so we can get them sworn in?

7 MR. FELDEWERT: Yes. We should have
8 Mr. Thomas Sloan and Mr. Charles Crosby available
9 by -- there's Thomas and there's Mr. Crosby available
10 by video from their offices in Midland.

11 THE HEARING EXAMINER: Okay. Thank
12 you. Well, I'm going to wait for Mr. Crosby to turn
13 on his video.

14 THE TECHNICAL EXAMINER: Mr. Crosby,
15 there's a pretty good chance your camera slider's
16 closed.

17 MR. CROSBY: Camera slider.

18 THE HEARING EXAMINER: Up on top.

19 THE TECHNICAL EXAMINER: Yeah. There
20 should be, like, a black plastic slider next to your
21 camera, so -- and the symbol your camera's displaying
22 is that.

23 THE HEARING EXAMINER: I can see.

24 MR. CROSBY: There we go.

25 THE TECHNICAL EXAMINER: Thank you.

1 THE HEARING EXAMINER: Thank you,
2 Mr. Garcia.

3 MR. CROSBY: I now know what a camera
4 slider is.

5 THE HEARING EXAMINER: I can see you
6 both. Will you both raise your right hands please?
7 WHEREUPON,

8 CHARLES CROSBY,
9 called as a witness and having been first duly sworn
10 to tell the truth, the whole truth, and nothing but
11 the truth, was examined and testified as follows:
12 WHEREUPON,

13 THOMAS SLOAN,
14 called as a witness and having been first duly sworn
15 to tell the truth, the whole truth, and nothing but
16 the truth, was examined and testified as follows:

17 THE HEARING EXAMINER: Okay. I've
18 heard both witnesses affirm.

19 Let's start with Mr. Crosby. Would you
20 state and spell your name, please?

21 MR. CROSBY: Charles Crosby,
22 C-H-A-R-L-E-S C-R-O-S-B-Y.

23 THE HEARING EXAMINER: Thank you. What
24 field of expertise have you been qualified before this
25 division as?

1 MR. CROSBY: Petroleum geologist.

2 THE HEARING EXAMINER: Okay. Petroleum
3 geologist. Okay. And so you are saying that you have
4 been previously qualified before this division as a
5 petroleum geologist?

6 MR. CROSBY: Yes, sir.

7 THE HEARING EXAMINER: Okay. Thank
8 you.

9 Mr. Sloan, would you state and spell
10 your name please?

11 MR. SLOAN: Thomas Sloan, T-H-O-M-A-S
12 S-L-O-A-N.

13 THE HEARING EXAMINER: And the same
14 question to you.

15 MR. SLOAN: Yeah. I'm a petroleum
16 landman.

17 THE HEARING EXAMINER: Okay. And have
18 you been qualified as a petroleum landman expert
19 before this division?

20 MR. SLOAN: Yes, sir. I have.

21 THE HEARING EXAMINER: Perfect. That
22 saves us to go through that. Okay. I'm going to ask
23 both witnesses, do you adopt your testimony that you
24 have submitted and all your exhibits under oath,
25 Mr. Crosby?

1 MR. CROSBY: Yes.

2 THE HEARING EXAMINER: Are there any
3 changes you want to make, Mr. Crosby?

4 MR. CROSBY: No, sir.

5 THE HEARING EXAMINER: Okay. Thank
6 you.

7 Mr. Sloan.

8 MR. SLOAN: Yes, sir. And no, sir.

9 THE HEARING EXAMINER: Perfect. Okay.
10 So your exhibits and your self-affirmed statements are
11 all admitted into evidence.

12 Mr. Feldewert, how do you want to
13 proceed?

14 MR. FELDEWERT: I don't have any
15 additional evidence to present other than what's in
16 their affidavits. So I would see the witness to -- I
17 guess Mr. Sloan first for examination by Avant's
18 counsel. And by the -- and answer whatever -- any
19 questions the division has too.

20 THE HEARING EXAMINER: Thank you. So,
21 Mr. Sloan and Mr. Crosby, are you willing to sit as a
22 panel for questions?

23 MR. SLOAN: Yes, sir.

24 THE HEARING EXAMINER: Okay. Thank
25 you.

1 MR. CROSBY: Yes, sir.

2 THE HEARING EXAMINER: Okay.

3 Ms. Bennett, do you want to turn your microphone on?

4 MS. BENNETT: Yes. Thank you. My
5 first few questions are for Mr. Sloan.

6 THE HEARING EXAMINER: Oh, okay. Okay.

7 MS. BENNETT: And then I have one
8 question for Mr. Crosby.

9 THE HEARING EXAMINER: Okay. So,
10 Mr. Sloan, we'll start with you.

11 MS. BENNETT: Thank you.

12 CROSS-EXAMINATION

13 BY MS. BENNETT:

14 MS. BENNETT: Thanks for being here,
15 Mr. Sloan. My name's Deana Bennett. Nice to meet
16 you.

17 MR. SLOAN: Deana, nice to meet you.

18 MS. BENNETT: I don't know if we met at
19 NMOGA last year -- or this past year. I did meet a
20 couple of folks from Mewbourne, and you were so kind
21 as to keep me safe from the rioters, so thank you if
22 that was you.

23 I just had a few questions for you. I
24 wanted to start off with a question about your
25 Exhibit A-2. And I'm sharing my screen. Are you able

1 to see that?

2 MR. SLOAN: Yes, ma'am.

3 MS. BENNETT: And Exhibit A-2 is a
4 summary of the ownership interests; is that correct?

5 MR. SLOAN: Correct.

6 MS. BENNETT: And on Exhibit A-2, for
7 example, under tract one, it says "Mewbourne Oil
8 company, et al. has 100 percent of the tract"; do you
9 see that?

10 MR. SLOAN: Correct. Yes.

11 MS. BENNETT: What does "et al." mean
12 there?

13 MR. SLOAN: Yeah. So and others. It's
14 just all the parties that we have signed up to our
15 joint operating agreement.

16 MS. BENNETT: Is there an exhibit in
17 your materials that shows which parties are committed
18 versus which parties are uncommitted?

19 MR. SLOAN: No, ma'am.

20 MS. BENNETT: So there's nothing that
21 the division can rely on that shows which parties have
22 committed to JOAs in your exhibits?

23 MR. SLOAN: Well, you -- you could use
24 this exhibit. I mean, the only parties here that are
25 in black are signed up to the JOA. The parties here

1 in red are not signed to the JOA.

2 MS. BENNETT: Okay. And then maybe I
3 misunderstood because I don't see any parties on
4 Exhibit A-2 that have signed a JOA.

5 MR. SLOAN: Yeah. So I -- I
6 didn't -- I -- they're in "et al."

7 MS. BENNETT: Okay. They're included
8 with the "et al.," but they're not actually broken
9 out?

10 MR. SLOAN: Correct.

11 MS. BENNETT: So Mewbourne itself does
12 not own 100 percent of tract 1; is that correct?

13 MR. SLOAN: Correct.

14 MS. BENNETT: And Mewbourne does not
15 own 100 percent of tract 2?

16 MR. SLOAN: Correct.

17 MS. BENNETT: And Mewbourne doesn't own
18 100 percent of tract 4?

19 MR. SLOAN: Correct.

20 MS. BENNETT: Okay. Thanks. What is
21 Mewbourne's actual ownership in say tract 4, working
22 interest ownership?

23 MR. SLOAN: Tract 4?

24 MS. BENNETT: Yes.

25 MR. SLOAN: Working -- working interest

1 ownership; is that correct?

2 MS. BENNETT: That is -- yes. That's
3 the question.

4 MR. SLOAN: Yeah. Zero.

5 MS. BENNETT: Zero in tract 4? Okay.
6 Thanks. Looking at your declaration, which is on
7 page -- I'm looking at page 27 of 68. Do you see that
8 on the screen?

9 MR. SLOAN: Correct.

10 MS. BENNETT: And in paragraph 13, you
11 said you provided the law firm of Holland & Hart with
12 the names and addresses of the mineral owners that
13 remain to be pooled; do you see that?

14 MR. SLOAN: I do.

15 MS. BENNETT: Your application is also
16 seeking approval of overlapping spacing units; is that
17 right?

18 MR. SLOAN: Correct.

19 MS. BENNETT: But your affidavit
20 doesn't say that you provided addresses of the
21 overlapping operators or working interest owners to
22 Holland & Hart, does it?

23 MR. SLOAN: No. I don't believe so.

24 MS. BENNETT: Okay. Thank you. Now, I
25 want to turn to page 50 of 68 of your materials. This

1 is a summary of your discussions with BEXP. And give
2 me just a second to get there. It's actually page 50
3 of 68. Did you prepare this summary of context?

4 MR. SLOAN: I did.

5 MS. BENNETT: Okay. And so it looks to
6 me, and feel free to correct me if I'm wrong about
7 this, that you sent your first proposal letter to
8 BEXP II Alpha, LLC on July 17th; is that right?

9 MR. SLOAN: Correct.

10 MS. BENNETT: And then you sent them
11 another proposal letter on July 29, 2024?

12 MR. SLOAN: Correct.

13 MS. BENNETT: And then another proposal
14 letter on September 20, '24?

15 MR. SLOAN: Correct.

16 MS. BENNETT: But the only
17 communication you had with BEXP was on July 19, 2024?

18 MR. SLOAN: Yes, ma'am. Yeah. So --
19 so I called Anthony Cross, one of the -- one of the
20 landmen at BEXP on the 19th. Correct.

21 MS. BENNETT: And he hadn't even
22 received any of your proposal letters at that point?

23 MR. SLOAN: Correct. I was calling to
24 give them a heads up.

25 MS. BENNETT: And you haven't had any

1 contact with them since they received your proposal
2 letters?

3 MR. SLOAN: No, but I had heard from
4 other parties in the unit in this acreage that BEXP
5 was signed up to Avant's JOA.

6 MS. BENNETT: But you didn't reach out
7 to them after this initial call in July despite having
8 his phone and contact information?

9 MR. SLOAN: I suppose I didn't see the
10 point if they had already signed the JOA for the
11 competitor.

12 MS. BENNETT: And so you are aware that
13 they did sign a JOA with Avant?

14 MR. SLOAN: Correct.

15 THE HEARING EXAMINER: Ms. Bennett,
16 when you say Avant, do you mean Coterra?

17 MS. BENNETT: Yes. At the time, it was
18 Avant only.

19 THE HEARING EXAMINER: And I'm only
20 asking you this -- I know at the time, but I'm only
21 asking you this for the clarity of the record so that
22 we know that Coterra purchased the assets of Avant.
23 And so if we refer to them separately, I'm going to
24 get confused myself.

25 MS. BENNETT: Avant Operating does

1 still exist --

2 THE HEARING EXAMINER: Oh, they do?

3 MS. BENNETT: -- as a subsidiary, I
4 guess, is the best way to put it, of Coterra.

5 THE HEARING EXAMINER: I see.

6 MS. BENNETT: So Coterra acquired Avant
7 Operating, the company, but not -- and its assets, but
8 not its employees.

9 THE HEARING EXAMINER: Perfect. Thank
10 you very much. So --

11 MS. BENNETT: But I will try to refer
12 to them as Coterra.

13 THE HEARING EXAMINER: Thank you.

14 BY MS. BENNETT:

15 MS. BENNETT: Mr. Sloan, I want to turn
16 to page 26 of your affidavit where you're discussing
17 the benefits of shared facilities. In paragraph 6,
18 you testify that there's some synergy, I guess,
19 between this project and your Deep Ellum prospect in
20 25. Is that a fair shorthand of your testimony in
21 paragraph 6?

22 MR. SLOAN: Yes. So I understand that
23 the wording might be a little -- a little bit not
24 concise, might not be as concise and -- and clear cut
25 as it should be. But I am aware of paragraph 6.

1 MS. BENNETT: And in paragraph 6, your
2 testimony is that the Choctaw Bingo prospect would
3 benefit from using the surface facilities that already
4 exist for the Deep Ellum prospect; is that your
5 testimony?

6 MR. SLOAN: No. So this is kind what I
7 was saying. It -- it could be a little more clear.
8 So the Deep Ellum is a new prospect that we're going
9 to drill and -- going west between 25 and 26 of 18 and
10 31. And the -- both prospects, the Choctaw Bingo and
11 the Deep Ellum, will have adjoining surface pads and
12 facilities -- shared facilities and whatnot, located
13 on the surface of the southwest quarter of Section 30.

14 MS. BENNETT: Thanks. Yeah. That is
15 helpful because I was thinking that you were saying
16 that your project would have fewer surface
17 disturbances than Avant's due to existing surface
18 facilities. But that's not what the purpose of 6 is;
19 is that right?

20 MR. FELDEWERT: Objection. He didn't
21 comment on Avant's surface facilities because we don't
22 know what Avant's surface facilities are.

23 THE HEARING EXAMINER: Ms. Bennett.

24 MS. BENNETT: I will rephrase the
25 question.

1 THE HEARING EXAMINER: So it's
2 sustained.

3 BY MS. BENNETT:

4 MS. BENNETT: In paragraph 6, you
5 indicate that the joining of surface pads minimizes
6 surface disturbance. Is that an accurate statement?

7 MR. SLOAN: I would think so from my
8 land perspective.

9 MS. BENNETT: And will you need to
10 construct additional surface facilities for the
11 Choctaw Bingo prospect?

12 MR. SLOAN: I do not have an answer to
13 that question.

14 MS. BENNETT: Have you surveyed your
15 surface facilities for the Choctaw Bingo prospect?

16 MR. SLOAN: I believe so. Yes.

17 MS. BENNETT: But you don't know if
18 they're going to be different than the Deep Ellum
19 prospect surface facilities?

20 MR. SLOAN: I -- I -- can you rephrase
21 the question?

22 MS. BENNETT: Sure. I guess I'm just
23 trying to understand if the Deep Ellum surface
24 facilities are going to be the same as the Choctaw
25 Bingo surface facilities or if there's going to be two

1 sets of surface facilities that are just next to each
2 other?

3 MR. SLOAN: From my understanding,
4 there will be a portion of the facilities -- I'm not
5 an engineer, but there will be some of the facilities
6 on the surface that will be shared. That is my
7 understanding.

8 MS. BENNETT: Thank you. And that does
9 bring me to my next question, which is that there's
10 nothing in your testimony that identifies the
11 locations of the surface facilities in Section 25?

12 MR. SLOAN: No.

13 MS. BENNETT: And you don't have a
14 engineer available for me to ask those questions of?

15 MR. SLOAN: I don't know. I can look.

16 MR. FELDEWERT: No. We have not listed
17 an engineer.

18 MR. SLOAN: No.

19 BY MS. BENNETT:

20 MS. BENNETT: Okay. Will you need
21 to -- well, this is a -- well, feel free to tell me
22 you don't know the answer to this question. But will
23 you need to comingle to use the shared portion of the
24 Deep Ellum and Choctaw Bingo facilities?

25 MR. SLOAN: I do not know the answer to

1 that question.

2 MS. BENNETT: Are the Choctaw Bingo
3 wells on your drill schedule?

4 MR. SLOAN: No. Currently, as of
5 today, no. But that's why we're trying to move
6 forward with this hearing to -- to get them -- you
7 know -- we -- it takes time to get federal permits, so
8 we'd like to move forward with this step, get permits,
9 and move forward putting it on the drill schedule as
10 soon as possible.

11 MS. BENNETT: When do you anticipate
12 putting them on the drill schedule?

13 MR. SLOAN: As soon as this goes
14 through, whatever the outcome may be, and then we get
15 federal permits. I mean, you know, sometimes the
16 engineers have a guesstimation of when that's going to
17 happen, so they put it on the drill schedule before
18 the permits. I am not privy to that guesstimation.

19 MS. BENNETT: Would the reservoir
20 engineer or the engineer at Mewbourne know the answer
21 to that question?

22 MR. SLOAN: I'm sure they'd have a
23 better answer than I do.

24 MS. BENNETT: Do you know if you -- so
25 you said that you haven't yet submitted for the

1 federal APDs; is that what you said a second ago?

2 MR. SLOAN: I -- I do not know the
3 answer to that question. I -- I do not -- we do not
4 have federal permits in hand though. I know that.

5 MS. BENNETT: So you don't know if --
6 what steps are you aware of that Mewbourne has taken
7 to develop the acreage?

8 MR. SLOAN: We are here today.

9 MS. BENNETT: Okay. I wanted to look
10 at this paragraph in -- or paragraph 9 in your
11 declaration.

12 MR. SLOAN: Sure.

13 MS. BENNETT: You noted that there's a
14 slight ownership difference between the First Bone
15 Spring interval and the remainder of the Bone Spring
16 formation, underlying lot 4 and the southeast,
17 southwest quarter of Section 30; do you see that?

18 MR. SLOAN: I do.

19 MS. BENNETT: Is that an ownership
20 difference that is created by a depth severance, or
21 what's the document that creates that ownership
22 difference?

23 MR. SLOAN: I'm not looking at the
24 title opinion right now. I believe there was a -- an
25 assignment that -- that, as to this party, he was

1 assigned -- I can't remember the exact, you know,
2 footage, but it was, you know, for the First Bone
3 Spring interval. He had an interest and no -- did not
4 have a correlating interest in the Second or Third
5 Bone Spring.

6 MS. BENNETT: And you indicated that
7 Mewbourne is addressing this ownership difference
8 contractually with the affected working interest
9 owner. What does that mean?

10 MR. SLOAN: Yeah. So we're on the last
11 leg of getting a joint operating agreement signed with
12 him. He's just got a few little minor -- ask,
13 and -- but he's told us and we've agreed that, you
14 know, we will join together contractually. And
15 just -- just waiting on that -- just the last couple
16 of little -- little corrections on the red lines

17 MS. BENNETT: But there's nothing in
18 the record that shows what -- any details about
19 the -- if it is a depth severance, if it's not a depth
20 severance. There's nothing in the record about that?

21 MR. SLOAN: What -- which record? Are
22 you talking about the exhibits here today?

23 MS. BENNETT: The exhibits. Yes.

24 MR. SLOAN: Besides this paragraph, no,
25 ma'am.

1 MS. BENNETT: And you mentioned that
2 this -- it sounds like this is an individual working
3 interest owner and not an operator and that he's not
4 yet under a JOA. Is that a fair summary of what you
5 testified to a moment ago?

6 MR. SLOAN: He -- he is a working
7 interest owner, not an operator.

8 MS. BENNETT: And is he part of the "et
9 al." in your ownership tables?

10 MR. SLOAN: Correct.

11 MS. BENNETT: Even though he hasn't yet
12 signed a JOA?

13 MR. SLOAN: We are close enough and
14 just right there at the finish line that it felt
15 appropriate to include him in the "et al."

16 MS. BENNETT: But he hasn't yet signed
17 the JOA?

18 MR. SLOAN: Not that I've seen.

19 MS. BENNETT: Okay. Those are all the
20 questions I have for Mr. Sloan.

21 THE HEARING EXAMINER: Thank you. Are
22 you ready for Mr. Crosby?

23 MS. BENNETT: I am.

24 THE HEARING EXAMINER: Okay. Please go
25 ahead.

1 CROSS-EXAMINATION

2 BY MS. BENNETT:

3 MS. BENNETT: Mr. Crosby, I wanted to
4 ask you a question about the difference between your
5 First Bone Spring development plan and your Second
6 Bone Spring development plan. So if you could, I'm
7 going to turn to page 58 of the PDF.

8 All right. Do you see this,
9 Mr. Crosby? And thanks for being here today. I'm not
10 sure if I met you at NMOGA either, but nice to see
11 you.

12 MR. CROSBY: I've never been to NMOGA,
13 but it's good to -- good to be here.

14 MS. BENNETT: Well, it's nice to see
15 you today. So do you see page 50 --

16 MR. CROSBY: Likewise.

17 MS. BENNETT: -- 58 of the materials
18 that I'm showing here?

19 MR. CROSBY: Yes, ma'am.

20 MS. BENNETT: And did you prepare this
21 exhibit?

22 MR. CROSBY: I did.

23 MS. BENNETT: And is this your
24 development plan for the First Bone Spring?

25 MR. CROSBY: The First Bone Spring.

1 Yes, ma'am.

2 MS. BENNETT: And does it show -- just
3 to orient everyone, is this solid sort of orange-ish
4 line an existing First Bone Spring well?

5 MR. CROSBY: Yes, ma'am. If you
6 were -- refer to the legend on the right, that
7 horizontal activity code, the solid orange-ish line is
8 an existing producing First Bone Spring sand
9 horizontal.

10 MS. BENNETT: And then this is your
11 proposed First Bone Spring well, in this case, the
12 Choctaw Bingo First Bone Spring well?

13 MR. CROSBY: Yeah. The dash -- the
14 dashed orange arrow. Yes, ma'am.

15 MS. BENNETT: Okay. Thank you. And
16 then is this your Second Bone Spring development plan?

17 MR. CROSBY: Yes, ma'am.

18 MS. BENNETT: And do you -- is this
19 dashed green line a 2-mile proposed Choctaw Bingo
20 Second Bone Spring well?

21 MR. CROSBY: Yes, ma'am.

22 MS. BENNETT: And is the lower in the
23 south half, south half dashed green line a 1-mile
24 Second Bone Spring sand well proposed?

25 MR. CROSBY: Yes, ma'am.

1 MS. BENNETT: And is this a -- this
2 solid green line, is this an existing Second Bone
3 Spring well?

4 MR. CROSBY: Yes, ma'am.

5 MS. BENNETT: So in the First Bone
6 Spring, you're not proposing a 1-mile north half of
7 the south half?

8 MR. CROSBY: No, ma'am.

9 MS. BENNETT: Yeah. First of all, why
10 is that?

11 MR. CROSBY: It is our opinion that the
12 depletion in the First Bone Spring sand is such that
13 this development pattern would efficiently develop the
14 first sand in this proration unit.

15 MS. BENNETT: And what is the depletion
16 caused by?

17 MR. CROSBY: Production out of the
18 First Bone Spring sand.

19 MS. BENNETT: But from where?

20 MR. CROSBY: So those two north, south
21 half-mile guides there in the southeast of 30, the
22 east, west horizontal one-miler, and the north half,
23 south half of 29. And there are also three producing
24 vertical wells in the west half of 30 in the
25 Bone -- First Bone Spring sand. And also there's a

1 First Bone Spring sand horizontal directly south of
2 the proration unit that would be competing with
3 reserves.

4 And those are simply wells that I can
5 allocate are only producing out of the First Bone
6 Spring sand. There are other wells that are directly
7 competing with reserves with this proration unit that
8 are comingled first sand in other zones. So my -- my
9 depletion numbers are very conservative.

10 MS. BENNETT: Wouldn't those depletion
11 issues -- if we're -- let me just make sure I
12 understood your answer. So these two sticks right
13 here, these north, south sticks that are the solid
14 orange, are you saying that those have contributed to
15 the depletion in the north half of the south half?

16 MR. CROSBY: Those are producing out of
17 the north out -- out of the First Bone Spring sand.

18 MS. BENNETT: Across the south half
19 though?

20 MR. CROSBY: Across where those sticks
21 are drawn in. Yes, ma'am.

22 MS. BENNETT: And were you saying
23 that -- and here I'm looking at this sort of east,
24 west-ish lateral in Section 31 --

25 MR. CROSBY: Yes.

1 MS. BENNETT: Are you saying that that
2 was contributing to the depletion in the First Bone
3 Spring?

4 MR. CROSBY: Yes, ma'am.

5 MS. BENNETT: And then I'm looking at
6 Section 25 here, and there's two laterals in the east
7 half of Section 25. Were you saying that those two
8 laterals are also contributing to the depletion?

9 MR. CROSBY: I did not include those.
10 As I said, my -- my depletion numbers that I just
11 calculated cumulative production out of the First Bone
12 Spring sand, I only included wells that are directly
13 north or south of the -- or within the proration unit
14 or directly north or south of it.

15 MS. BENNETT: Wouldn't --

16 MR. CROSBY: So I did not include those
17 wells to the west.

18 MS. BENNETT: Thanks for clarifying
19 that. So wouldn't all the -- these three wells at
20 least, wouldn't they equally result in depletion
21 issues for this First Bone Spring well that you're
22 proposing?

23 MR. CROSBY: I mean, they're -- they're
24 very different cumulative production numbers.

25 MS. BENNETT: Okay. I guess I don't

1 understand why -- and I'll rephrase the question. So
2 if these two sticks, the north, south sticks are
3 creating some depletion issues for you that make it,
4 in your opinion, weigh against including or proposing
5 a north half of the south half First Bone Spring for
6 1-mile well, why don't those also weigh against the
7 First Bone Spring well that you have proposed? Does
8 that question make any sense to you?

9 MR. CROSBY: Well, including the
10 two -- I'm including the three vertical wells and
11 also, I guess, to -- to explain the -- the west,
12 east -- west to east nature of this well, you're --
13 you're fracking pretty much going north -- north and
14 south. So you're -- you're directly competing with
15 the similar orientations.

16 But since these wells are directly
17 within the proration unit, I did estimate that they,
18 you know, contributed to depletion of the reservoir
19 since they are in the proration unit.

20 MS. BENNETT: Okay. Is there any
21 evidence in your testimony or your declaration about
22 the possibility -- or the surface facilities in
23 Section 25?

24 MR. CROSBY: No, ma'am. I didn't
25 include anything.

1 MS. BENNETT: Do you know when these
2 wells are -- or if these wells are on Mewbourne's
3 drill schedule?

4 MR. CROSBY: I can't -- I do not know
5 that information, but I do believe I can clarify
6 something you had asked Mr. Sloan earlier as to what
7 steps Mewbourne has taken to develop this acreage. We
8 did stake these wells in September of 2024.

9 MS. BENNETT: After Avant had already
10 proposed these wells to you? Or proposed its
11 competing applications?

12 MR. CROSBY: I'd have to go back and
13 look at the exact timing. I was just following up on
14 something you had asked Mr. Sloan.

15 MS. BENNETT: Yeah. I did see that
16 Mewbourne had surveyed -- or its C-102s had a survey
17 date of September, which is after Avant filed its
18 application in these cases. Or slash Coterra. Do you
19 know if Mewbourne has filed its federal APDs?

20 MR. CROSBY: I do not have that
21 information.

22 MS. BENNETT: And so to your knowledge,
23 the only thing that Mewbourne has done -- or is it
24 your testimony that the only thing that Mewbourne has
25 done to develop this acreage is prepare for this

1 hearing and stake the wells?

2 MR. CROSBY: This -- I mean, this might
3 be a better question for Thomas, but I believe we've
4 taken steps to getting a JOA and contractual --
5 contractual ownership.

6 MS. BENNETT: Thank you. Do you know
7 if there are any lease expiration issues that
8 Mewbourne is facing?

9 MR. CROSBY: That would probably be a
10 better question for the landman. I'm not -- I'm not
11 sure.

12 MS. BENNETT: Would it be possible for
13 me to ask that question of the landman, Mr. Examiner?

14 THE HEARING EXAMINER: Of course.

15 MS. BENNETT: Mr. Sloan, do you know if
16 there are any lease expiration issues that Mewbourne's
17 facing?

18 MR. SLOAN: I do not know of any lease
19 expirations. There is a drill by date under the joint
20 operating agreement.

21 MS. BENNETT: What is the drill by
22 date?

23 MR. SLOAN: July of 2026.

24 MS. BENNETT: So more than a year from
25 now?

1 MR. SLOAN: Correct. But, you know,
2 you -- you got to take into consideration the timing
3 to get federal permits.

4 MS. BENNETT: Those are the only
5 questions I have. Thank you.

6 THE HEARING EXAMINER: Thank you.
7 Mr. Garcia.

8 THE TECHNICAL EXAMINER: I have a few
9 questions. And, Mr. Examiner, can I treat them as an
10 panel still?

11 THE HEARING EXAMINER: Definitely.

12 THE TECHNICAL EXAMINER: Okay. Good
13 morning. Mr. Thomas, I guess my first question is --
14 well, let me screen share. Might be easier.

15 Ms. Bennett asked you some questions
16 about BEXP, and you said they signed a JOA with Avant.
17 I am not a landman, so, I guess, do JOAs typically
18 survive when companies get sold and bought?

19 MR. SLOAN: Correct. Yes, sir. Good
20 morning, Mr. Garcia, by the way. Yes. So -- so the
21 successor in interest to a party that had executed the
22 JOA is still subject equally to the joint operating --
23 joint operating agreement.

24 THE TECHNICAL EXAMINER: Okay. And
25 then prior to the hearing started, Ms. Bennett talked

1 a lot today about Coterra/Avant isn't here because the
2 plans have changed. I guess I'm curious, do JOAs
3 survive major plan changes or do you have to get new
4 JOAs?

5 MR. SLOAN: I guess I'm -- I'm not
6 understanding what you mean by "major plan change."

7 THE TECHNICAL EXAMINER: I guess what
8 I'm struggling at is BEXP signed a JOA for some sort
9 of development plan. That development plan is not
10 before us today because it sounds like things changed.
11 So does the JOA survive major changes? I guess that's
12 what I'm kind of stuck on. Is that JOA still alive
13 with BEXP and Avant?

14 MR. SLOAN: Yeah. So I -- what -- as
15 did other counsel said, Ms. Bennett said, Avant
16 as -- it is my understanding that Avant is going to be
17 a completely owned subsidiary of Coterra. So I mean,
18 you know, it -- it having the name of Avant Operating
19 as the operator under that JOA, I -- I don't see any
20 issue there.

21 THE TECHNICAL EXAMINER: Okay.
22 Ms. Bennett asked you about your "Mewbourne, et al."
23 Could you provide a list of just all the parties that
24 are in the "et al." with the interests broken out?
25 You can keep the exhibit that I'm screen sharing, but

1 if you just have, like, a supplemental that says who's
2 all in that 57/73 percent just for the record clarity?

3 MR. SLOAN: Sure. Yeah. I can -- I
4 can submit that, an et al. break out of the
5 contractual owners. That's what you're asking,
6 Mr. Garcia?

7 THE TECHNICAL EXAMINER: Yes, please.

8 MR. SLOAN: Okay.

9 THE TECHNICAL EXAMINER: Do you
10 know -- the list we're looking, it is says "Avant
11 Operating." Is that the only company that Coterra
12 bought? Because I try to keep up with buying but
13 there's a lot of companies.

14 MR. SLOAN: So it -- it is my
15 understanding that Avant had entities Double Cabin and
16 Legion Production as listed in the red as well. So it
17 is my understanding that Coterra acquired a Avant and
18 all of its existing entities. So as it's depicted on
19 the summary of communications or context, Coterra
20 being in the umbrella for Avant, Double Cabin, and
21 Legion.

22 THE TECHNICAL EXAMINER: Okay. Thank
23 you for that. I think that's all my questions for
24 now, unless something pops up.

25 Crosby, let me get to it. Looking at

1 your maps down here, none in particular --

2 MR. CROSBY: Yes, sir.

3 THE TECHNICAL EXAMINER: I guess we
4 only need this one. There's a lot of existing wells
5 in the area. Have you guys evaluated, like, collision
6 plans while drilling these wells because of all the
7 existing wells?

8 MR. CROSBY: Yes. When we make our
9 directional plans, they'll -- they'll create an
10 anti-collision report to take into account existing
11 well wars.

12 THE TECHNICAL EXAMINER: And then are
13 you worried at all about frac designs and frac hits of
14 the existing wells, IE, your fracs causing damage?

15 MR. CROSBY: No, sir. We'll space
16 around those perpendicular wells in the first sand,
17 and then that's why we have spaced that first sand
18 horizontal off the well in 29, and why we have placed
19 obviously the 1-mile second sand well to account for
20 the existing horizontal in the south half, south half
21 of 29, and then spacing our two-miler off the existing
22 well in the south half, south half of 29, as well as
23 our existing well in the south half, north half of 30,
24 29, that two-mile well.

25 THE TECHNICAL EXAMINER: Okay. So

1 overall the drilling and completion operation won't
2 cause any drilling or collisions or frac hits to the
3 nearby wells? In summary?

4 MR. CROSBY: Essentially. And we'll,
5 you know, obviously send out frac notices to offset
6 operators when it comes to that, so --

7 THE TECHNICAL EXAMINER: That was my
8 next question. Is production from these wells going
9 to cause any parent-child effects to the existing
10 wells where they're going to see issues in their
11 production decreasing significantly after these wells
12 come online?

13 MR. CROSBY: I mean, these are -- these
14 are all older wells. So I mean, anytime you complete
15 in a -- in a similar zone, you'll -- you'll probably
16 see some type of frac hit, to your previous question,
17 but there should not be any significant damage.

18 THE TECHNICAL EXAMINER: Okay. And I
19 guess my last question is this looks like it's one of
20 the areas in New Mexico where half the wells are
21 north, south, the other half are east, west. In your
22 opinion for these wells, east, west is optimal design?

23 MR. CROSBY: Yes. In this specific
24 area.

25 THE TECHNICAL EXAMINER: I believe

1 that's all my questions, Mr. Examiner.

2 THE HEARING EXAMINER: Thank you,
3 Mr. Garcia.

4 Mr. Feldewert, do you have any
5 redirect?

6 MR. FELDEWERT: Sure, just a couple
7 questions.

8 REDIRECT EXAMINATION

9 BY MR. FELDEWERT:

10 MR. FELDEWERT: Mr. Crosby, when I look
11 at your Exhibit B-1 -- and I apologize, I'm having
12 trouble connecting. Do you have B-1 in front of you?

13 MR. CROSBY: I -- I don't have a
14 number, Mr. Feldewert. Which -- which specific
15 exhibit are you referring to?

16 MR. FELDEWERT: Well, let me ask you
17 this. Does your package of exhibits include in
18 Exhibit B-1 a depiction of the development plan that
19 Avant presented in their well proposal letters and in
20 their application?

21 MR. CROSBY: Yes.

22 MR. FELDEWERT: Okay. And how many
23 wells did they propose in the First Bone Spring in the
24 south half acreage?

25 MR. CROSBY: They proposed three First

1 Bone Spring sand wells.

2 MR. FELDEWERT: Okay. Because they
3 seem to have some concerns with the depletion yet they
4 proposed three wells. You all proposed one well
5 because of the existing development; right?

6 MR. CROSBY: Yes, sir.

7 REDIRECT EXAMINATION

8 BY MR. FELDEWERT:

9 MR. FELDEWERT: Okay. And, Mr. Sloan,
10 and I know you indicated you would provide a list to
11 Mr. Garcia, but Ms. Bennett -- Avant's counsel asked
12 you about the ownership in tract 4. Who owns in tract
13 4?

14 MR. SLOAN: Yes, sir. It's Chevron
15 USA, Inc.

16 MR. FELDEWERT: Okay. And do you have
17 a JOA -- you have a JOA with Chevron?

18 MR. SLOAN: Yes, sir. They have signed
19 our joint operating agreement. They're a partner with
20 us.

21 MR. FELDEWERT: Okay. And they agree
22 with your development plan?

23 MR. SLOAN: Yes, sir.

24 MR. FELDEWERT: Okay. Now, the list of
25 owners that you provided to my law firm and which is

1 in Exhibit C, is that a list of all of the working
2 interest owners in the south half acreage?

3 MR. SLOAN: Yes, sir.

4 MR. FELDEWERT: Okay. And they
5 therefore got notice of your request for overlapping
6 spacing units?

7 MR. SLOAN: Yes, sir.

8 MR. FELDEWERT: Okay. That's all the
9 questions I have.

10 THE HEARING EXAMINER: Thank you.

11 Ms. Bennett, are there any
12 cross-examinations on those redirect questions?

13 MS. BENNETT: May I ask a clarifying
14 question of the hearing examiner?

15 THE HEARING EXAMINER: Yes. Go ahead.

16 MS. BENNETT: May I ask a redirect
17 based on an answer given to Mr. Garcia?

18 THE HEARING EXAMINER: You want a
19 redirect -- well, it wouldn't be a redirect because
20 it's --

21 MS. BENNETT: Re-cross. I'm sorry.

22 THE HEARING EXAMINER: Re-cross. Yes.
23 Go ahead.

24 MS. BENNETT: Thank you. I'm going to
25 share my screen.

1 THE HEARING EXAMINER: Okay. And what
2 was the question that Mr. Garcia asked?

3 MS. BENNETT: Mr. Garcia asked the
4 question about whether the Avant, BPEX [sic] JOA was
5 still active or valid. So I'm turning to page --

6 THE HEARING EXAMINER: And I believe
7 the answer was yes.

8 MS. BENNETT: Yes, it was.

9 THE HEARING EXAMINER: The short
10 version --

11 MS. BENNETT: Yes.

12 THE HEARING EXAMINER: -- of the answer
13 was yes.

14 MS. BENNETT: Let me just get to this
15 page. Sorry.

16 RECROSS-EXAMINATION

17 BY MS. BENNETT:

18 MS. BENNETT: Thank you. So,
19 Mr. Sloan, you testified that BEXP had a JOA with
20 Avant; is that correct?

21 MR. SLOAN: It is my understanding that
22 both of the BEXP entities had signed up to the joint
23 operating agreement with Avant.

24 MS. BENNETT: And your testimony in
25 response to a question by Mr. Garcia was that the JOA

1 survives the acquisition of Coterra -- or acquisition
2 by Coterra of Avant?

3 MR. SLOAN: As far as I know. I'm --

4 MS. BENNETT: And what -- I'm sorry. I
5 didn't mean to interrupt you.

6 MR. SLOAN: No, you're good.

7 MS. BENNETT: Looking at your
8 exhibit -- this is Exhibit A-2, which is on page 38 of
9 your materials. I'm looking at tract 2 in particular.
10 You testified that Legion and Double Cabin are also
11 Avant entities that were acquired by Coterra?

12 MR. SLOAN: That's my understanding.

13 MS. BENNETT: So in tract number 2, the
14 only other parties besides Mewbourne are Avant
15 entities or committed to Avant?

16 MR. SLOAN: Correct.

17 MS. BENNETT: And in tract 2, Mewbourne
18 only owns 15 percent of tract 2?

19 MR. SLOAN: Correct.

20 MS. BENNETT: And the remainder,
21 approximately -- or 85 percent is Avant?

22 THE HEARING EXAMINER: For tract 2?

23 MS. BENNETT: Tract two.

24 MR. SLOAN: Correct.

25 //

1 BY MS. BENNETT:

2 MS. BENNETT: And --

3 MR. SLOAN: For -- for the south half,
4 south half of 30. Yep.

5 MS. BENNETT: Yes. And then for in
6 tracts 1 and 2, Mewbourne along with the unnamed et
7 als. have 57 percent of the unit; is that correct?

8 MR. SLOAN: Correct.

9 MS. BENNETT: And then the Avant
10 entities have the other 43 percent?

11 MR. SLOAN: Correct.

12 MS. BENNETT: And then I have one --
13 no. That's all. Thank you very much.

14 MR. FELDEWERT: Can you leave that up?

15 MS. BENNETT: Sure.

16 MR. FELDEWERT: Sure. One question.

17 THE HEARING EXAMINER: Yeah. I'm going
18 to see if Mr. Garcia has questions based on that
19 first.

20 Mr. Garcia, do you have any questions
21 based on what you just heard?

22 THE TECHNICAL EXAMINER: No questions.

23 THE HEARING EXAMINER: Okay.

24 Mr. Feldewert.

25 MR. FELDEWERT: Ms. Bennett, can you

1 scroll down to the acreage at issue here, which would
2 be the south half? Keep going.

3 THE TECHNICAL EXAMINER: Mr. Examiner,
4 can I ask Ms. Bennett one question?

5 THE HEARING EXAMINER: Okay. Yes.

6 Mr. Feldewert, hold on a second.

7 MR. FELDEWERT: Sure.

8 THE HEARING EXAMINER: Mr. Garcia, who
9 do you have a question for?

10 THE TECHNICAL EXAMINER: Ms. Bennett
11 real quick. It's a simple question.

12 THE HEARING EXAMINER: Ms. Bennett.
13 Okay. So, Mr. Garcia, just to clarify for the record,
14 Ms. Bennett is not under oath but she does have the
15 duty of candor to the tribunal. So Ms. Bennett. Go
16 right ahead.

17 THE TECHNICAL EXAMINER: Ms. Bennett, I
18 guess just to confirm for my notes, you're in
19 agreement with the landman that Legion and Double
20 Cabin are also Avant entities?

21 MS. BENNETT: Yes.

22 THE TECHNICAL EXAMINER: Okay.
23 Perfect. Thank you.

24 MS. BENNETT: I am in agreement with
25 that.

1 And Mr. --

2 THE TECHNICAL EXAMINER: So that's all
3 my questions.

4 MS. BENNETT: Okay.

5 THE HEARING EXAMINER: So, Mr. Garcia,
6 she said yes.

7 Go ahead, Ms. Bennett. Oh, no.

8 Mr. Feldewert, you were asking the
9 redirect based on this cross-examination we had.

10 MR. FELDEWERT: Sure. So, Ms. Bennett,
11 now, what you have up here on the screen now would be
12 the south half of Sections 29 and 30; is that right?

13 MS. BENNETT: It's your exhibit.

14 MR. FELDEWERT: Then it reflects south
15 half of 29 and 30, which is --

16 So Mr. Sloan --

17 MS. BENNETT: This one? I'm not sure
18 what you're asking me.

19 REDIRECT EXAMINATION

20 BY MR. FELDEWERT:

21 MR. FELDEWERT: So the exhibit,
22 Mr. Sloan, as she's referring to here now, just deals
23 with that 1-mile Second Bone Spring only spacing unit
24 that Mewbourne seeks to create due to the existing
25 development in south half of 29; correct?

1 MR. SLOAN: Correct. Yes, sir. This
2 only pertains to the 528.

3 MR. FELDEWERT: Now, if we go to the
4 acreage that was in dispute between the two parties,
5 which is the south half of Section 29 and 30, where
6 they initially proposed wells and filed an application
7 to develop that, and you had your own development plan
8 that's before the division here today.

9 If Ms. Bennett could kindly scroll down
10 to the ownership of that acreage. Even taking into
11 account that BEXP has an existing JOA with Avant, and
12 even taking into account that Legion Production and
13 Double Cabin are part of Coterra as a result of the
14 acquisition, they only own, what, 27 percent of
15 that -- of their proposed spacing unit?

16 MR. SLOAN: Of their unit? Yeah.
17 Correct. Yeah, 26.46.

18 MR. FELDEWERT: And the remainder is
19 Mewbourne and the et al., which we will give a list to
20 Mr. Garcia?

21 MR. SLOAN: Yes, sir.

22 MR. FELDEWERT: Okay. Thank you.

23 THE HEARING EXAMINER: So let me see if
24 I understand, Mr. Feldewert, what you just sort of
25 drew a distinction between. What you are saying is

1 the ownership originally discussed in the
2 recross-examination with your witness dealt with a
3 piece of land that Avant did not have a competing
4 application in; is that what you were saying?

5 MR. FELDEWERT: Correct.

6 THE HEARING EXAMINER: Okay.

7 MR. FELDEWERT: They're competing
8 applications for the south half of Sections 29 and 30.

9 THE HEARING EXAMINER: Got it.

10 MS. BENNETT: Mr. Examiner, may I
11 respond to that?

12 THE HEARING EXAMINER: Definitely. I'm
13 just trying to clarify what just happened here because
14 I want Mr. Garcia to understand and I to understand
15 what this is. So when we look at the area that was
16 actually in contention, which was the south half of
17 the -- south half; is that right, Mr. Feldewert?

18 MR. FELDEWERT: The south half of
19 Sections --

20 THE HEARING EXAMINER: Sorry. What?

21 MR. FELDEWERT: The south half of 29
22 and 30.

23 THE HEARING EXAMINER: Oh, the south
24 half. Not the south half, south half. The south half
25 of both sections, which is 625 acres here. In that

1 respect, Mewbourne, et al. has about 73 percent, if
2 that's correct. And then Avant and its other parts or
3 the people it has a JOAs with, which is now Coterra
4 because it's been acquired, has about 26 or 27 percent
5 of the interest; is that what you were clarifying?

6 MR. FELDEWERT: Yes, sir.

7 THE HEARING EXAMINER: That is what you
8 were clarifying.

9 Ms. Bennett, what did you want to say?

10 MS. BENNETT: Thank you. So both -- I
11 mean, both of the applications that Mr. -- or that
12 Mewbourne filed compete with Avant's application. So
13 it is not correct to say that the Choctaw Bingo,
14 whatever this is, south half of the south half of
15 Section 30 isn't in competition with Avant's
16 application. That's inaccurate. That's all I wanted
17 to clarify.

18 THE HEARING EXAMINER: Why is it
19 inaccurate, just to be clear?

20 MS. BENNETT: Because Avant's
21 applications cover the south half of Sections 29 and
22 30. They're seeking a non-standard spacing unit
23 covering the south half of Sections 29 and 30, and
24 tract 1 and tract 2 are within the south half of
25 Sections 29 and 30. So this application does compete

1 with Avant's application.

2 I'm not disputing the fact that in
3 the -- when we look at this south half tract map, it
4 is the -- and still in tract 3, which is the tract I
5 was referring to, Avant and its entities have 85
6 percent. So it's not a distinction between the --
7 it's not a fair characterization to say that the
8 application for their 1-mile well doesn't compete with
9 the Avant's application. It does.

10 So I was just wanting to clarify the
11 record there. This is the ownership breakdown for the
12 south half, which is what Avant's acreage cover -- or
13 what Avant's applications cover.

14 THE HEARING EXAMINER: Now I'm confused
15 again. Thank you, Ms. Bennett, for confusing me
16 further. I thought I understood what was going on
17 Mr. Feldewert said that I did understand what was
18 going on.

19 Mr. Feldewert, do you understand the
20 distinction that Ms. Bennett is drawing?

21 MR. FELDEWERT: I'm not quite sure.
22 What I was trying to point out is that when you look
23 at Avant's application for which they haven't pursued
24 here today, seeks to pool the south half of Sections
25 29 and 30; okay? One of Mewbourne's applications

1 seeks to pool that same acreage as well. When you
2 look at that acreage at issue, Mewbourne, et al. owns
3 the vast majority, 73.5; okay?

4 In addition to that, Mewbourne had that
5 separate case which seeks to pool just the south half
6 of south half of 30 due to the existing development.
7 She was looking at the ownership for that little
8 piece, and I wasn't quite sure why she was doing that,
9 and I didn't want there to be any confusion.

10 THE HEARING EXAMINER: Okay. Are you
11 saying -- now, Ms. Bennett said a moment ago that they
12 had a competing application in the south half of that
13 29 section, and that's where they have the greater
14 amount of interest than Mewbourne does. Are you
15 saying that they don't have a competing -- or they
16 didn't have a competing application?

17 MR. FELDEWERT: Well, their application
18 seeks to pool the south half of 29 and 30; okay?

19 THE HEARING EXAMINER: Yes.

20 MR. FELDEWERT: That we seek to pool
21 the south half of 29 and 30.

22 THE HEARING EXAMINER: Yes.

23 MR. FELDEWERT: And in addition to
24 that, to create an overlapping spacing unit in the
25 south half, the south half of 30 for the Second Bone

1 Spring only to complete that development down there.

2 THE HEARING EXAMINER: I think I
3 understand.

4 Ms. Bennett, are you saying that when
5 you confine the ownership interest just to the south
6 half of Section 29, then you have the greater
7 percentage of interest; is that what you're saying?

8 MR. FELDEWERT: No, not even then.

9 THE HEARING EXAMINER: Not even there.
10 Not even then.

11 MR. FELDEWERT: Not even.

12 THE HEARING EXAMINER: So what are you
13 saying, Ms. Bennett? I don't understand. Where do
14 you have the greater amount of interest?

15 MS. BENNETT: I wasn't trying to make a
16 point about Avant having a greater amount of interest.
17 I was trying to say that when you look at their own
18 crediting Avant with the BEXP, it isn't as disparate
19 as Mewbourne would have the division believe.

20 So it's not -- I'm not trying to argue
21 that Avant has more in the spacing unit. I was just
22 trying to point out that even under Mewbourne's
23 acknowledgement of the JOA being viable, which it is,
24 that the ownership is not as disparate as Mewbourne
25 would have the division believe in.

1 So I was just trying to point that out
2 in these exhibits, which I think they speak for
3 themselves. So I'm not -- I don't know that -- I
4 mean, I'm happy to answer any more questions, but I
5 also feel like I said what I needed to say. But I
6 understand if you have more questions.

7 THE HEARING EXAMINER: Well, this is
8 just for me. I'm sure Mr. Garcia understands this
9 perfectly. But tract number 2 in this exhibit, tract
10 number 2 is just the south half of the southeast part
11 of -- you moved it around so I can't see the section
12 number anymore -- Section 20 -- Section 30.

13 So in tract 2, it looks like there is
14 that table that I thought you were cross-examining the
15 witness about; is that right?

16 MS. BENNETT: That's right.

17 THE HEARING EXAMINER: Okay. So that
18 is right.

19 MS. BENNETT: That is right.

20 THE HEARING EXAMINER: Okay. And why
21 were you singling out tract 2 to discuss with the
22 witness? How did you feel it was relevant to the
23 entire project?

24 MS. BENNETT: Well, because it was the
25 first page I came to that has the breakdown on the

1 interests. So it's the first page of their exhibits
2 that shows the Legion, BEXP, and Avant.

3 THE HEARING EXAMINER: Yes. Having the
4 greater amount of interest?

5 MS. BENNETT: Yes. Having -- yes, in
6 that particular tract.

7 THE HEARING EXAMINER: Got it. Okay.
8 Thank you very much. Now I feel like I'm back on
9 solid footing again.

10 Mr. Garcia, did any of the questions
11 that I asked confuse you at all?

12 THE TECHNICAL EXAMINER: No. I'm good.

13 THE HEARING EXAMINER: Good. Good.

14 THE TECHNICAL EXAMINER: I understood
15 it all.

16 THE HEARING EXAMINER: I'm glad you
17 weren't confused. Okay. So let's see. I think we
18 have finished -- we had some redirect on some
19 recross-examination. I feel like we are --

20 Are we good, Ms. Bennett?

21 MS. BENNETT: Yes. Thank you.

22 THE HEARING EXAMINER: We are good.
23 Excellent.

24 And, Mr. Feldewert, do you have any
25 other witnesses to call?

1 MR. FELDEWERT: No. And we just ask
2 that our cases be taken under advisement and an order
3 issued. As soon as possible so they can get moving
4 forward with this acreage.

5 THE HEARING EXAMINER: I understand
6 perfectly.

7 MS. BENNETT: Mr. Examiner, I don't
8 think they've indicated any reason why the division
9 needs to move forward as soon as possible. I think
10 the testimony is the converse. But I'll leave that to
11 the division to decide.

12 THE HEARING EXAMINER: Very good.
13 Thank you. I thought I heard something about federal
14 wells and permits, but I'll leave that to Mr. Garcia
15 to clarify on his own.

16 Okay. So, Ms. Bennett, is there
17 anything else that you want to bring out today?

18 MS. BENNETT: Nothing. Thank you.

19 THE HEARING EXAMINER: Very good.
20 Okay. Thank you.

21 And, Mr. Feldewert, you've asked that
22 we take this under advisement at this point.

23 Mr. Garcia, do you feel like there's
24 anything else for us to explore at the hearing or are
25 we done?

1 THE TECHNICAL EXAMINER: I have no
2 further questions or topics.

3 THE HEARING EXAMINER: Okay. Very
4 good. Then --

5 MR. FELDEWERT: Although I do have one
6 clarification. I know Mr. Garcia needs the list of
7 the et al. parties.

8 THE HEARING EXAMINER: Yes.

9 MR. FELDEWERT: Am I okay filing that
10 as just a supplemental exhibit after the hearing just
11 to avoid any confusion?

12 THE HEARING EXAMINER: My preference is
13 always that if you're going to file some additional
14 evidence, which Mr. Garcia asked for and there was no
15 objection to that evidence, that you file an amended
16 exhibit packet with a cover letter to explain why
17 you're filing an amended exhibit packet. And the
18 record will stay open. How long do you need for that?

19 MR. FELDEWERT: Oh, I -- Mr. Sloan, I
20 think we can do that this week, certainly by Friday.

21 MR. SLOAN: Yes, sir.

22 THE HEARING EXAMINER: Okay. Perfect.

23 MR. FELDEWERT: Okay. We can do it
24 that way if you'd like.

25 THE HEARING EXAMINER: It helps because

1 then Freya can remove -- we've done it a million times
2 before -- remove the duplication from the folder, and
3 that way Mr. Garcia and his team only have one thing
4 to look at.

5 MR. FELDEWERT: Okay.

6 THE HEARING EXAMINER: All right. So
7 Friday, close of business, Mr. Feldewert?

8 MR. FELDEWERT: Yes, sir.

9 THE HEARING EXAMINER: Fantastic.
10 Okay. Thank you. That concludes today's contested
11 hearing in these matters and the special docket is
12 complete. We're off the record.

13 (Whereupon, at 10:44 a.m., the
14 proceeding was concluded.)

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CERTIFICATE

I, JAMES COGSWELL, 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. March 4, 2025



JAMES COGSWELL

Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, MORGAN PALMER, 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.

March 4, 2025



MORGAN PALMER

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1			
1 2:5,13 6:4 16:2,4,5 23:1 23:12 24:10 64:22 65:3,19 66:23 78:12 91:23 92:6 95:6 101:19 103:11,12,18 108:6 110:23 113:24 114:8 10 26:25 100 77:8 78:12 78:15,18 1000 2:21 3:5 102s 96:16 103 5:13 104 5:9 1048 3:21 1056 4:12 106 5:8 10:44 121:13 11 24:11 26:25 110 2:5,13 5:10 11775 11:22 12 24:10 37:5 1220 1:21 13 24:10 79:10 14 24:11 61:20 15 20:4,7,8 64:2 107:18	2 6:5 16:5 23:1 23:12 34:4,10 59:2,3 65:3,13 76:25 77:3,6 78:4,15 91:19 107:8,9,13,17 107:18,22 108:6 113:24 117:9,10,13,21 20 14:25 80:14 117:12 2023 22:12 2024 24:8 25:5 80:11,17 96:8		

27 11:10 14:13 14:24 15:16 16:10 22:15 79:7 111:14 113:4 28 22:24 24:18 28:2 29 65:6,11,23 65:25 80:11 92:23 101:18 101:21,22,24 110:12,15,25 111:5 112:8,21 113:21,23,25 114:25 115:13 115:18,21 116:6 29/30 6:16,18 6:20,22,24	117:12 30/30 6:25 30276 123:14 31 24:8 25:4 83:10 93:24 32 65:6 320 22:13 32311 122:17 325 3:13 34 22:15 34.4 65:13 34/35 7:5 35 22:15 24:11 35/35 7:7,9 38 107:8	5,000 34:11 50 79:25 80:2 90:15 500 2:21 3:5 505 2:8,16,24 3:8,16,24 4:8 4:15 51 8:8 52 8:8 528 111:2 528h 65:19 53 66:17 53600 28:5 54 66:17 551h 28:11 553h 28:14 556h 28:18 558h 28:21 57 108:7 57/73 100:2 58 90:7,17 5th 22:18 24:14	65/68 7:17 67/68 7:19 68 79:7,25 80:3
3	4	6	7
3 3:2 6:9 16:5 21:1,6 23:24 24:19 25:10 65:4 114:4 3/6 56:8 30 29:25 65:6 65:19,25 66:5 83:13 87:17 92:21,24 101:23 108:4 110:12,15 111:5 112:8,22 113:15,22,23 113:25 114:25 115:6,18,21,25	4 6:10 15:9,13 15:18 16:6,19 16:24 20:23 22:5,11 24:19 25:10 28:2 64:22 78:18,21 78:23 79:5 87:16 104:12 104:13 122:16 123:13 42 26:10 43 21:2 27:10 108:10 44 21:2 27:10	6 14:12 15:21 16:4,15 21:8 23:20 35:3,5 82:17,21,25 83:1,18 84:4 6/19 58:8 6/21 58:7 625 112:25 64 5:3 64/68 7:15 642.24 65:10	7 25:18,23 7013938 1:24 73 66:12 113:1 73.5 115:3 76 5:8 780-8006 3:24 7th 13:15
	5		8
	5 16:10 22:5 34:21,23 59:2		80 36:15 800 24:9 848-1800 2:24 3:8 85 107:21 114:5 87102 2:22 3:6 87501 2:6,14 3:14,22 4:6 87504 4:13 87505 1:22 8:30 1:16 8:3 17:12
			9
			9 26:4 28:2 34:2 87:10 9-4 28:11,13,17 28:21 90 5:12 93 44:17 982-2043 4:15

982-4554 4:8 986-2678 3:16 988-4421 2:8 2:16 99 61:8,14 9:30 64:1 9:42 64:5 9:45 64:2	45:5,18 acquisition 38:20,25 43:19 45:19,25 107:1 107:1 111:14 acre 22:13 24:9 65:10,16 acreage 11:7 14:25 34:5 38:23 42:24 46:1 65:5 66:22 67:7 68:14,25 81:4 87:7 96:7,25 103:24 105:2 109:1 111:4,10 114:12 115:1,2 119:4 acres 112:25 act 8:7 action 10:6 122:12,16 123:8,12 active 106:5 activity 91:7 actual 34:19 67:12 78:21 actually 11:9 21:6 39:3 45:4 66:5 78:8 80:2 112:16 add 20:16 33:23 added 34:1	addition 10:4 115:4,23 additional 22:10 24:7 31:11 34:2 75:15 84:10 120:13 address 17:19 32:14 47:20 addresses 79:12,20 addressing 88:7 adjoining 83:11 adjudicatory 10:8 administrative 18:8 admitted 23:4 23:10 24:22 25:9 30:5,12 34:13 35:19 50:16 64:13 67:16,21,25 75:11 adopt 13:18 74:23 advantage 53:18 advisement 23:5,17 24:23 25:15 30:6,20 34:15 36:25 48:18,19 50:7	60:24 119:2,22 affected 12:6 88:8 affidavit 6:25 20:15 22:23 24:17 26:3 29:23 42:19 48:6 67:11 70:12 79:19 82:16 affidavits 75:16 affirm 73:18 affirmed 6:19 6:21,23 7:4,6,8 7:14,16,18 13:15 28:24 29:17,18 34:1 34:19 64:19,25 75:10 afternoon 36:12 ago 19:20 42:14,14 43:15 53:22 87:1 89:5 115:11 agree 39:1,6 104:21 agreed 88:13 agreement 53:12 59:8,15 59:18 60:3,4 61:21 62:19,23 63:10,14 64:8 69:8,11,13 77:15 88:11
a			
a.m. 1:16 8:3 64:5 121:13 ability 70:10 122:10 123:7 able 45:24 76:25 absent 69:8 accept 34:17 accepted 29:2 account 53:24 101:10,19 111:11,12 accurate 84:6 122:9 123:5 acknowledge... 116:23 acquire 42:13 acquired 37:13 38:23 39:3 41:22,23 42:11 42:22 43:5,22 43:24 54:12 82:6 100:17 107:11 113:4 acquiring 38:25 43:17			

[agreement - asked]

97:20 98:23 104:19 106:23 109:19,24 aha 26:8 ahead 14:15 22:5 31:8 48:1 50:17 59:20 61:1 89:25 105:15,23 109:16 110:7 al 77:8,11 78:6 78:8 89:9,15 99:22,24 100:4 111:19 113:1 115:2 120:7 albuquerque 2:22 3:6 alive 99:12 allege 12:1 allocate 93:5 allow 48:17 59:10 69:10 alpha 80:8 als 108:7 alternative 60:18 amended 31:13 33:20 34:13 36:1 120:15,17 amending 22:9 24:7 amendment 21:1 23:21 american 9:25 10:1,4,18 11:2	11:6,15 12:9 12:14 14:11 amount 50:17 115:14 116:14 116:16 118:4 analogous 52:17 anchorage 66:2 answer 46:24 75:18 84:12 85:22,25 86:20 86:23 87:3 93:12 105:17 106:7,12 117:4 anthony 80:19 anti 101:10 anticipate 19:16 86:11 anymore 117:12 anytime 102:14 aol.com 4:14 apache 2:10 8:16 apds 87:1 96:19 apologize 25:4 103:11 apparently 43:21 appeal 69:1,4 69:20 70:16,19 70:22 71:1,8 appear 12:12 42:15 47:2,3	72:6 appearance 8:10,20,25 9:7 9:15,25 10:3 12:14 19:5 21:3,18 23:22 25:21 27:2,10 31:1 37:9 39:15 appellate 11:23 applicant 10:9 15:4 25:20 26:13 44:1 50:18 54:4,6 applicant's 43:14 applicants 59:8 69:16 application 6:16,17 19:17 28:23 40:7,12 41:10 42:25 43:3,7 44:6,9 44:10,14 45:9 45:10 47:8 50:8 52:7,12 54:5,14 60:17 70:2 79:15 96:18 103:20 111:6 112:4 113:12,16,25 114:1,8,9,23 115:12,16,17 applications 8:9 10:16,22	11:11 41:11 42:7 46:12,16 48:20,22,24 49:6,7 50:5 59:14 68:15 96:11 112:8 113:11,21 114:13,25 appropriate 11:19 89:15 approval 29:8 79:16 approximately 15:9 107:21 april 18:24,24 19:2,7 20:4,7,8 57:6 area 66:25 101:5 102:24 112:15 areas 102:20 argue 116:20 argument 12:11 45:15 48:11 64:16 68:9,11 70:9 arguments 64:11 arrow 91:14 articulated 60:9 asked 17:3 44:3 44:4 51:22 69:23 96:6,14 98:15 99:22
---	--	--	--

[asked - bennett]

<p>104:11 106:2,3 118:11 119:21 120:14 asking 18:23 47:2 49:5,22 49:23 50:1,2,6 50:13,22 62:10 62:12 67:16 69:25 81:20,21 100:5 110:8,18 assets 41:24 47:6 81:22 82:7 assigned 47:11 88:1 assignment 87:25 assume 45:10 68:3 attached 10:25 34:10 attempt 12:15 attorney 122:14 123:10 audio 122:8 123:3 august 22:11 39:25 40:1,3,4 40:15 44:2,24 46:11,18 available 12:17 12:19 23:6 24:23 30:7 72:8,9 85:14</p>	<p>avant 2:18 37:5 37:12,14,25 38:6 39:16,18 40:20,22 41:17 41:19,20,20,22 41:25 42:3,6,7 42:9,9,10,11,13 42:13,19 43:2 43:5,7,17,20,22 44:2,2 45:18 46:4,4,9,9,13 46:16,23,24 47:1,3 54:8,12 54:13,14 56:8 62:10 67:15 70:1 81:13,16 81:18,22,25 82:6 96:9,17 98:16 99:1,13 99:15,16,18 100:10,15,17 100:20 103:19 106:4,20,23 107:2,11,14,15 107:21 108:9 109:20 111:11 112:3 113:2 114:5 116:16 116:18,21 118:2 avant's 38:20 38:23 42:4,17 42:22,24 45:9 45:18,24 54:9 75:17 81:5</p>	<p>83:17,21,22 104:11 113:12 113:15,20 114:1,9,12,13 114:23 avenue 4:5 avoid 120:11 aware 81:12 82:25 87:6</p> <hr/> <p>b</p> <hr/> <p>b 6:1,10,17 7:1 7:6,16 10:7 11:22 14:1 24:15 35:21 65:3,3,3,4,7 66:23 67:13 68:1 73:22 103:11,12,18 back 16:17 39:16 57:20 61:4 63:25 64:2 68:12 96:12 118:8 based 35:25 47:22 66:20 105:17 108:18 108:21 110:9 basically 67:5 behalf 2:2,10 2:18 3:2,10,18 4:2,10 8:11,16 8:25 9:8 21:6 23:24 26:13 31:4 37:12,21 49:21</p>	<p>believe 10:19 11:9 14:24 18:22 20:10 21:19 25:19,22 26:20 31:20 42:5 49:7 54:2 66:17 69:7 79:23 84:16 87:24 96:5 97:3 102:25 106:6 116:19 116:25 benefit 16:14 83:3 benefits 82:17 bennett 2:19 5:8,12 22:22 37:11,12,16,18 38:1,5,11,18 39:18,20,23 40:1,5,8,11 41:16,19,22 42:21 44:23 45:16 46:6,8 47:19 48:2,9 49:9,14,17,23 50:2,24 51:3,7 51:11,17,24 52:1,4,6,10,14 52:19,22 54:20 54:23 55:1,6,8 55:12,15,19,23 56:1,4,10,13,17 56:20 57:3,10 59:24,25 61:7</p>
---	---	--	--

[bennett - called]

61:9,13,17 62:4,9,15,20,22 63:16 67:19,20 67:23 68:7,8 68:10 69:23 71:17,19,24 76:3,4,7,11,13 76:14,15,18 77:3,6,11,16,20 78:2,7,11,14,17 78:20,24 79:2 79:5,10,15,19 79:24 80:5,10 80:13,16,21,25 81:6,12,15,17 81:25 82:3,6 82:11,14,15 83:1,14,23,24 84:3,4,9,14,17 84:22 85:8,13 85:19,20 86:2 86:11,19,24 87:5,9,13,19 88:6,17,23 89:1,8,11,16,19 89:23 90:2,3 90:14,17,20,23 91:2,10,15,18 91:22 92:1,5,9 92:15,19 93:10 93:18,22 94:1 94:5,15,18,25 95:20 96:1,9 96:15,22 97:6 97:12,15,21,24	98:4,15,25 99:15,22 104:11 105:11 105:13,16,21 105:24 106:3,8 106:11,14,17 106:18,24 107:4,7,13,17 107:20,23 108:1,2,5,9,12 108:15,25 109:4,10,12,14 109:15,17,21 109:24 110:4,7 110:10,13,17 111:9 112:10 113:9,10,20 114:15,20 115:11 116:4 116:13,15 117:16,19,24 118:5,20,21 119:7,16,18 bennett's 68:22 best 82:4 122:10 123:6 better 86:23 97:3,10 bexp 80:1,8,17 80:20 81:4 98:16 99:8,13 106:19,22 111:11 116:18 118:2	big 59:21 63:13 69:13 bingo 65:13,19 83:2,10 84:11 84:15,25 85:24 86:2 91:12,19 113:13 bit 56:18 82:23 black 72:20 77:25 blackgold 10:19 11:2,6 14:11 16:14 blah 44:25,25 44:25 bone 22:13 24:9 28:4,5 65:10,17,22 66:1 67:1 87:14,15 88:2 88:5 90:5,6,24 90:25 91:4,8 91:11,12,16,20 91:24 92:2,5 92:12,18,25,25 93:1,5,17 94:2 94:11,21 95:5 95:7 103:23 104:1 110:23 115:25 bought 98:18 100:12 box 4:12 bpex 106:4	break 47:17,20 64:2 100:4 breakdown 114:11 117:25 briefly 47:20 bring 85:9 119:17 broken 28:7 78:8 99:24 bruce 4:11 8:23 8:24 9:3,5 19:12,13,16,19 building 1:20 bunch 57:8 business 121:7 buying 47:6 100:12
			c
			c 2:1 3:1 4:1 6:5 6:19 7:8,18 8:1 13:9,9 22:20 29:6 35:21 67:11,13,17 68:2 73:22,22 96:16 105:1 cabin 100:15 100:20 107:10 109:20 111:13 calculated 94:11 call 17:13 65:14 81:7 118:25 called 1:6 13:3 73:9,14 80:19

[calling - clerk]

calling 80:23 camera 72:15 72:17,21 73:3 camera's 72:21 candor 109:15 carson 6:20 28:24 case 1:9 6:8 7:3 8:7 10:11 12:3 15:8,11 18:10 18:17,20,21 19:6 20:14,25 21:7 24:22 25:15 28:7,11 28:15,18 31:9 34:14 35:18 36:4,25 37:6,7 37:8 39:6,17 39:17 40:20,20 42:10 43:13 44:16 46:14 48:2,5,17 49:1 50:7 52:11,16 53:5,7,10,16,17 53:23 54:18,21 54:23 55:4,14 55:16 56:7,8 58:2 59:5,22 60:15,16 62:3 62:6,7,13,13,16 64:10,17 65:9 65:15,15,25 66:3,12,15 68:23,24 69:2 69:4,9,20 70:3	70:4,5,17,19,25 70:25 71:3,6,9 71:12,23,25 91:11 115:5 cases 6:3,13 7:12 11:23 14:18 16:22 20:23 21:13 22:5 23:4,10 23:17 25:20 26:10,20,24 27:2,5,25 28:7 28:22 29:9,24 30:5,13,17,19 37:9,24 39:7 41:13 44:17 48:6,10,18,19 50:9 53:10 56:3,18,21,25 57:8,9,9,12 60:8,11,12,18 60:20,24 61:24 62:10,11 63:3 63:12 67:25 70:1,7,8 96:18 119:2 cause 102:2,9 caused 92:16 causing 101:14 certain 50:16 certainly 53:21 70:21 120:20 certificate 122:1 123:1	certify 122:4 123:2 cetera 39:4 chakalian 1:17 37:20 chance 36:22 44:20 69:22 72:15 change 63:22 99:6 changed 54:4 99:2,10 changes 13:22 75:3 99:3,11 characterizati... 114:7 charles 5:11 7:17 65:1 72:8 73:8,21 checked 17:18 32:19 checklist 6:16 28:23 33:25 chevron 104:14 104:17 child 102:9 chino 1:20 choctaw 65:13 65:19 83:2,10 84:11,15,24 85:24 86:2 91:12,19 113:13 chose 44:8,8	chosen 60:15 christian 5:6 12:19,22,23 13:2,8,8,11,13 13:17,20,23 14:3,7,10,16 15:3,7,14,22 16:1,5,8,11,16 16:21 17:1,3,6 17:7 18:3 cimarex 51:24 52:1 62:18 68:7 circumstance 60:15 circumstances 10:5 11:20 42:11 47:23 clarification 120:6 clarify 96:5 109:13 112:13 113:17 114:10 119:15 clarifying 94:18 105:13 113:5,8 clarity 81:21 100:2 clear 45:1 60:2 82:24 83:7 113:19 clerk 4:20 17:11,18,24 20:10 26:6
---	---	--	--

[clerk - consideration]

<p>31:20 client 41:5 63:17 client's 70:7,8 clients 45:13 close 71:25 89:13 121:7 closed 38:25 45:25 72:16 closest 15:24 16:1 coal 12:5 coalbed 12:6 code 28:5 91:7 cog 3:18 9:8,9 cogswell 1:23 122:2,18 cole 6:22 28:25 collin 5:6 13:2 13:8 collision 101:5 101:10 collisions 102:2 com 28:11,14 28:17,21 come 61:4 63:25 67:5 71:4 102:12 comes 102:6 coming 47:9 69:16 comingle 85:23 comingled 93:8 comment 83:21</p>	<p>commission 11:23 12:3,3 69:20 70:20 71:9 committed 77:17,22 107:15 communication 80:17 communicati... 100:19 companies 98:18 100:13 company 2:2 2:10 4:10 26:14 37:22 41:23 47:10 77:8 82:7 100:11 comparison 51:12 compelling 44:22 45:14 47:16 compete 113:12 113:25 114:8 competing 19:17 41:9 43:13 46:12,15 47:8 48:20,22 48:24 49:6,6 50:4,8 52:7,12 55:14 59:9,14 93:2,7 95:14 96:11 112:3,7</p>	<p>115:12,15,16 competition 113:15 competitor 81:11 complete 36:15 40:19 45:19 60:19,21 102:14 116:1 121:12 completed 67:1 completely 99:17 completes 65:24 completion 102:1 comprised 22:14 65:11 compulsory 6:15,17 8:8 26:3 28:23 30:24 33:24 40:7,10 concern 11:11 48:23 53:9 54:17 62:25 concerned 60:7 concerning 31:11 concerns 48:24 63:2 104:3 concise 82:24 82:24</p>	<p>concluded 12:4 121:14 concludes 121:10 conference 40:21 41:11 confine 116:5 confirm 19:20 109:18 confuse 118:11 confused 43:12 81:24 114:14 118:17 confusing 114:15 confusion 115:9 120:11 conjoined 20:24 connected 32:20 33:13 connecting 103:12 conocophillips 3:20 conocophilli... 3:23 conservation 1:3,6 8:4 conservative 93:9 consider 48:14 consideration 71:12 98:2</p>
---	--	--	--

[considered - crosby]

considered 69:24	100:5	correlating 88:4	couple 13:25 25:19 34:17
considering 1:8 60:23	contractually 88:8,14	coterra 2:18 37:13 38:6,7	43:11,15 48:4 53:20 58:10
consolidated 21:8 27:4,25	contributed 93:14 95:18	38:21,23,24 39:2,8,10,16	76:20 88:15 103:6
constraints 38:8	contributing 94:2,8	41:22 42:1,11 42:12,21,23,24	course 97:14
construct 84:10	control 66:7,11	43:1,5,5,16,21 43:24 45:3,8	court 11:24 12:2 71:4
cont'd 3:1 4:1 7:1	converse 119:10	45:18,21,23 46:3 47:1,4,10	cover 113:21 114:12,13
contact 81:1,8	conveyances 34:5	50:7 51:25 52:2,6,22	120:16
contain 22:19 22:20	copy 14:1 28:22	54:11 62:18 68:7,13 70:2,9	covering 14:12 34:5 113:23
contention 112:16	correct 14:17 15:22 16:11,21	81:16,22 82:4 82:6,12 96:18	create 101:9 110:24 115:24
contested 37:7 40:23,24 42:17	27:11 36:10,18 36:23 37:24	99:1,17 100:11 100:17,19	created 87:20 creates 87:21
45:6 50:3,15 56:22 57:15	38:1,2 54:5 77:4,5,10	107:1,2,11 111:13 113:3	creating 95:3
64:6 121:10	78:10,12,13,16 78:19 79:1,9	coterra's 45:10 50:4	credentials 29:2
context 80:3 100:19	79:18 80:6,9 80:12,15,20,23	counsel 67:15 75:18 99:15	crediting 116:18
continuance 39:9	81:14 89:10 98:1,19 106:20	104:11 122:11 122:14 123:7	crosby 5:11 7:17 65:1 72:8
continue 9:19 39:2,6,7 54:10	107:16,19,24 108:7,8,11	123:10 counterapplic...	72:9,12,14,17 72:24 73:3,8
60:18,20	110:25 111:1 111:17 112:5	19:23 counterbalance	73:19,21,21 74:1,6,25 75:1
continued 31:10 40:20	113:2,13 corrections	18:7 county 22:16	75:3,4,21 76:1 76:8 89:22
44:3	88:16 correctly 9:18	24:12 28:3	90:3,9,12,16,19 90:22,25 91:5
continuing 64:6	36:21		91:13,17,21,25 92:4,8,11,17,20
contractual 34:8 97:4,5			

<p>93:16,20,25 94:4,9,16,23 95:9,24 96:4 96:12,20 97:2 97:9 100:25 101:2,8,15 102:4,13,23 103:10,13,21 103:25 104:6 cross 50:20 68:15 71:9 76:12 80:19 90:1 105:12,21 105:22 110:9 117:14 crux 63:15 cullen 6:20 28:25 30:6 cullen's 29:6 cullin's 29:13 cumulative 94:11,24 curious 99:2 currently 86:4 cut 82:24 cx 5:5</p>	<p>dana 7:9 dash 91:13 dashed 91:14 91:19,23 date 1:15 20:3 39:23 40:23 44:4 56:25 57:5 96:17 97:19,22 day 20:11 48:3 48:22 60:1,22 days 44:7 48:4 58:10 de 3:13,21 69:1 69:3,19 deadlines 57:17 deal 36:22 38:14 46:4 47:11 60:19,21 60:25 61:3 deals 110:22 dealt 112:2 deana 2:19 22:21 37:12 76:15,17 deana.bennett 2:23 decide 53:10,16 54:18 119:11 decided 39:10 53:4 decisions 47:22 declaration 22:21 79:6 87:11 95:21</p>	<p>decreasing 102:11 dedicate 28:10 28:20 dedicating 28:13,17 deep 82:19 83:4 83:8,11 84:18 84:23 85:24 definitely 98:11 112:12 denied 71:25 department 1:2 1:19 depicted 100:18 depiction 103:18 depletion 92:12 92:15 93:9,10 93:15 94:2,8 94:10,20 95:3 95:18 104:3 depth 31:12 34:3,11 87:20 88:19,19 description 6:2 6:7,12 7:2,11 design 102:22 designs 101:13 despite 81:7 details 88:18 determined 39:8 68:19</p>	<p>determines 71:25 develop 42:23 47:8 87:7 92:13 96:7,25 111:7 developed 66:20 67:8 developers 11:2,6 14:11 developing 68:13 development 42:3,5 59:9 65:24 66:7,20 66:21,23,25 67:9 90:5,6,24 91:16 92:13 99:9,9 103:18 104:5,22 110:25 111:7 115:6 116:1 diagram 29:10 difference 54:11 59:22 63:13 87:14,20 87:22 88:7 90:4 different 11:9 11:10 31:1 49:3,4 51:14 84:18 94:24 digital 122:8 123:3</p>
d			
<p>d 5:1 6:21 8:1 29:4,15,17,18 dalton 7:5 34:18 dalton's 34:1 34:19 damage 101:14 102:17</p>			

[diligence - ellum]

diligence 53:24 61:22 dim 69:25 direct 12:1,7 17:12 directional 101:9 directly 93:1,6 94:12,14 95:14 95:16 disallow 12:15 discuss 117:21 discussed 112:1 discussing 82:16 discussion 39:5 47:17,24 64:7 discussions 45:17,22 48:11 62:23 80:1 dismiss 48:6,10 48:22 50:4 53:11,16 54:4 61:24 63:3,11 68:20 70:1 71:23 dismissal 52:12 dismissed 44:10,16 48:20 54:19 60:8,12 64:17 69:8 70:17 71:5,13 dismisses 50:7 52:7	dismissing 53:7 56:21 60:2 disorganized 26:7 disparate 116:18,24 displaying 72:21 dispute 111:4 disputing 114:2 distinction 69:14 111:25 114:6,20 disturbance 84:6 disturbances 83:17 division 1:3,7 8:4 12:13 13:12 22:8 29:1 39:9 48:14,16,17,21 48:23 50:4,6 54:2 60:10 61:1 63:1 64:21 65:2 67:14 69:5,6 69:15 70:5 71:13,22,24 73:25 74:4,19 75:19 77:21 111:8 116:19 116:25 119:8 119:11	division's 39:7 72:1 docket 8:5,6 17:16,20 20:9 20:16 23:20 25:19,25 26:25 30:25 40:21 41:14 121:11 document 87:21 documents 45:4 doing 67:6 70:18 115:8 door 65:24 double 17:18 100:15,20 107:10 109:19 111:13 doubt 56:16 draft 18:11 drawing 114:20 drawn 93:21 drew 111:25 drill 83:9 86:3 86:9,12,17 96:3 97:19,21 drilling 101:6 102:1,2 drive 1:21 dsu 15:9 due 38:7,22 53:24 83:17 110:24 115:6	duly 13:3 73:9 73:14 122:5 duplication 121:2 duty 109:15 dx 5:5
			e
			e 2:1,1 3:1,1 4:1 4:1 5:1 6:1,23 7:1 8:1,1 29:18 29:21 73:22 earlier 46:16 96:6 early 43:15 66:25 easier 98:14 east 11:10,11 14:13,24 15:1 15:16,18,24 22:14,15 24:11 28:2,12,16,19 28:19 65:6 92:22 93:23 94:6 95:12,12 102:21,22 eddy 28:3 effects 102:9 efficiently 92:13 eighteen 61:17 either 20:15 31:24 35:25 52:16 90:10 ellum 82:19 83:4,8,11

<p>84:18,23 85:24 email 17:12,19 18:23 32:10,14 32:23 33:1,8 36:3 emailed 31:13 33:19,21 employed 41:20 46:25 122:11,14 123:8,11 employee 42:14 46:23 122:13 123:10 employees 41:20,24 42:13 43:23,25 47:11 82:8 ended 56:21 energy 1:2,18 2:18 3:2 4:2 9:25 10:1,4,18 11:2,6,15 12:9 12:14 14:11 21:1,6 23:21 23:24 25:23 30:23 31:4 37:13 41:12 48:3,19 49:1 50:9 52:11 55:4 57:8,19 energy's 58:13 engage 45:22 engineer 85:5 85:14,17 86:20</p>	<p>86:20 engineers 86:16 enter 8:18,24 27:1 40:16 entered 9:15 19:5 39:14 40:18 57:1,7 entering 9:7 10:2 27:10 entire 34:5 65:10 66:1 117:23 entities 100:15 100:18 106:22 107:11,15 108:10 109:20 114:5 entitled 10:1,2 entity 10:20 41:17,19 43:20 43:24 54:9 entries 8:10 21:3,17 23:22 25:21 31:1 37:9 entry 8:19 9:25 12:14 equally 94:20 98:22 equivalent 28:9 65:12,18 66:4 es 122:4 esquire 2:3,11 2:19 3:3,11,19</p>	<p>4:3,11 essentially 65:24 66:19 102:4 estimate 95:17 et 39:4 77:8,11 78:6,8 89:8,15 99:22,24 100:4 108:6 111:19 113:1 115:2 120:7 evaluated 101:5 evd 6:2,7,12 7:2 7:11 event 69:11 events 46:18,19 53:3 everybody 54:6 67:10,11 69:12 evidence 18:6,7 18:8,9,10 23:11,13 25:9 25:11 30:12,15 35:19,20,23 44:7 49:13,19 49:20 50:16,18 50:19 59:13 60:16 61:2,4 63:4,20 64:13 67:16,21,25 68:2 70:4 72:1 75:11,15 95:21 120:14,15</p>	<p>evidentiary 57:16 exact 51:7 88:1 96:13 exactly 53:3 examination 67:14 68:15 75:17 76:12 90:1 103:8 104:7 106:16 110:9,19 112:2 118:19 examinations 105:12 examine 50:20 71:9 examined 13:5 73:11,16 examiner 1:17 4:18 8:2,5,13 8:15,17,21 9:1 9:4,7,9,12,23 12:16,20,23 13:6,10,14,18 13:21,24 14:5 14:8,14,19,21 15:2,12,20,23 16:3,7,9,12,18 16:25 17:5,8 17:15,22 18:1 18:13,15,16,19 18:25 19:3,10 19:14,15,25 20:4,6,12,19,21 21:5,10,15,20</p>
---	---	---	---

[examiner - exhibits]

21:23,25 22:1	56:2,5,11,14,19	109:12,17,22	24:13,19,19
22:3,4 23:7,15	56:23 57:4,11	110:2,5 111:23	25:10,10 29:4
23:16,19,25	57:23,24 58:3	112:6,9,10,12	29:4,6,15,17,21
24:3,25 25:6	58:6,9,18,22,25	112:20,23	30:1,14,14
25:13,14,17,24	59:3,6,24,25	113:7,18	31:13 32:9
26:2,8,12,15,18	60:6,20 61:5,8	114:14 115:10	33:20,25 34:4
26:22 27:6,9	61:11,15,18	115:19,22	34:6,10,13,21
27:12,16,19,22	62:5,12,17,21	116:2,9,12	35:20,21,21
27:25 30:8,11	63:5,6 64:5,8	117:7,17,20	36:16,20 64:21
30:18,19,22	66:9,14,18	118:3,7,12,13	64:23 65:3,7
31:5,7,8,15,17	67:19,22 68:6	118:14,16,22	66:22 67:11,17
31:21,23 32:2	68:17,19 69:21	119:5,7,12,19	68:1,1,2 76:25
32:5,7,16,19,22	70:23 71:14,21	120:1,3,8,12,22	77:3,6,16,24
33:3,7,9,10,14	72:3,11,14,18	120:25 121:6,9	78:4 90:21
33:17 34:16,23	72:19,23,25	examiner's	99:25 103:11
35:1,4,10,14,16	73:1,5,17,23	62:24	103:15,18
36:2,7,9,10,13	74:2,7,13,17,21	examining	105:1 107:8,8
36:14,19,23,24	75:2,5,9,20,24	117:14	110:13,21
37:3,12,15,17	76:2,6,9 81:15	example 77:7	117:9 120:10
37:23 38:2,5	81:19 82:2,5,9	exceeded 18:9	120:16,17
38:10,13 39:12	82:13 83:23	excellent 38:3	exhibits 22:19
39:19,21 40:2	84:1 89:21,24	118:23	22:19,20,21
40:6,9,13,25	97:13,14 98:6	excuse 17:9	23:3,10 24:14
41:3,15,21	98:8,9,11,12,24	38:23 42:5	24:15,16,17,21
42:16 43:8	99:7,21 100:7	43:19 46:2	25:8 29:7,13
44:19 46:2,7	100:9,22 101:3	63:15	29:16 30:4,4
47:5,18,19,23	101:12,25	excused 17:6	30:12 35:17,18
48:1,7 49:2,11	102:7,18,25	18:4	35:25 36:1
49:15,18,25	103:1,2 105:10	executed 98:21	38:3,7,14,16,19
50:10 51:1,5,9	105:14,15,18	exhibit 6:4,5,9	38:21 39:10,11
51:12,20,25	105:22 106:1,6	6:10,15,17,19	43:2 47:12,21
52:3,5,8,13,18	106:9,12	6:21,23,25 7:4	48:13 49:16,21
52:20,24 54:20	107:22 108:17	7:6,8,14,16,18	52:16 53:13,14
54:25 55:2,10	108:22,23	14:1 22:17,18	53:18 57:19
55:13,17,20,25	109:3,3,5,8,10	23:1,1,12,12	59:19,21 64:13

[exhibits - filed]

64:22 65:3 66:17 67:13,16 67:21,24 68:4 68:6 69:19 70:14 74:24 75:10 77:22 88:22,23 103:17 117:2 118:1 exist 82:1 83:4 existing 29:11 65:22 66:21,23 67:9 83:17 91:4,8 92:2 100:18 101:4,7 101:10,14,20 101:21,23 102:9 104:5 110:24 111:11 115:6 expect 39:22 61:23 expected 69:12 expert 13:11 35:8,11 74:18 expertise 73:24 expiration 97:7 97:16 expirations 97:19 expired 25:1,3 explain 15:13 38:8 41:16 95:11 120:16	explained 14:23 63:23 explore 119:24 extant 48:25 f f 6:25 30:1,14 facilities 82:17 83:3,12,12,18 83:21,22 84:10 84:15,19,24,25 85:1,4,5,11,24 95:22 facing 97:8,17 fact 16:19 38:22 41:10 43:18 45:20 55:18 114:2 facts 50:11 51:14,15 52:17 fair 50:17 82:20 89:4 114:7 fairly 43:16 fall 60:5 fane 3:12 fantastic 121:9 far 107:3 fashion 59:11 59:20 fe 1:22 2:6,14 3:14,22 4:6,13 8:15 26:12 37:21 february 1:15 8:3 13:16	22:18 24:14 41:4 44:4 47:14 64:6 federal 86:7,15 87:1,4 96:19 98:3 119:13 feel 70:1 80:6 85:21 117:5,22 118:8,19 119:23 feet 34:11 feldewert 2:3 5:3,9,10,13 37:19,20 39:14 39:25 40:4,16 40:18 41:2,6,8 42:2 43:10,11 47:20 48:12 50:5,12 51:13 51:22 53:1,2 57:23 58:1,4,8 58:16,20,24 59:2,4,7 60:1 60:13 61:20 64:12,15 66:11 66:16,19 67:24 68:5,18 70:21 70:24 72:5,7 75:12,14 83:20 85:16 103:4,6 103:9,10,14,16 103:22 104:2,8 104:9,16,21,24 105:4,8 108:14 108:16,24,25	109:6,7 110:8 110:10,14,20 110:21 111:3 111:18,22,24 112:5,7,17,18 112:21 113:6 114:17,19,21 115:17,20,23 116:8,11 118:24 119:1 119:21 120:5,9 120:19,23 121:5,7,8 feldewert's 49:21 felt 89:14 fewer 83:16 field 73:24 figure 55:6 file 32:13,23,25 33:4 36:4,6 38:7,18 39:16 39:22 44:7 49:11 50:20 52:12,15,16 53:13,14,19 59:19,21 62:2 62:7 69:10,18 120:13,15 filed 8:9 10:16 12:14 22:17 24:13 31:14 33:21 36:21 38:4,16,21 39:11,17,18,19
--	---	---	--

<p>40:6,14 41:11 42:7 44:2 46:15 47:12 49:9 54:13 55:5 56:8,9,13 57:19 58:4,8 58:16 59:16 62:1,2,9,15 64:18 70:2,25 96:17,19 111:6 113:12 files 51:24 filing 19:16,16 19:23 39:10 44:24 46:12 56:18,21 120:9 120:17 filings 57:21 fill 25:20 final 45:4 finalize 46:3 finalized 59:15 60:4,25 69:12 69:13 financially 122:15 123:11 find 35:6 51:14 56:24 62:14 fine 19:9,13 53:8 finish 89:14 finished 118:18 finishing 61:22 fired 43:25</p>	<p>firm 79:11 104:25 first 13:3 20:9 20:11 21:13,16 35:6 39:14,15 39:18,19 43:12 51:13,21 56:13 73:9,14 75:17 76:5 80:7 87:14 88:2 90:5,24,25 91:4,8,11,12 92:5,9,12,14,18 92:25 93:1,5,8 93:17 94:2,11 94:21 95:5,7 98:13 101:16 101:17 103:23 103:25 108:19 117:25 118:1 five 19:20 58:25 flesh 19:21 flexibility 20:17 folder 121:2 folks 76:20 follow 17:2 followed 29:14 following 96:13 follows 10:7 13:5 73:11,16 footage 88:2 footing 118:9</p>	<p>foregoing 122:3,4 123:4 formation 87:16 forth 68:12 forward 38:7 40:22 42:10,20 42:23 43:6,21 45:9,15 46:10 46:10,13 48:6 48:17 50:3 54:14 64:18 69:10 72:2 86:6,8,9 119:4 119:9 forwarded 32:13 33:1 found 11:5 35:2,2,4 57:1,2 57:4 four 27:6,13 30:13,17 41:1 41:4 42:14 44:7 64:21 67:5 fourth 2:21 3:5 frac 101:13,13 102:2,5,16 fracking 95:13 fracs 101:14 francis 1:21 franklin 3:2 21:1,6 22:7 23:21,24 24:6 48:3,19,25</p>	<p>50:9,11 52:10 55:4 57:8,18 58:13 59:10 69:9 free 80:6 85:21 freya 4:20 17:10 18:2 20:8 26:1 31:18 36:16,21 121:1 friday 31:14 33:21 120:20 121:7 front 39:24 61:2 103:12 fully 45:24 61:23 further 38:9 114:16 120:2 122:13 123:9</p> <tr> <th colspan="2">g</th><td></td><td></td></tr> <tr> <td></td><td></td><td>g 4:11 8:1 garcia 4:18 21:24 22:2 23:14 25:12 30:16 31:24 32:3,5 33:7 35:24 36:20 37:20 47:18,25 54:21 63:24 73:2 98:7,20 100:6 103:3 104:11 105:17 106:2,3,25 108:18,20</td><td></td></tr>	g						g 4:11 8:1 garcia 4:18 21:24 22:2 23:14 25:12 30:16 31:24 32:3,5 33:7 35:24 36:20 37:20 47:18,25 54:21 63:24 73:2 98:7,20 100:6 103:3 104:11 105:17 106:2,3,25 108:18,20	
g											
		g 4:11 8:1 garcia 4:18 21:24 22:2 23:14 25:12 30:16 31:24 32:3,5 33:7 35:24 36:20 37:20 47:18,25 54:21 63:24 73:2 98:7,20 100:6 103:3 104:11 105:17 106:2,3,25 108:18,20									

[garcia - happy]

109:8,13 110:5 111:20 112:14 117:8 118:10 119:14,23 120:6,14 121:3 gas 13:25 14:10 16:13 gathered 52:25 geologist 28:25 35:12 65:1 74:1,3,5 geology 29:16 getting 88:11 97:4 give 21:11 26:23 44:19 69:22 80:1,24 111:19 given 39:7 105:17 giving 20:17 glad 118:16 go 14:14 19:21 22:5 30:23 31:8 32:14 33:4,18 43:21 44:18 48:1 50:2 54:14,21 57:20 59:20 61:1,3 72:24 74:22 89:24 96:12 105:15 105:23 109:15 110:7 111:3	goes 60:17 61:23 86:13 going 8:7,24 9:19 19:17,18 26:9 30:25 37:7 38:6,7 43:12,14 44:6 45:1 50:15 53:11,15,16 54:1,7,10,17 55:3,5,6 56:6 64:9,11 68:19 69:3,18 72:12 74:22 81:23 83:8,9 84:18 84:24,25 86:16 90:7 95:13 99:16 102:8,10 105:24 108:17 109:2 114:16 114:18 120:13 good 8:2,14 9:6 12:20,22 21:4 22:1 26:11,15 26:18 35:17 37:11,19 60:16 62:5 72:4,15 90:13,13 98:12 98:19 107:6 118:12,13,13 118:20,22 119:12,19 120:4 grant 39:9	granting 18:11 great 33:12 greater 115:13 116:6,14,16 118:4 green 91:19,23 92:2 gregory 1:17 guadalupe 2:5 2:13 guess 17:8 26:22 36:13 43:12 53:5 69:3 75:17 82:4,18 84:22 94:25 95:11 98:13,17 99:2 99:5,7,11 101:3 102:19 109:18 guesstimation 86:16,18 guides 92:21 gummed 46:12 guys 101:5 h h 2:3 6:1 7:1 13:9 73:22 74:11 half 22:14,14 28:8,8,12,12,16 28:16,19,20 65:6,11,12,18 65:18,23,23 66:2,4,4,12,16	66:16 91:23,23 92:6,7,21,22,23 92:24 93:15,15 93:18 94:7 95:5,5 101:20 101:20,22,22 101:23,23 102:20,21 103:24 105:2 108:3,4 109:2 110:12,15,25 111:5 112:8,16 112:17,18,21 112:24,24,24 112:24 113:14 113:14,21,23 113:24 114:3 114:12,24 115:5,6,12,18 115:21,25,25 116:6 117:10 hall 1:20 hand 12:24 87:4 hands 73:6 happen 71:6 86:17 happened 47:15 51:8 112:13 happens 42:16 61:2 71:3 happy 38:8,11 51:17 55:8 117:4
--	---	--	--

[hardy - hinkle]

hardy 7:9	18:1,8,13,16,19	47:9,16,22	81:19 82:2,5,9
hart 2:4,12	18:21,25 19:3	48:1,4,5,7 49:2	82:13 83:23
8:16 26:13	19:4,10,15,25	49:8,9,11,12,12	84:1 86:6
37:21 79:11,22	20:4,6,12,13,19	49:15,18,20,25	89:21,24 97:1
hatchel 6:22	20:21 21:4,10	50:3,10,14,16	97:14 98:6,11
28:25	21:15,20,23	51:1,5,9,12,20	98:25 103:2
hatchell 30:7	22:1,4 23:7,9	51:23,25 52:3	105:10,14,15
hatchell's	23:16,19,25	52:5,8,13,15,18	105:18,22
29:14	24:3,25 25:6,8	52:20,24 53:4	106:1,6,9,12
hatley 3:19 9:6	25:14,17,24	53:6 54:20,25	107:22 108:17
9:7,11 20:1,2,5	26:2,3,6,8,9,11	55:2,10,13,17	108:23 109:5,8
26:18,19 27:13	26:15,22,23	55:20,25 56:2	109:12 110:5
27:15,18 30:8	27:6,9,12,16,19	56:5,7,11,14,19	111:23 112:6,9
30:10	27:22,24 30:8	56:22,23,25	112:12,20,23
head 63:19	30:11,19,22	57:4,6,7,11,14	113:7,18
heads 80:24	31:5,8,10,15,17	57:15,22,24	114:14 115:10
hear 9:14 20:14	31:21,23 32:2	58:3,5,6,9,13	115:19,22
61:4 68:7	32:5,16,19,22	58:18,22,25	116:2,9,12
heard 19:22	33:3,7,10,14,17	59:3,6,13,24	117:7,17,20
37:8 43:15	34:16,23 35:1	60:1,19 61:5,8	118:3,7,13,16
44:22 73:18	35:4,10,14,16	61:11,15,18,25	118:22 119:5
81:3 108:21	35:18 36:7,9	62:3,5,8,12,17	119:12,19,24
119:13	36:14,19,24	62:21,24 63:5	120:3,8,10,12
hearing 1:5,14	37:3,7,15,17,23	63:6,17 64:5,7	120:22,25
1:17 8:2,5,13	38:2,10,13,20	64:9 66:9,14	121:6,9,11
8:14,17,21 9:1	38:22 39:1,2	66:18 67:19,22	hearings 8:4
9:4,9,12,13,20	39:12,19,21	68:6,17,22	helpful 51:19
12:16,20,23	40:2,6,9,13,23	69:16,21 70:6	83:15
13:6,10,14,18	40:24,25 41:3	70:15,23 71:10	helping 51:9
13:21,24 14:5	41:13,15,18,21	71:14,21 72:3	helps 32:21
14:8,14,19,21	42:16,18,19	72:11,18,23	120:25
15:2,12,20,23	43:1,8 44:4,5,7	73:1,5,17,23	hereto 122:15
16:3,7,9,12,18	44:18,19 45:1	74:2,7,13,17,21	123:11
16:25 17:5,8	45:6 46:2,7,14	75:2,5,9,20,24	hinkle 4:4
17:15,22,23,25	46:17,20 47:5	76:2,6,9 81:15	

hinklelawfir... 4:7 hired 44:2 history 40:19 56:18 hit 102:16 hits 101:13 102:2 hold 55:2 58:10 58:12,14 61:15 109:6 holland 2:4,12 8:16 26:13 37:21 79:11,22 hollandhart.c... 2:7,15 honest 45:11 horizontal 22:13 24:10 57:14 66:25 67:2,3 91:7,9 92:22 93:1 101:18,20	imaging 56:15 56:16 immediately 40:19 45:20 inaccurate 113:16,19 include 10:8 29:10 89:15 94:9,16 95:25 103:17 included 17:19 17:20 22:18 28:22 29:8 78:7 94:12 includes 24:15 24:15 29:7,15 including 22:21 64:19 95:4,9 95:10 indicate 11:15 48:23 84:5 indicated 88:6 104:10 119:8 indicates 68:22 indication 10:18,20 11:5 individual 89:2 information 11:14 17:13 31:11 33:22 34:2 81:8 96:5 96:21 informed 10:24 initial 39:16,17 81:7	initially 28:10 28:13,16,20 111:6 injury 12:1,8 12:10 instance 10:12 insubstantial 66:21 intact 69:2 intend 59:12 68:13 intends 42:23 interest 10:21 11:7,13,13,15 11:20 12:11 16:14 22:12 38:20 42:22 46:1 66:6 78:22,25 79:21 88:3,4,8 89:3,7 98:21 105:2 113:5 115:14 116:5,7,14,16 118:4 interested 68:13 122:15 123:12 interests 24:9 28:1 34:9 45:18 77:4 99:24 118:1 internet 32:21 33:13 interrupt 107:5	interrupting 46:3 interval 87:15 88:3 intervene 10:6 11:18,19 12:7 12:15 intervenes 10:10 intervention 11:21 interview 12:4 involved 48:3 irregular 28:1 ish 91:3,7 93:24 issue 11:7 14:25 19:4 20:13 68:24 99:20 109:1 115:2 issued 22:11 24:8 25:2,4,4 63:16 119:3 issues 20:14 38:14,15 93:11 94:21 95:3 97:7,16 102:10 item 21:8 59:3 items 32:1
i			j
idea 70:15 identification 23:2 24:20 29:5,22 30:2 34:7 35:22 64:24 65:8 67:18 identifies 85:10 ignored 63:17 ii 80:8			jackie 31:3 32:11 jaclyn 4:3 james 1:23 4:11 122:2,18

[jamesbruc - letters]

<p>jamesbruc 4:14 january 22:24 24:8,18 25:4 29:20,25 37:15 38:24 43:18 45:5,19,20 47:13 53:22 jmclean 4:7 joa 77:25 78:1 78:4 81:5,10 81:13 89:4,12 89:17 97:4 98:16,22 99:8 99:11,12,19 104:17,17 106:4,19,25 111:11 116:23 joas 77:22 98:17 99:2,4 113:3 job 1:24 john 4:18 join 88:14 joined 21:2 25:19 joining 84:5 joint 77:15 88:11 97:19 98:22,23 104:19 106:22 juan 12:5 judicial 11:25 july 42:3,7 44:24 46:10 80:8,11,17</p>	<p>81:7 97:23 june 42:6 44:24 57:16,16,17 junk 32:14,17</p> <p>k</p> <p>keep 20:18 51:23 76:21 99:25 100:12 109:2 keri 3:19 9:7 26:19 keri.hatley 3:23 kind 53:11 66:24 67:8 76:20 83:6 99:12 kindly 111:9 knew 17:23 45:5 47:7 know 14:21 20:8 21:11 24:1,2 26:16 27:20 31:6 32:8,15 40:2 43:15,22 45:12 46:9,22,23,24 51:11 54:9 55:17 56:12 57:1,5 63:7,16 63:16 64:16 67:15 68:18 69:25 70:13 71:3,3 73:3 76:18 81:20,22</p>	<p>83:22 84:17 85:15,22,25 86:7,15,20,24 87:2,4,5 88:1,2 88:14 95:18 96:1,4,19 97:6 97:15,18 98:1 99:18 100:10 102:5 104:10 107:3 117:3 120:6 knowledge 96:22 122:10 123:6 known 43:16 knows 54:6 60:11 61:1</p> <p>l</p> <p>l 3:19 13:9,9 73:22 74:12 laid 67:3 68:11 land 15:4 22:19 24:15 28:24 29:7 35:8 84:8 112:3 landman 10:14 13:12 23:5 24:23 64:20 74:16,18 97:10 97:13 98:17 109:19 landmen 80:20 lands 14:22 15:5,25 45:6 47:7,9</p>	<p>large 66:6 lastly 28:18 29:16 lateral 93:24 laterals 94:6,8 law 4:20 79:11 104:25 leading 45:17 lease 10:24,25 11:1,8 13:25 14:11,22 15:8 15:20 16:13 97:7,16,18 leasehold 34:4 leave 69:2 108:14 119:10 119:14 leaving 60:24 lee 22:16 24:11 left 46:23 leg 88:11 legal 14:17 legend 91:6 legion 100:16 100:21 107:10 109:19 111:12 118:2 lessee 11:3 lessor 11:2 letter 22:22 29:19 80:7,11 80:14 120:16 letters 80:22 81:2 103:19</p>
---	--	--	--

[level - mentioned]

level 11:20 likewise 90:16 limited 22:8 24:6 line 21:8 39:3 61:14 89:14 91:4,7,19,23 92:2 lines 61:7 88:16 link 17:12 list 22:22 99:23 100:10 104:10 104:24 105:1 111:19 120:6 listed 85:16 100:16 litigants 12:1 little 21:10 62:6 82:23,23 83:7 88:12,16,16 115:7 llc 3:2 23:24 30:24 80:8 llp 2:4,12 4:4 located 65:5 83:12 location 1:18 locations 85:11 logical 44:21 long 44:23 52:8 53:18 120:18 longer 41:20 43:23 look 12:18 16:16 32:9	55:15 57:21 58:1 85:15 87:9 96:13 103:10 112:15 114:3,22 115:2 116:17 121:4 looked 53:7 looking 15:17 32:7 58:7 61:12 79:6,7 87:23 93:23 94:5 100:10,25 107:7,9 115:7 looks 15:18 21:2 26:6 37:5 55:4 56:15 57:5,9,18 80:5 102:19 117:13 lorenzo 28:5,10 28:13,17,20 lost 21:11 lot 57:9,20 87:16 99:1 100:13 101:4 lower 91:22	made 47:23 60:1 mailing 22:22 maintain 59:14 major 99:3,6 99:11 majority 66:5,6 115:3 make 13:22 43:19 45:4,14 46:20 54:11 75:3 93:11 95:3,8 101:8 116:15 makes 45:23 making 70:9 map 15:17 114:3 maps 101:1 marathon 3:18 26:19 march 20:15 55:5 122:16 123:13 marked 23:1 24:19 29:5,21 30:1 34:6 35:21 64:23 65:7 67:17 material 64:18 70:6 materials 45:21 77:17 79:25 90:17 107:9	matter 1:5 29:2 matters 13:12 45:11 121:11 matthew 7:7 mcclure 31:12 32:8 33:21 mclean 4:3 25:22 26:1,5 31:3,3,7,9,16 31:19,22,25 32:4,6,12,18,20 32:25 33:6,12 33:16,19 34:16 34:20,25 35:3 35:9,12,15 36:5,8,11,15,18 37:1,2 mean 42:18 45:7 46:8 47:13,14 63:23 66:22 77:11,24 81:16 86:15 88:9 94:23 97:2 99:6,17 102:13,14 107:5 113:11 117:4 means 19:25 43:23 meet 69:5 76:15,17,19 meetings 8:7 memo 54:2 mentioned 42:2 42:12 53:5,6
	m 2:11,19 4:3 74:11 ma'am 77:2,19 80:18 88:25 90:19 91:1,5 91:14,17,21,25 92:4,8 93:21 94:4 95:24		

[mentioned - n]

53:25 89:1 met 76:18 90:10 methane 12:6 mewbourne 2:2,10 4:10 6:14 7:13 8:25 9:1 19:20,22 20:14 25:18 26:3,10,13 27:25 28:9,12 28:15,19 29:4 29:21 30:1,14 37:8,22,25 38:24 39:1,6 39:17 42:4,6,7 45:22 46:11,15 51:8 52:22 62:10 64:23 65:7 66:5 67:17 68:1,24 76:20 77:7 78:11,14,17 86:20 87:6 88:7 96:7,16 96:19,23,24 97:8 99:22 107:14,17 108:6 110:24 111:19 113:1 113:12 115:2,4 115:14 116:19 116:24 mewbourne's 45:21 68:14,16	78:21 96:2 97:16 114:25 116:22 mexico 1:1 11:23 12:1 22:16 28:3 102:20 122:20 mfeldewert 2:7 michael 2:3 37:20 microphone 9:17 76:3 mid 45:5 midland 72:10 mile 65:13,19 91:19,23 92:6 92:21 95:6 101:19,24 110:23 114:8 miler 92:22 101:21 miles 15:9,13 15:18 16:19,24 million 121:1 mind 69:22 mine 12:5 mineral 16:14 79:12 minerals 1:2,18 minimizes 84:5 minor 88:12 minute 50:12 64:2 minutes 19:20	misunderstood 78:3 modrall 2:20 3:4 21:5 23:23 modrall.com 2:23 3:7 module 26:7,9 26:23 moment 21:12 44:20 69:23 89:5 115:11 montezuma 4:5 month 47:14 53:22 69:17 months 41:1,4 42:14,14 43:15 52:11 morgan 123:2 123:15 morning 8:2,14 9:6 12:21,22 21:4 22:2,3 26:11,15,19 31:10,14,19 32:6,8 37:11 37:19 98:13,20 motion 9:13,14 9:20,22,24 10:25 14:2,24 17:23,25 18:11 69:24 motioning 71:22 mountain 3:2 21:1,6 22:7	23:21,24 24:6 48:3,19,25 50:9,11 52:11 55:4 57:8,18 58:13 59:11 69:9 move 23:19 40:22 42:10,20 42:22 43:6 45:8,15 46:9 46:10,13 48:17 64:18 69:10 72:2 86:5,8,9 119:9 moved 117:11 moving 20:23 25:17 48:5 119:3 mrc 48:3,5,9,15 48:20,21 52:11 52:15,16 55:16 56:3,7 57:11 57:20 58:1 59:4,12,16 60:12 61:4 63:3 69:9,10 mrc's 48:24 60:8 multiple 34:4 58:12
			n
			n 2:1 3:1 4:1 5:1 8:1 13:9,9 74:12

nail 19:4 name 13:7 45:11 73:20 74:10 99:18 name's 76:15 names 79:12 natural 1:2,18 nature 95:12 nearby 102:3 necessary 10:5 59:10 69:11 need 15:5,10 43:4 44:6 63:24 67:12 84:9 85:20,23 101:4 120:18 needed 19:24 44:13 71:11 117:5 needs 50:16 64:17 69:7 119:9 120:6 negotiations 45:17 50:23 52:23 neighboring 15:5 neither 122:11 123:7 never 90:12 new 1:1 11:23 11:25 22:16 28:3 32:14 83:8 99:3 102:20 122:20	nice 66:22 76:15,17 90:10 90:14 nm 1:22 2:6,14 2:22 3:6,14,22 4:6,13 nmoga 76:19 90:10,12 non 40:11,14 113:22 north 2:5,13 92:6,20,22 93:13,15,17 94:13,14 95:2 95:5,13,13 101:23 102:21 northwest 2:21 3:5 nos 1:9 notary 122:19 note 11:7 noted 87:13 notes 109:18 notice 6:24 7:19 10:1,10 10:13 22:21,22 24:16,16 29:9 29:18,19,24 34:21 36:1 59:16 67:10,11 67:12,12 105:5 noticed 15:6,10 notices 102:5 november 46:18	novo 69:1,4,20 number 11:22 20:25 21:7 23:20 25:18,22 25:23 26:4,25 28:8,11,15,18 30:25 34:18 37:5 55:14 103:14 107:13 117:9,10,12 numbers 8:7 20:23 22:9 54:23 55:16 93:9 94:10,24 o o 8:1 13:9 73:22 74:11,12 oath 13:19 74:24 109:14 object 9:2,5,10 44:11 68:14,23 70:10 71:8 objected 41:5,5 41:9 42:8 70:8 70:11 objecting 27:17 objection 8:18 20:2 40:17,18 41:7 44:25 48:5 59:17 83:20 120:15 objections 23:9 25:7 30:9 35:17 67:20	obtain 11:25 obviously 101:19 102:5 occasions 15:5 15:7 occur 12:2,10 occurred 42:11 46:19 50:8 october 40:21 40:21 41:3,10 44:3,4,25 45:1 46:15,18 office 8:15 26:12 37:21 officer 122:2 offices 72:10 offset 102:5 oh 9:4 21:23 26:1,5 51:1 58:13 76:6 82:2 110:7 112:23 120:19 oil 1:3,6 2:2,10 3:18 4:10 8:4 13:25 14:10 16:13 25:18 26:3,14,19 37:8,22 77:7 okay 9:5 12:20 13:10,24,24 14:5,8 15:2,12 15:23 16:13,25 17:5,15,22 18:2,19 19:3 20:12,25 21:12
--	---	--	---

[okay - owns]

21:15,16,20 22:1,4 24:3 26:24 27:9,12 27:16,19,22 30:11,23 33:3 33:6,10,12,16 35:1,7,16 36:19,24 37:3 38:3,3,10 39:12,21 40:14 40:14,25 41:15 41:21 43:8 46:7 48:1,7 49:18 51:3 52:5,13,20 53:23 55:2,3 55:12 56:5,12 56:19 57:3,7 57:12,14,15 58:3,6,14,19 59:3 61:11,15 61:16,19 62:5 62:14,14,17 68:7,21 69:1 69:21 71:5,22 72:3,4,11 73:17 74:2,3,7 74:17,22 75:5 75:9,24 76:2,6 76:6,9 78:2,7 78:20 79:5,24 80:5 85:20 87:9 89:19,24 91:15 94:25 95:20 98:12,24	99:21 100:8,22 101:25 102:18 103:22 104:2,9 104:16,21,24 105:4,8 106:1 108:23 109:5 109:13,22 110:4 111:22 112:6 114:25 115:3,10,18 117:17,20 118:7,17 119:16,20 120:3,9,22,23 121:5,10 older 102:14 once 36:3,21 ones 58:12 online 102:12 open 8:6 51:23 60:25 62:7 120:18 opening 5:3 38:9,12 64:11 64:16 68:8,10 operates 15:15 operating 2:18 3:18 9:8 37:5 37:13,14 41:23 41:25 43:5 77:15 81:25 82:7 88:11 97:20 98:22,23 99:18 100:11 104:19 106:23	operation 102:1 operator 12:5 54:3,5,6,10,13 68:25 89:3,7 99:19 operators 67:6 79:21 102:6 opinion 87:24 92:11 95:4 102:22 opportunity 50:19 opposed 39:9 optimal 102:22 option 60:23 orange 91:3,7 91:14 93:14 order 10:9 11:22,25 18:11 19:4 20:13 21:1 22:8,9 23:21 24:6,7,8 25:1 41:13 44:5,18 50:14 52:15 56:25 57:6,7,15 63:17 69:17 70:15,19,22 119:2 orders 22:10,11 orient 91:3 orientations 95:15	original 35:25 originally 112:1 outcome 86:14 122:16 123:12 overall 102:1 overlap 29:8 overlapping 29:10 57:13 79:16,21 105:5 115:24 overtook 46:19 46:19 own 16:13,14 45:25 71:16 78:12,15,17 111:7,14 116:17 119:15 owned 99:17 owner 88:9 89:3,7 owners 22:12 79:12,21 100:5 104:25 105:2 ownership 66:10 77:4 78:21,22 79:1 87:14,19,21 88:7 89:9 97:5 104:12 111:10 112:1 114:11 115:7 116:5,24 owns 104:12 107:18 115:2
--	--	---	---

[p - plan]

p	parent 102:9	past 76:19	perfectly 19:8
p 2:1,1 3:1,1	part 14:16,22	pattern 66:20	117:9 119:6
4:1,1 8:1	15:14,25 44:20	67:4 92:13	performed
package 103:17	47:4 89:8	paula 2:11 8:15	10:15
packet 22:18	111:13 117:10	26:12	period 53:25
24:13 31:13,18	participate	pdf 36:15 61:12	71:5
33:20 34:13	9:20 10:2	90:7	permian 3:10
36:16,21	11:16	pecos 1:20	3:18 8:9,12
120:16,17	particular	pena 3:3 21:4	9:24 10:12,13
packets 22:17	12:10 101:1	21:14,18,19,22	11:4 15:15
pads 83:11	107:9 118:6	22:6 23:18,23	19:1,21 26:20
84:5	parties 9:14	23:23 24:2,5	57:12,20
page 5:2 34:18	10:8 18:20	25:3,15,16	permits 86:7,8
34:20,21,23	19:5 22:10	peno 21:5	86:15,18 87:4
35:3,5 36:15	24:1,8 26:16	people 45:7	98:3 119:14
58:22,23,23	27:20 31:6	113:3	perpendicular
59:2 61:5,7,9	48:10 59:15	peralta 3:13,21	101:16
61:14,16,18,20	69:8,25 77:14	percent 66:13	person 10:9,10
79:7,7,25 80:2	77:17,18,21,24	77:8 78:12,15	perspective
82:16 90:7,15	77:25 78:3	78:18 100:2	50:13 63:21,22
106:5,15 107:8	81:4 99:23	107:18,21	63:24 71:15,16
117:25 118:1	107:14 111:4	108:7,10	84:8
pages 34:9 59:1	120:7 122:12	111:14 113:1,4	pertaining
palmer 123:2	122:14 123:8	114:6	14:17
123:15	123:11	percentage	pertains 111:2
panel 75:22	partner 104:19	66:10 116:7	petroleum
98:10	partners 4:2	perfect 8:21	13:12 35:7
paperwork	25:23 30:24	23:16 27:12	74:1,2,5,15,18
61:22	31:4	33:16 44:13	phone 81:8
paragraph	parts 113:2	68:17 69:6	piece 44:21
34:2 58:21	party 60:15	71:11 74:21	112:3 115:8
79:10 82:17,21	62:19 87:25	75:9 82:9	place 50:15
82:25 83:1	98:21	109:23 120:22	placed 101:18
84:4 87:10,10	paseo 3:13,21	perfected 71:10	plan 42:3,20,22
88:24			66:8 67:9 90:5

[plan - proposal]

<p>90:6,24 91:16 99:3,6,9,9 103:18 104:22 111:7 plans 42:5 59:10 99:2 101:6,9 plastic 72:20 please 8:10 9:22 12:24 21:3,20 23:22 24:3 25:21 27:3,8,22 31:2 31:8 37:10 64:13 73:6,20 74:10 89:24 100:7 plenty 53:22 pmvance 2:15 po 4:12 point 8:20 16:24 51:23 61:24 80:22 81:10 114:22 116:16,22 117:1 119:22 policy 54:2 pool 16:23 22:10 24:7 28:1,4,5,19 65:4,9,16 66:1 66:4 114:24 115:1,5,18,20 pooled 15:4 22:12 24:9</p>	<p>79:13 pooling 6:15,18 8:8 15:17,19 26:3 28:12,16 28:23 30:24 33:25 40:7,10 42:7 59:10 pools 28:8 pops 100:24 portion 85:4,23 position 44:15 45:12 61:23 possibility 95:22 possible 51:14 86:10 97:12 119:3,9 posted 20:18 pre 19:4 20:13 41:13 44:5,18 49:8,9,12,12,20 50:14 52:15 56:25 57:6,7 57:14,22 58:5 58:13 61:25 62:3,8 63:17 68:22 69:16 70:15 71:10 prefer 19:1 preference 120:12 preliminary 38:14,15 preparation 46:20</p>	<p>prepare 42:25 63:20,21 80:3 90:20 96:25 prepared 41:17 41:25 43:20,21 45:8 46:10,16 123:3 preparing 46:9 preponderance 18:9,10 49:19 present 4:17 17:24 21:8,9 21:13,16 27:4 27:4 49:3 54:17 59:13 60:16 75:15 presentation 33:18 presented 103:19 pretty 72:15 95:13 previous 36:17 102:16 previously 29:1 53:25 64:20 65:2 74:4 primary 62:24 62:25 principle 59:9 60:4 61:21 62:19,24 prior 47:22 98:25 122:5</p>	<p>privy 45:14 86:18 probably 55:16 61:13 97:9 102:15 problem 21:12 proceed 19:18 21:21 24:4 27:23 44:6,16 59:11,19,20 60:10 64:9,14 70:12 75:13 proceeding 10:8 11:17 12:2 121:14 123:4 proceedings 11:24 122:3,5 122:6,9 123:6 process 43:17 53:6 producing 91:8 92:23 93:5,16 production 12:6 92:17 94:11,24 100:16 102:8 102:11 111:12 project 82:19 83:16 117:23 properly 10:10 70:8 proposal 42:4 80:7,11,13,22 81:1 103:19</p>
--	---	--	---

[propose - received]

propose 103:23 proposed 12:4 29:11 42:3,4,6 42:6 91:11,19 91:24 95:7 96:10,10 103:25 104:4,4 111:6,15 proposing 92:6 94:22 95:4 proration 92:14 93:2,7 94:13 95:17,19 prosecuting 70:3 prosecution 71:2,5 prospect 82:19 83:2,4,8 84:11 84:15,19 prospects 83:10 provide 10:13 31:11 99:23 104:10 provided 11:8 11:14 79:11,20 104:25 provides 10:7 public 122:19 publication 6:25 22:23 24:17 29:24 67:12	published 8:6 9:18 22:23 24:18 29:25 pull 14:3 pulled 14:4 purchased 81:22 purpose 1:7 22:9 24:7 69:24 83:18 purposes 50:22 pursuant 44:18 pursue 44:9,13 53:4,17 69:4 70:3 71:2,4 pursued 114:23 pursuing 66:7 purview 72:2 put 45:13 82:4 86:17 putting 86:9,12	102:19 105:14 106:2,4,25 108:16 109:4,9 109:11 questions 13:25 17:3 23:6,14 23:15 24:24 25:12,13 30:3 30:7,16,18 34:17 35:24 36:4 39:13 44:12 68:16 75:19,22 76:5 76:23 85:14 89:20 98:5,9 98:15 100:23 103:1,7 105:9 105:12 108:18 108:20,22 110:3 117:4,6 118:10 120:2	raising 48:12 range 11:10,10 11:11 14:12,24 14:25,25 22:15 24:11 28:2 rather 32:22 rationale 41:6 41:9 63:23 rcx 5:5 rdx 5:5 reach 81:6 reached 38:24 45:21 59:8 read 51:17 55:8 63:8,9 ready 44:18 45:15 46:13 53:23 54:14 55:11 89:22 real 54:17 109:11 really 16:19 45:12 64:15 reason 48:9 56:16 60:2,16 62:25 65:21 68:21 70:3 119:8 reasons 60:9 rebuttal 50:20 68:3 recall 56:10 received 17:13 23:12 25:10 30:15 35:20,22
	q	quick 28:7 109:11 quite 19:19 114:21 115:8	
	qualified 13:11 35:7 73:24 74:4,18 122:7 quarter 83:13 87:17 question 74:14 76:8,24 79:3 83:25 84:13,21 85:9,22 86:1 86:21 87:3 90:4 95:1,8 97:3,10,13 98:13 102:8,16	r	
		r 2:1 3:1 4:1 8:1 11:22 13:9 21:2 22:9,9 23:21 24:7,8 73:22,22 raise 12:24 73:6 raised 47:21 48:11	

<p>36:3 68:2 80:22 81:1 recently 37:13 59:8 recognizing 11:24 recollection 53:3 record 10:14 11:8,13 12:12 13:7 20:22 23:4 24:22 29:3 30:5 34:14 37:4 41:12 47:18 52:14 59:14 60:24 63:25 64:3,4 81:21 88:18,20,21 100:2 109:13 114:11 120:18 121:12 122:9 123:5 recorded 122:6 recording 122:8 123:4 recross 106:16 112:2 118:19 red 78:1 88:16 100:16 redirect 103:5 103:8 104:7 105:12,16,19 105:19 110:9 110:19 118:18</p>	<p>reduce 63:10 reduced 122:7 redundancy 36:22 refer 38:6 81:23 82:11 91:6 references 14:24 referring 41:13 54:22 103:15 110:22 114:5 refile 54:5 refiling 56:21 reflects 110:14 regarding 11:24 regular 65:12 65:19 related 10:20 122:11 123:7 relation 29:11 relative 122:13 123:10 relevant 117:22 relied 11:23 reluctance 39:7 rely 77:21 remain 71:12 79:13 remainder 87:15 107:20 111:18 remember 48:8 50:10 51:15,16</p>	<p>53:2 88:1 remove 36:16 121:1,2 rephrase 83:24 84:20 95:1 report 101:10 reported 1:23 representing 26:19 62:18 request 29:8 65:4 68:20 105:5 requested 31:12 39:1 require 48:21 50:4 55:3 63:3 required 10:13 requirements 69:5 requires 10:10 research 16:19 reserve 68:25 69:19 reserves 93:3,7 reservoir 86:19 95:18 resolve 20:13 59:9 resources 1:2 1:18 3:10 8:9 8:12 9:25 10:12,13,18 11:3,4 12:14 14:12</p>	<p>respect 113:1 respond 44:20 112:11 responded 60:13 response 17:14 42:4 106:25 rested 16:19 result 12:2 94:20 111:13 rett 7:5 review 10:15 10:24 11:5,25 56:6 60:11 reviewed 42:24 right 9:21 12:24 16:12 18:1,13 19:10 20:19,22 22:5 23:7 33:11,17 36:6,20 41:16 49:14,17 52:21 52:23 53:4 55:25 56:6,9 57:17 65:23 69:1,19 71:7,7 71:8 72:4 73:6 79:17 80:8 83:19 87:24 89:14 90:8 91:6 93:12 104:5 109:16 110:12 112:17 117:15,16,18 117:19 121:6</p>
---	--	--	--

[rioters - sending]

rioters 76:21 rise 11:20 rule 10:9 ruled 48:16 run 28:6 running 16:22 16:23	saying 37:6 38:15 44:5 54:13 70:17 74:3 83:7,15 93:14,22 94:1 94:7 111:25 112:4 115:11 115:15 116:4,7 116:13 says 35:8 50:15 54:3 61:21 63:9 77:7 100:1,10 scanned 35:5 scenario 15:10 49:20 schedule 86:3,9 86:12,17 96:3 scheduled 59:13 screen 32:21 62:6 76:25 79:8 98:14 99:25 105:25 110:11 scroll 109:1 111:9 scrolling 11:1 search 35:6 second 26:24 33:20 34:13,22 35:2,25 36:2 54:1 58:11,12 59:7 61:16 65:17,22 66:3	80:2 87:1 88:4 90:5 91:16,20 91:24 92:2 101:19 109:6 110:23 115:25 section 14:12 15:21,24 16:1 16:2,10,15 28:1,2 65:13 65:19,23 66:5 67:5 83:13 85:11 87:17 93:24 94:6,7 95:23 111:5 113:15 115:13 116:6 117:11 117:12,12 sections 16:4 22:15 24:10 65:6 110:12 112:8,19,25 113:21,23,25 114:24 see 13:15 15:10 16:7,17,18 17:11 20:24 21:12 26:24 34:20,24 37:4 45:10 50:17 58:18,20 59:6 60:10 61:20 64:12 66:20,24 66:25 67:2,3,7 69:12 70:6,15 72:23 73:5	75:16 77:1,9 78:3 79:7,13 81:9 82:5 87:17 90:8,10 90:14,15 96:15 99:19 102:10 102:16 108:18 111:23 117:11 118:17 seeing 53:18 seek 69:19 115:20 seeking 15:4 28:1,19 66:1,3 79:16 113:22 seeks 9:24 22:8 24:6 28:9 65:9 65:16 110:24 114:24 115:1,5 115:18 seem 104:3 seems 44:9 47:5 47:6,9 53:20 63:13 72:2 seen 14:6 89:18 self 6:19,21,23 7:4,6,8,14,16 7:18 13:15 28:24 29:17,18 34:1,19 64:19 64:25 75:10 send 17:12,16 32:2 102:5 sending 33:2
s			
s 2:1 3:1 4:1 6:1 7:1,9 8:1 13:9 73:22,22 74:11 74:12 safe 76:21 saint 1:21 samaniego 8:23 9:16 10:19,23 12:9 17:10 samaniego's 18:6 sample 22:22 29:19 34:10 san 12:5 28:4 28:10,13,17,20 sand 91:8,24 92:12,14,18,25 93:1,6,8,17 94:12 101:16 101:17,19 104:1 santa 1:22 2:6 2:14 3:14,22 4:6,13 8:15 26:12 37:21 saves 74:22			

<p>sense 45:23 46:21 95:8</p> <p>sent 9:19 10:24 17:16,20 18:23 29:9 31:13,19 31:25 34:22 44:5 80:7,10</p> <p>sentence 59:7</p> <p>separate 115:5</p> <p>separately 21:9 59:16 81:23</p> <p>september 46:11,18 80:14 96:8,17</p> <p>sequence 53:3</p> <p>set 17:25 18:21 24:14,16 34:3 40:23,25 53:10</p> <p>sets 85:1</p> <p>seventeenth 37:16</p> <p>several 39:5</p> <p>severance 31:12 34:3,11 87:20 88:19,20</p> <p>shaheen 3:11 8:11,11 9:22 9:23 12:17,18 14:19,20,23 17:2,4 18:5,12 18:15,18,22 19:1 20:18,20</p> <p>shake 63:19</p> <p>shanor 4:4</p>	<p>share 98:14 105:25</p> <p>shared 82:17 83:12 85:6,23</p> <p>sharing 76:25 99:25</p> <p>sharon 3:11 8:11</p> <p>shoes 45:24</p> <p>short 67:2,3 106:9</p> <p>shorthand 82:20</p> <p>show 32:21 66:17 91:2</p> <p>showing 22:23 24:17 90:18</p> <p>shows 29:10 31:22,25 66:23 77:17,21 88:18 118:2</p> <p>sic 106:4</p> <p>sign 45:4 63:11 81:13</p> <p>signature 122:17 123:14</p> <p>signed 77:14,25 78:1,4 81:5,10 88:11 89:12,16 98:16 99:8 104:18 106:22</p> <p>significant 102:17</p> <p>significantly 102:11</p>	<p>similar 34:4 47:23 48:11 63:2 95:15 102:15</p> <p>simple 109:11</p> <p>simply 19:23 93:4</p> <p>single 46:23</p> <p>singling 117:21</p> <p>sir 9:11 13:16 20:2,5 27:15 27:18 74:6,20 75:4,8,8,23 76:1 98:19 101:2,15 104:6 104:14,18,23 105:3,7 111:1 111:21 113:6 120:21 121:8</p> <p>sit 54:18 75:21</p> <p>sitting 54:12</p> <p>skills 122:10 123:6</p> <p>slash 96:18</p> <p>slider 72:17,20 73:4</p> <p>slider's 72:15</p> <p>slight 87:14</p> <p>sloan 5:7 7:15 64:19 72:8 73:13 74:9,11 74:11,15,20 75:7,8,17,21,23 76:5,10,15,17 77:2,5,10,13,19</p>	<p>77:23 78:5,10 78:13,16,19,23 78:25 79:4,9 79:14,18,23 80:4,9,12,15,18 80:23 81:3,9 81:14 82:15,22 83:6 84:7,12 84:16,20 85:3 85:12,15,18,25 86:4,13,22 87:2,8,12,18,23 88:10,21,24 89:6,10,13,18 89:20 96:6,14 97:15,18,23 98:1,19 99:5 99:14 100:3,8 100:14 104:9 104:14,18,23 105:3,7 106:19 106:21 107:3,6 107:12,16,19 107:24 108:3,8 108:11 110:16 110:22 111:1 111:16,21 120:19,21</p> <p>smaller 65:15</p> <p>sold 98:18</p> <p>solid 91:3,7 92:2 93:13 118:9</p> <p>soon 86:10,13 119:3,9</p>
---	--	---	--

[sorry - street]

<p>sorry 29:18 32:10 35:3 52:1 57:24 105:21 106:15 107:4 112:20 sort 63:17 91:3 93:23 99:8 111:24 sounds 42:19 50:21 51:2 56:8 89:2 99:10 south 1:21 14:12 15:16 22:15 24:11 28:2 65:5,6,11 65:12,18,18,23 65:23 66:1,4,4 66:12,16,16 91:23,23 92:7 92:20,23 93:1 93:13,15,18 94:13,14 95:2 95:5,14 101:20 101:20,22,22 101:23 102:21 103:24 105:2 108:3,4 109:2 110:12,14,25 111:5 112:8,16 112:17,18,21 112:23,24,24 112:24 113:14 113:14,21,23 113:24 114:3</p>	<p>114:12,24 115:5,6,12,18 115:21,25,25 116:5 117:10 southeast 87:16 92:21 117:10 southwest 83:13 87:17 space 101:15 spaced 101:17 spacing 22:13 24:10 28:10 29:11,12 57:14 65:5,11,15,17 66:12 67:4 79:16 101:21 105:6 110:23 111:15 113:22 115:24 116:21 speak 117:2 special 8:5 20:16 121:11 specific 16:22 16:22 33:22 102:23 103:14 specifically 34:3 spell 13:7 73:20 74:9 spencer 3:12 spencerfane.c... 3:15 sperling 2:20 3:4 21:5 23:24</p>	<p>spoke 10:23 spring 22:13 24:10 28:4,5 65:10,17,22 66:1 67:1 87:15,15 88:3 88:5 90:5,6,24 90:25 91:4,8 91:11,12,16,20 91:24 92:3,6 92:12,18,25 93:1,6,17 94:3 94:12,21 95:5 95:7 103:23 104:1 110:23 116:1 spur 4:2 26:4 30:23 31:4,10 sshaheen 3:15 stake 96:8 97:1 standard 18:7 22:20 24:14,16 29:7,16 40:11 40:14 65:10,16 113:22 standing 10:5,6 11:16,18,19,25 12:7 70:10 stands 69:22 standup 67:2 start 64:11 73:19 76:10,24 started 98:25 state 1:1 13:6 28:11,14,17,21</p>	<p>68:23 73:20 74:9 122:20 stated 12:10 60:6,7 61:25 statement 5:3 6:19,21,23 7:4 7:6,8,14,16,18 13:15 29:6,13 29:14,17,19 34:1,19 38:9 38:12 49:8,10 49:12,13,20 57:22 58:2,5 58:14 59:4 61:25 62:3,8 64:19 65:1 68:22 71:10 84:6 statements 28:24 75:10 states 34:2 status 40:21 41:11 statute 10:9 stay 120:18 step 39:15 45:24 86:8 steps 87:6 96:7 97:4 sticks 93:12,13 93:20 95:2,2 stop 37:6 strange 33:1 street 2:5,13,21 3:5</p>
--	---	--	--

[strike - testimony]

strike 9:24 12:13 struggling 99:8 stuck 99:12 stuff 16:24 sub 29:16 30:4 64:21 65:3 subject 14:22 15:4,25 45:6 47:7 98:22 submit 48:13 50:18,19 100:4 submitted 13:15 43:2 47:21 74:24 86:25 submitting 70:4 subsequent 12:15 subsidiary 82:3 99:17 substitute 43:4 successor 98:21 sufficient 11:21 suggest 60:14 suggesting 70:16,18 suite 2:5,13,21 3:5 summarize 68:12 summary 77:4 80:1,3 89:4 100:19 102:3	supplemental 100:1 120:10 support 43:2 60:17 65:4 70:4 suppose 81:9 sure 19:19 52:24 60:11 61:1 71:14,15 84:22 86:22 87:12 90:10 93:11 97:11 100:3 103:6 108:15,16 109:7 110:10 110:17 114:21 115:8 117:8 surface 83:3,11 83:13,16,17,21 83:22 84:5,6 84:10,15,19,23 84:25 85:1,6 85:11 95:22 survey 96:16 surveyed 84:14 96:16 survive 98:18 99:3,11 survives 107:1 suspect 20:15 sustain 11:21 sustained 84:2 sworn 13:3 72:6 73:9,14 122:5	symbol 72:21 synergy 82:18 system 56:15 56:16 t t 3:11 6:1 7:1 13:9 74:11 tab 6:4,5,9,10 22:19,20 24:15 24:15 table 117:14 tables 89:9 tactical 50:22 53:18 take 25:14 36:25 39:15 47:16,20 48:18 50:6 52:9 55:5 56:6 58:10 64:1 69:25 98:2 101:10 119:22 taken 23:5,17 24:22 30:5,20 34:14 87:6 96:7 97:4 119:2 122:3,12 123:9 takes 86:7 talk 54:21 63:24 talked 32:8 98:25 talking 88:22	talks 19:21 team 121:3 technical 4:18 21:25 22:3 23:15 25:13 30:18 32:7 33:9 36:2,10 36:13,23 47:17 64:8 72:14,19 72:25 98:8,12 98:24 99:7,21 100:7,9,22 101:3,12,25 102:7,18,25 108:22 109:3 109:10,17,22 110:2 118:12 118:14 120:1 tell 13:4 51:5 53:12 55:13 63:1 73:10,15 85:21 testified 13:5 29:1 64:20 65:2 73:11,16 89:5 106:19 107:10 testify 82:18 testifying 46:25 122:5 testimony 74:23 82:20 83:2,5 85:10 95:21 96:24 106:24 119:10
---	--	---	--

[thank - transcriber]

thank 8:13,17 8:21,25 9:5,12 9:23 12:16 13:14 16:25 17:5,7 18:2,2,3 18:14,15 19:11 19:15 20:6,20 20:21 21:22 22:6 23:8,18 24:5,25 25:6 25:15,16 27:16 27:24 30:20,21 31:5,9 36:25 37:2,17,23 41:4 43:8 55:20 64:3 66:18 67:22 71:20 72:11,25 73:1,23 74:7 75:5,20,24 76:4,11,21 79:24 82:9,13 85:8 89:21 91:15 97:6 98:5,6 100:22 103:2 105:10 105:24 106:18 108:13 109:23 111:22 113:10 114:15 118:8 118:21 119:13 119:18,20 121:10 thanks 76:14 78:20 79:6	83:14 90:9 94:18 theirs 58:17 theory 69:3 thing 20:9,11 51:8 54:1 96:23,24 121:3 things 43:11 53:21 58:10 99:10 think 19:23 31:24 36:5 41:8 42:6 46:6 46:8 47:24 53:5 54:16,16 55:15,21 57:1 57:1,4 58:12 58:16 64:17 66:17 69:15 84:7 100:23 116:2 117:2 118:17 119:8,9 120:20 thinking 63:7 83:15 third 88:4 thomas 5:7 7:15 64:19 72:8,9 73:13 74:11 97:3 98:13 thought 70:23 71:21 114:16 117:14 119:13	three 20:23 37:24 41:13 52:11 62:9 65:3 92:23 94:19 95:10 103:25 104:4 throwing 26:23 till 43:18 time 1:16 10:17 10:20 19:24 32:13 37:8 38:19 39:11 42:25 44:24 48:25 53:23 55:6 61:24 63:20,21 69:18 81:17,20 86:7 timely 24:13 29:25 47:12 57:19 times 121:1 timing 38:8 48:24 96:13 98:2 title 10:14,15 11:4,13 12:12 16:17,22,23 87:24 today 8:5 17:12 18:18 39:2 41:14,25 42:15 42:18 44:16 45:2 46:4,25 47:2 48:12 50:3 54:15	59:23 60:9 62:18 63:2 67:14 70:7 86:5 87:8 88:22 90:9,15 99:1,10 111:8 114:24 119:17 today's 40:23 41:18 64:9 70:6 121:10 together 22:5 88:14 told 88:13 took 43:18 52:11 67:8 top 72:18 topics 120:2 total 59:1 township 14:12 15:16 22:15 24:11 28:2 tract 77:7,8 78:12,15,18,21 78:23 79:5 104:12,12 107:9,13,17,18 107:22,23 113:24,24 114:3,4,4 117:9,9,13,21 118:6 tracts 108:6 trade 45:22 transcriber 123:1
--	---	--	---

[transcript - videoconference]

transcript 51:18 53:8,8 55:9,21 60:1 61:10 63:1,8 123:3,5 transcriptionist 122:8 treat 98:9 tribunal 109:15 trouble 9:16 103:12 true 122:9 123:5 truth 13:4,4,5 73:10,10,11,15 73:15,16 try 32:1 82:11 100:12 trying 16:23 35:6 42:10 56:24 63:15 84:23 86:5 112:13 114:22 116:15,17,20 116:22 117:1 tschantz 4:20 18:23 tuesday 1:15 turn 39:13 50:11 51:13,21 72:12 76:3 79:25 82:15 90:7 turning 106:5	twice 10:15 two 23:10,17 26:10,24 37:25 42:14 65:4 84:25 92:20 93:12 94:6,7 95:2,10 101:21 101:24 107:23 111:4 type 102:16 typewriting 122:7 typically 38:15 98:17	116:22 119:2 119:22 underlying 87:16 understand 39:3 45:3,8 49:4 56:23 63:5,8 71:15 82:22 84:23 95:1 111:24 112:14,14 114:17,19 116:3,13 117:6 119:5 understanding 43:14 54:8 55:3 85:3,7 99:6,16 100:15 100:17 106:21 107:12 understands 117:8 understood 50:5 93:12 114:16 118:14 unintelligent 45:7 unit 15:15,19 24:10 28:10,17 34:5 40:11,14 57:14 65:11,15 65:17 66:12 81:4 92:14 93:2,7 94:13 95:17,19 108:7	110:23 111:15 111:16 113:22 115:24 116:21 units 22:14 29:11,12 46:1 65:5 79:16 105:6 unnamed 108:6 usa 104:15 use 77:23 85:23 useful 47:24 using 83:3
	u		v
	ultimately 62:23 63:16 umbrella 100:20 uncommitted 22:12 24:9 77:18 uncontested 59:11,20 under 13:19 22:10 23:5,17 24:14,22 25:15 30:6,20 34:14 36:25 47:23 48:18,19 50:7 60:24 65:10 66:6,11 69:16 74:24 77:7 89:4 97:19 99:19 109:14		vacate 39:1 valid 12:12 106:5 van 7:7 vance 2:11 8:14 8:15,19 19:7,8 19:11 26:11,12 26:16 27:1,3,8 27:11,20,21,24 30:12,20,21 vast 115:3 verbatim 51:18 55:9,21 version 106:10 versus 77:18 vertical 67:1 92:24 95:10 viable 116:23 video 72:10,13 videoconfere... 2:11 4:11,19

[view - zones]

view 69:25	weeks 39:5	withdrew 48:5	x
w	60:25	witness 12:17	x 5:1 6:1 7:1
wait 35:1 53:13	weigh 95:4,6	13:3 42:15	y
54:18 69:10	weird 32:18	47:2 73:9,14	y 73:22
72:12	47:3	75:16 112:2	yarithza 3:3
waiting 88:15	welcome 30:22	117:15,22	21:5 23:23
want 13:22	wells 65:13	122:4	yarithza.pena
21:13 27:1	67:1,2,3,5 86:3	witnesses 5:5	3:7
32:23,24 47:16	92:24 93:4,6	19:18 39:4	yeah 36:8 41:2
47:17 53:17	94:12,17,19	42:1,1 44:12	52:4,6 58:9
54:13,19 60:20	95:10,16 96:2	46:5,24 49:22	72:19 74:15
75:3,12 76:3	96:2,8,10 97:1	50:20 67:13	77:13 78:5
79:25 82:15	101:4,6,7,14,16	68:16 70:13	79:4 80:18
105:18 112:14	102:3,8,10,11	71:9 72:5	83:14 88:10
113:9 115:9	102:14,20,22	73:18 74:23	91:13 92:9
119:17	103:23 104:1,4	118:25	96:15 99:14
wanted 18:23	111:6 119:14	wolfcamp	100:3 108:17
33:23 38:14	wendell 1:20	22:13	111:16,17
40:22 47:8	went 29:19	wondering	year 76:19,19
76:24 87:9	west 22:14 28:8	44:21	97:24
90:3 113:16	28:8,12,16	wording 82:23	yep 108:4
wanting 114:10	83:9 92:22,24	working 66:6	yesterday
wants 69:16	93:24 94:17	78:21,25,25	17:17 33:22
wars 101:11	95:11,12	79:21 88:8	47:15
way 35:5 41:24	102:21,22	89:2,6 105:1	
49:4 62:6	whatnot 83:12	works 44:24	z
69:21 72:2	whatsoever	46:12	zero 79:4,5
82:4 98:20	49:16	worried 101:13	zone 102:15
120:24 121:3	wie 7:7	would've 38:21	zones 93:8
we've 10:25	willing 43:1,6,6	46:17,25 47:11	
33:19 88:13	75:21	writing 63:11	
97:3 121:1	windows 62:7	wrong 51:6	
week 17:20	withdrawal	80:6	
31:12 120:20	59:16		