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A P P E A R A N C E S

ON BEHALF OF E.G.L. RESOURCES INC. AND PBEX, LLC:

JAMES "JIM" G. BRUCE, ESQUIRE (by  
videoconference)

PO Box 1056  
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(505) 982-2043

ON BEHALF OF AVANT OPERATING LLC:

DEANA M. BENNETT, ESQUIRE  
Modrall Sperling  
500 4th Street Northwest, Suite 1000  
Albuquerque, NM 87102  
deana.bennett@modrall.com  
(505) 848-1800

ALSO PRESENT:

John Harper, Witness, Avant Operating, LLC (by  
videoconference)  
Dean McClure, Technical Examiner - Oil  
Conservation Division (by videoconference)  
Freya Tschantz, Law Clerk - Oil Conservation  
Division

E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Case 24118:		
Exhibit 1	Tab A: Compulsory Pooling Checklist	10/10
Exhibit 2	Tab B: Affidavit of Tiffany Sarantinos, Landman	10/10
Exhibit 3	Tab C: Affidavit of John Harper, Geologist	10/10
Exhibit 4	Tab D: Affidavit of Shane Kelly, Reservoir Engineer	10/10
Exhibit 5	Tab E: Declaration of Deana M. Bennett	10/10
Case 24119:		
Exhibit 6	Tab A: Compulsory Pooling Checklist	13/13
Exhibit 7	Tab B: Affidavit of Tiffany Sarantinos, Landman	13/13
Exhibit 8	Tab C: Affidavit of John Harper, Geologist	13/13
Exhibit 9	Tab D: Affidavit of Shane Kelly, Reservoir Engineer	13/13
Exhibit 10	Tab E: Declaration of Deana M. Bennett	13/13

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P R O C E E D I N G S

THE HEARING EXAMINER: It is 8:33 a.m.  
on May 28, 2024. We are here for a special hearing.

Let's get the case numbers here. We  
have several case numbers. So we are on the record in  
Case Numbers 24118, 24119. I believe those were  
consolidated with other cases as well. I don't know  
if they have been dismissed or not. Let me check.

MR. BRUCE: Mr. Examiner, this is Jim  
Bruce. The E.G.L. cases have been dismissed.

THE HEARING EXAMINER: I thought they  
were, Mr. Bruce. Thank you. Good morning.

Those were Case Numbers 24154 and  
24155?

MR. BRUCE: That is correct.

THE HEARING EXAMINER: All right.  
Thank you.

Let's get entries of appearances first  
for Avant Operating.

Mr. Bruce, is that your microphone  
picking up pages turning or something?

MR. MCCLURE: Oh, I apologize --

MR. BRUCE: Nothing is going on in my  
room.

THE HEARING EXAMINER: Okay.

1 MR. MCCLURE: I apologize, Mr. Hearing  
2 Examiner. That was mine. I'll mute myself.

3 THE HEARING EXAMINER: Oh, okay. Very  
4 good. Very good. And that is our technical examiner.

5 Would you introduce yourself, please?

6 MR. MCCLURE: Dean McClure.

7 THE HEARING EXAMINER: Thank you, sir.

8 And can I get an entry of appearance  
9 for E.G.L. Resources?

10 MR. BRUCE: Mr. Examiner, Jim Bruce  
11 representing both E.G.L. Resources and PBEX.

12 THE HEARING EXAMINER: Oh, thank you,  
13 sir. Let's start with you, Mr. Bruce, since we did  
14 have competing applications. Can you tell me what  
15 you've done with those?

16 MR. BRUCE: Yeah. Those are the cases  
17 I dismissed. The parties are in settlement  
18 negotiations that are going well. We said why fight  
19 on May 28th if the matters look likely to settle in  
20 the next week or so.

21 THE HEARING EXAMINER: I see. So they  
22 haven't settled yet, but you expect that they will  
23 settle?

24 MR. BRUCE: That's what I was told  
25 yesterday.

1 THE HEARING EXAMINER: Okay. All  
2 right. So you filed a withdrawal of your objection?

3 MR. BRUCE: I believe I did. If I  
4 didn't, I will do it this morning. I thought I did.

5 THE HEARING EXAMINER: I thought you  
6 did, too. Let me check the record here.

7 Yes, sir. I do show that on May 22nd,  
8 at least that's when we've stamped it, received. We  
9 have a withdrawal objection to hearing by affidavit,  
10 signed by yourself.

11 MR. BRUCE: Yeah. Thank you.

12 THE HEARING EXAMINER: You're welcome.  
13 And that's in both cases, 24118 and 24119.

14 Have you had a chance to review the  
15 exhibits submitted by Avant?

16 MR. BRUCE: Yes, Mr. Examiner. Both my  
17 witnesses and I have had a chance to review. We have  
18 obviously no objection to the matters moving forward  
19 by affidavit, and we have no objection to the  
20 exhibits.

21 THE HEARING EXAMINER: Okay. Thank  
22 you, sir. Then we will begin with the presentation of  
23 these two cases by counsel for Avant.

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

1                   We timely filed exhibits in these  
2 cases, and they're case 24118 and 24119. And in these  
3 cases, Avant is seeking compulsory pooling orders and  
4 non-standard unit approval. And these cases cover all  
5 of Section 13, Township 20 South, Range 33 East. And  
6 the two cases differ in that one is for the Bone  
7 Spring formation, and that's case 24118, and case  
8 24119 is for the Wolfcamp formation. And with our  
9 exhibits, I submitted the compulsory pooling  
10 checklist.

11                   I submitted Tab B, which is the  
12 affidavit of Tiffany Sarantinos. And she has  
13 previously testified before the Division, and her  
14 credentials have been accepted as a matter of record.

15                   Behind her affidavit in each case,  
16 we've included the application, proposed C-102s, lease  
17 tract maps, summary of contacts, the list of the  
18 parties to be pooled, a sample proposal letter, AFEs;  
19 and then because this is a non-standard unit case,  
20 we've also included as Exhibit B-8, the adjacent  
21 operator's tract map and the notice party list for the  
22 non-standard unit portion of the application.

23                   Tab C is the affidavit of John Harper,  
24 the geologist, and he's previously testified before  
25 the Division, and his credentials have been accepted

1 as a matter of record. And all of his exhibits are  
2 the usual suite of exhibits.

3 Tab D is the affidavit of Shane Kelly.  
4 He's a reservoir engineer with Avant, and he's  
5 previously testified before the Division, and his  
6 credentials were accepted as a matter of record. And  
7 we've included his affidavit to support the  
8 non-standard unit portion of the application, and it  
9 shows the -- it compares and contrasts the standard  
10 unit scenario versus the non-standard unit scenario  
11 and shows the benefits that will accrue if the  
12 non-standard unit is approved.

13 Tab E is my declaration that includes a  
14 sample notice letter as well as our notice lists and  
15 proof that notice was mailed and our proof of  
16 publication.

17 In these cases, Avant is requesting an  
18 expedited order if at all possible, although I will  
19 say that yesterday -- or this week, we received orders  
20 for May 2nd, so the Division is issuing orders very  
21 quickly, and everyone definitely appreciates that.

22 Avant does have a near-term drilling  
23 schedule issue though, they are hoping to commence  
24 drilling on these wells on or before August 1st, and  
25 so to the extent necessary or possible they would



1 respectfully request a expedited order.

2 With that I would ask that the -- oh,  
3 one thing I did want to say is, we used the compulsory  
4 pooling checklist, the revised compulsory pooling  
5 checklist that the Division circulated for  
6 non-standard units, and so it does have the pool and  
7 pool code in the checklist because this is a  
8 non-standard unit application.

9 These are 40-acre building blocks, and  
10 so we're asking for a 640-acre non-standard unit.

11 So with that I would ask that the  
12 exhibits in case 24118 be admitted into the record and  
13 the exhibits in case 24119 be admitted into the  
14 record.

15 THE HEARING EXAMINER: Okay. Let's  
16 deal with the two cases separately because I believe  
17 each packet is in some way different than the other  
18 packet.

19 MS. BENNETT: That's correct.

20 THE HEARING EXAMINER: All right.  
21 Let's deal with Case Number 24118 first.

22 I have tabs A, B, C, D and E. Are  
23 there any objections?

24 Not hearing any, these exhibits are  
25 admitted into evidence.

1 (Exhibit 1 through Exhibit 5 were  
2 marked for identification and received  
3 into evidence.)

4 And now I'll go to Mr. Bruce.

5 Mr. Bruce, do you have any questions  
6 regarding these exhibits before I turn to our  
7 technical examiner?

8 MR. BRUCE: No.

9 THE HEARING EXAMINER: Okay. Thank  
10 you, sir.

11 Mr. McClure?

12 MR. MCCLURE: Mr. Hearing Examiner, I  
13 have no questions, but I would like -- or I would like  
14 to request a amended application.

15 THE HEARING EXAMINER: Okay. And what  
16 are we amend -- what are we requesting amendment?

17 MR. MCCLURE: The geology exhibit,  
18 amended -- or Exhibit C. If we could --

19 THE HEARING EXAMINER: C what?

20 MR. MCCLURE: Oh. Excuse me. I was  
21 going to say there's actually several of them: C-2,  
22 C-3, C-6, C-9, and C-15.

23 THE HEARING EXAMINER: I see. Okay.  
24 Hold on one second.

25 Let's see if we have John Harper with

1 us today.

2 MR. HARPER: Mr. Examiner, this is John  
3 Harper from Avant.

4 THE HEARING EXAMINER: Yes.  
5 Mr. Harper, can you turn on your camera? Thank you.  
6 Okay. Very good.

7 So I'm going to swear you in so that if  
8 Mr. McClure asks you anything, you're on the record as  
9 sworn in.

10 Would you raise your right hand,  
11 please? I can't -- there we go. Okay.

12 WHEREUPON,

13 JOHN HARPER,  
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. Thank  
18 you, sir.

19 Okay. Mr. McClure, would you please  
20 proceed?

21 MR. MCCLURE: Yes -- yes, I will.  
22 Thank you, Mr. Hearing Examiner.

23 This is actually probably more for  
24 Ms. Bennett, I suppose, rather than Mr. Harper.

25 On several of the attachments for part

1 of Exhibit C, the exhibit label is covering  
2 information. So I was wondering if we could move it  
3 and resubmit an application packet with that amended  
4 to have the exhibit labels off to the side more, or at  
5 least not obscuring information.

6 MS. BENNETT: Definitely.

7 THE HEARING EXAMINER: Okay,  
8 Mr. McClure. So yes, Ms. Bennett will do that. Is  
9 there anything else?

10 MR. MCCLURE: No, sir, Mr. Hearing  
11 Examiner. I have no other questions or requests for  
12 this case.

13 THE HEARING EXAMINER: Okay. So  
14 there's no other changes or modifications that we need  
15 to the exhibit packet besides the uncovering of  
16 information by the exhibit labels.

17 MR. MCCLURE: For case 24118, that is  
18 correct.

19 THE HEARING EXAMINER: Okay. So with  
20 the amended packet, once it's submitted, we can take  
21 this case under advisement?

22 MR. MCCLURE: Yes, Mr. Hearing  
23 Examiner, we can.

24 THE HEARING EXAMINER: Okay.  
25 Ms. Bennett, when would you be able to resubmit?

1 MS. BENNETT: By the close of business  
2 today.

3 THE HEARING EXAMINER: Fantastic. So  
4 we'll leave the hearing record open until the close of  
5 business, May 28, to receive an amended exhibit  
6 packet. Please include a cover letter to explain what  
7 you're doing. Thank you very much. And thank you for  
8 putting each page upright so that we don't have to try  
9 to turn the screen left and right.

10 Okay. So let's take a look at 24119.  
11 Let me get there. All right. I'm looking at case  
12 24119, and I have an exhibit packet with table of  
13 contents tabs A, B, C, D, and E; all the same expert  
14 witnesses, all who have testified and previously  
15 qualified by the Division as experts in their fields.

16 Are there any objections to these  
17 exhibits? Not hearing any. These tabs are admitted  
18 into evidence.

19 (Exhibit 6 through Exhibit 10 were  
20 marked for identification and received  
21 into evidence.)

22 Mr. Bruce, do you have any questions in  
23 this case on these exhibits?

24 MR. BRUCE: No.

25 THE HEARING EXAMINER: Okay.

1                   So Mr. McClure, do you have any  
2 questions in Case Number 24119 on the exhibits?

3                   MR. MCCLURE: Mr. Hearing Examiner, I  
4 have no questions, but I do have a request for  
5 amendments to be done to this case as well.

6                   THE HEARING EXAMINER: All right. Do  
7 we need Mr. Harper again, or is this just for  
8 Ms. Bennett?

9                   MR. MCCLURE: I believe Ms. Bennett can  
10 address everything here.

11                  THE HEARING EXAMINER: Okay. All  
12 right. Please proceed.

13                  MR. MCCLURE: Thank you.

14                  Ms. Bennett, again, this one isn't  
15 as -- it isn't as many of them as covered on your  
16 Exhibit C, but if we could also make the same  
17 modifications to Exhibit C for this case as well as  
18 case -- as well as the previous case.

19                  MS. BENNETT: Yes. Thank you. I can  
20 do that. And I have noted C-2 and C-3 are the two  
21 that need to be revised.

22                  MR. MCCLURE: Thank you, Ms. Bennett.  
23 Yeah, I was going to say, C-2 was the -- was the  
24 larger one of the two for sure that I identified. In  
25 addition to that, we also have the incorrect pool

1 identified on the pooling checklist and the C-102s.

2 MS. BENNETT: Okay.

3 MR. MCCLURE: The correct -- the  
4 correct pool, if you're ready for it --

5 MS. BENNETT: I am.

6 MR. MCCLURE: -- is pool code 98243.

7 MS. BENNETT: 98243?

8 MR. MCCLURE: That is correct. And are  
9 you able to retrieve the pool name from our site, or  
10 do you want me to say it to you here?

11 MS. BENNETT: No, I'm able to retrieve  
12 it from the site.

13 MR. MCCLURE: Okay. Very good. Yeah,  
14 because this one is a wild cat pool.

15 MS. BENNETT: Okay.

16 MR. MCCLURE: Has the associated  
17 numbers in the name.

18 Now in addition to that, I'll also note  
19 that this pool is a gas pool instead of an oil pool.  
20 And as such, on the pooling checklist, if we could  
21 also make the corrections to your building blocks and  
22 the primary product roles as well.

23 MS. BENNETT: Yes, I'll do that. Thank  
24 you.

25 MR. MCCLURE: Okay. Thank you,

1 Ms. Bennett.

2 Thank you, Mr. Hearing Examiner.

3 I have no further requests or questions  
4 for this case.

5 THE HEARING EXAMINER: Okay. Thank  
6 you, Mr. McClure.

7 And Mr. Harper, you're excused. Thank  
8 you for participating this morning.

9 How much time do you need to -- this is  
10 a little bit more corrections. So how much time would  
11 you need for this?

12 MS. BENNETT: Mr. Hearing Examiner, if  
13 I could have through the close of business on Monday,  
14 the --

15 THE HEARING EXAMINER: Next week.

16 MS. BENNETT: Yes. The reason I ask is  
17 because I will need to get the C-102s updated.

18 THE HEARING EXAMINER: That's fine. So  
19 what -- let's get a date on the record.

20 MS. BENNETT: Yes. Let me look.

21 THE HEARING EXAMINER: Would that be  
22 the third of June?

23 MS. BENNETT: Yes.

24 THE HEARING EXAMINER: All right. So  
25 we'll leave the hearing record open in this case till



1 June 3, 2024, for an amended checklist for these  
2 changes. It looks like besides Exhibits 2 and 3 being  
3 uncovered, it looks like we're going to have a new  
4 pool code added to the checklist and the C-102s as  
5 well.

6 MS. BENNETT: Yes. And I will need to  
7 make additional changes to the checklist.

8 THE HEARING EXAMINER: By all means.

9 Okay. Mr. McClure, is there anything  
10 further before we go off the record?

11 MR. MCCLURE: I have nothing here,  
12 Mr. Hearing Examiner.

13 THE HEARING EXAMINER: All right.

14 Thank you for your help this morning.

15 And we are off the record in 24119.

16 Thank you.

17 (Whereupon, at 8:50 a.m., the  
18 proceeding was concluded.)

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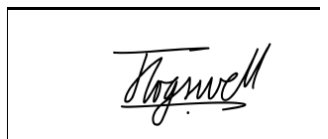
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CERTIFICATE

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.

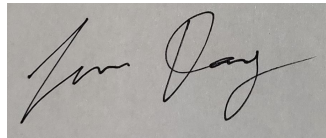


JAMES COGSWELL  
Notary Public in and for the  
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, JAMES DONG, 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.



JAMES DONG

[1 - attorney]

<p><b>1</b></p> <p><b>1</b> 3:4 10:1  <b>10</b> 3:24 13:19  <b>10/10</b> 3:5,7,9  3:11,13  <b>1000</b> 2:13  <b>102s</b> 7:16 15:1  16:17 17:4  <b>1056</b> 2:5  <b>1220</b> 1:16  <b>13</b> 7:5  <b>13/13</b> 3:17,19  3:21,23,25  <b>15</b> 10:22  <b>17-24</b> 1:6  <b>1st</b> 8:24</p>	<p><b>28th</b> 5:19  <b>2nd</b> 8:20</p> <p><b>3</b></p> <p><b>3</b> 3:8 10:22  14:20 17:1,2  <b>32311</b> 18:17  <b>33</b> 7:5  <b>33218</b> 19:14</p> <p><b>4</b></p> <p><b>4</b> 3:10  <b>40</b> 9:9  <b>4th</b> 2:13</p> <p><b>5</b></p> <p><b>5</b> 3:12 10:1  <b>500</b> 2:13  <b>505</b> 2:8,16</p>	<p><b>9</b></p> <p><b>9</b> 3:22 10:22  <b>982-2043</b> 2:8  <b>98243</b> 15:6,7</p> <p><b>a</b></p> <p><b>a.m.</b> 1:13 4:2  17:17  <b>ability</b> 18:10  19:7  <b>able</b> 12:25 15:9  15:11  <b>accepted</b> 7:14  7:25 8:6  <b>accrue</b> 8:11  <b>accurate</b> 18:9  19:5  <b>acre</b> 9:9,10  <b>action</b> 18:12,16  19:8,12  <b>actually</b> 10:21  11:23  <b>added</b> 17:4  <b>addition</b> 14:25  15:18  <b>additional</b> 17:7  <b>address</b> 14:10  <b>adjacent</b> 7:20  <b>admitted</b> 9:12  9:13,25 13:17  <b>advisement</b>  12:21  <b>afes</b> 7:18  <b>affidavit</b> 3:6,8  3:10,18,20,22  6:9,19 7:12,15</p>	<p>7:23 8:3,7  <b>albuquerque</b>  2:14  <b>amend</b> 10:16  <b>amended</b> 10:14  10:18 12:3,20  13:5 17:1  <b>amendment</b>  10:16  <b>amendments</b>  14:5  <b>aol.com</b> 2:7  <b>apologize</b> 4:22  5:1  <b>appearance</b> 5:8  <b>appearances</b>  4:18  <b>application</b>  7:16,22 8:8 9:8  10:14 12:3  <b>applications</b>  5:14  <b>appreciates</b>  8:21  <b>approval</b> 7:4  <b>approved</b> 8:12  <b>asking</b> 9:10  <b>asks</b> 11:8  <b>associated</b>  15:16  <b>attachments</b>  11:25  <b>attorney</b> 18:14  19:10</p>
<p><b>2</b></p> <p><b>2</b> 3:6 10:21  14:20,23 17:2  <b>20</b> 7:5  <b>2024</b> 1:12 4:3  17:1  <b>22nd</b> 6:7  <b>24118</b> 1:9 3:3  4:6 6:13 7:2,7  9:12,21 12:17  <b>24119</b> 1:9 3:15  4:6 6:13 7:2,8  9:13 13:10,12  14:2 17:15  <b>24154</b> 4:13  <b>24155</b> 4:14  <b>28</b> 1:12 4:3  13:5</p>	<p><b>6</b></p> <p><b>6</b> 3:16 10:22  13:19  <b>640</b> 9:10  <b>6716482</b> 1:19</p> <p><b>7</b></p> <p><b>7</b> 3:18</p> <p><b>8</b></p> <p><b>8</b> 3:20 7:20  <b>848-1800</b> 2:16  <b>87102</b> 2:14  <b>87504</b> 2:6  <b>87505</b> 1:17  <b>8:33</b> 1:13 4:2  <b>8:50</b> 17:17</p>		

[audio - division]

<p><b>audio</b> 18:8 19:3  <b>august</b> 8:24  <b>avant</b> 2:10,19  4:19 6:15,23  7:3 8:4,17,22  11:3</p>	<p><b>building</b> 1:15  9:9 15:21  <b>business</b> 13:1,5  16:13</p>	<p><b>changes</b> 12:14  17:2,7  <b>check</b> 4:8 6:6  <b>checklist</b> 3:5,17  7:10 9:4,5,7  15:1,20 17:1,4  17:7</p>	<p><b>corrections</b>  15:21 16:10  <b>counsel</b> 6:23  18:11,14 19:7  19:10  <b>cover</b> 7:4 13:6  <b>covered</b> 14:15  <b>covering</b> 12:1  <b>credentials</b>  7:14,25 8:6</p>
<p><b>b</b></p>	<p><b>c</b> 2:1 3:8,20 4:1  7:16,23 9:22  10:18,19,21,22  10:22,22,22  12:1 13:13  14:16,17,20,20  14:23 15:1  16:17 17:4</p>	<p><b>chino</b> 1:15  <b>circulated</b> 9:5  <b>clerk</b> 2:23  <b>close</b> 13:1,4  16:13  <b>code</b> 9:7 15:6  17:4  <b>cogswell</b> 1:18  18:2,18  <b>commence</b> 8:23  <b>compares</b> 8:9  <b>competing</b> 5:14  <b>compulsory</b> 3:4  3:16 7:3,9 9:3  9:4</p>	<p><b>d</b></p>
<p><b>b</b> 3:1,6,18 7:11  7:20 9:22  13:13  <b>behalf</b> 2:2,10  <b>believe</b> 4:6 6:3  9:16 14:9  <b>benefits</b> 8:11  <b>bennett</b> 2:11  3:13,25 6:24  9:19 11:24  12:6,8,25 13:1  14:8,9,14,19,22  15:2,5,7,11,15  15:23 16:1,12  16:16,20,23  17:6  <b>best</b> 18:10 19:6  <b>bit</b> 16:10  <b>blocks</b> 9:9  15:21  <b>bone</b> 7:6  <b>box</b> 2:5  <b>bruce</b> 2:3 4:9  4:10,12,15,20  4:23 5:10,10  5:13,16,24 6:3  6:11,16 10:4,5  10:8 13:22,24</p>	<p><b>called</b> 1:6 11:14  <b>camera</b> 11:5  <b>case</b> 1:9 3:3,15  4:4,5,6,13 7:2,7  7:7,15,19 9:12  9:13,21 12:12  12:17,21 13:11  13:23 14:2,5  14:17,18,18  16:4,25  <b>cases</b> 4:7,10  5:16 6:13,23  7:2,3,4,6 8:17  9:16  <b>cat</b> 15:14  <b>certificate</b> 18:1  19:1  <b>certify</b> 18:4  19:2  <b>chakalian</b> 1:14  <b>chance</b> 6:14,17</p>	<p><b>concluded</b>  17:18  <b>conservation</b>  1:3,6 2:22,23  <b>considering</b> 1:8  <b>consolidated</b>  4:7  <b>contacts</b> 7:17  <b>contents</b> 13:13  <b>contrasts</b> 8:9  <b>correct</b> 4:15  9:19 12:18  15:3,4,8</p>	<p><b>d</b> 3:10,22 4:1  8:3 9:22 13:13  <b>date</b> 1:12 16:19  <b>deal</b> 9:16,21  <b>dean</b> 2:21 5:6  <b>deana</b> 2:11  3:12,24  <b>deana.bennett</b>  2:15  <b>declaration</b>  3:12,24 8:13  <b>definitely</b> 8:21  12:6  <b>department</b> 1:2  <b>description</b> 3:2  <b>differ</b> 7:6  <b>different</b> 9:17  <b>digital</b> 18:8  19:3  <b>dismissed</b> 4:8  4:10 5:17  <b>division</b> 1:3,7  2:22,24 7:13  7:25 8:5,20 9:5</p>

[division - identification]

<p>13:15  <b>docket</b> 1:5  <b>doing</b> 13:7  <b>dong</b> 19:2,15  <b>drilling</b> 8:22,24  <b>drive</b> 1:16  <b>duly</b> 11:14 18:5</p>	<p>6:1,5,12,16,21  6:25 9:15,20  10:7,9,12,15,19  10:23 11:2,4  11:17,22 12:7  12:11,13,19,23  12:24 13:3,25  14:3,6,11 16:2  16:5,12,15,18  16:21,24 17:8  17:12,13  <b>excuse</b> 10:20  <b>excused</b> 16:7  <b>exhibit</b> 3:4,6,8  3:10,12,16,18  3:20,22,24  7:20 10:1,1,17  10:18 12:1,1,4  12:15,16 13:5  13:12,19,19  14:16,17  <b>exhibits</b> 6:15  6:20 7:1,9 8:1  8:2 9:12,13,24  10:6 13:17,23  14:2 17:2  <b>expect</b> 5:22  <b>expedited</b> 8:18  9:1  <b>expert</b> 13:13  <b>experts</b> 13:15  <b>explain</b> 13:6  <b>extent</b> 8:25</p>	<p><b>f</b></p> <p><b>fantastic</b> 13:3  <b>fe</b> 1:3,17 2:6  <b>fields</b> 13:15  <b>fight</b> 5:18  <b>filed</b> 6:2 7:1  <b>financially</b>  18:15 19:11  <b>fine</b> 16:18  <b>first</b> 4:18 9:21  11:14  <b>follows</b> 11:16  <b>foregoing</b> 18:3  18:4 19:4  <b>formation</b> 7:7,8  <b>forward</b> 6:18  <b>francis</b> 1:16  <b>freya</b> 2:23  <b>further</b> 16:3  17:10 18:13  19:9</p> <p><b>g</b></p> <p><b>g</b> 2:3 4:1  <b>gas</b> 15:19  <b>geologist</b> 3:9,21  7:24  <b>geology</b> 10:17  <b>go</b> 10:4 11:11  17:10  <b>going</b> 4:23 5:18  10:21 11:7  14:23 17:3  <b>good</b> 4:12 5:4,4  11:6 15:13</p>	<p><b>gregory</b> 1:14</p> <p><b>h</b></p> <p><b>h</b> 3:1  <b>hall</b> 1:15  <b>hand</b> 11:10  <b>harper</b> 2:19 3:9  3:21 7:23  10:25 11:2,3,5  11:13,24 14:7  16:7  <b>hearing</b> 1:5,11  1:14 4:2,3,11  4:16,25 5:1,3,7  5:12,21 6:1,5,9  6:12,21,24  9:15,20,24  10:9,12,15,19  10:23 11:4,17  11:22 12:7,10  12:13,19,22,24  13:3,4,17,25  14:3,6,11 16:2  16:5,12,15,18  16:21,24,25  17:8,12,13  <b>help</b> 17:14  <b>hereto</b> 18:15  19:11  <b>hold</b> 10:24  <b>hoping</b> 8:23</p> <p><b>i</b></p> <p><b>identification</b>  10:2 13:20</p>
<p><b>e</b></p> <p><b>e</b> 2:1,1 3:1,12  3:24 4:1,1 8:13  9:22 13:13  <b>e.g.l.</b> 2:2 4:10  5:9,11  <b>east</b> 7:5  <b>employed</b>  18:11,14 19:8  19:11  <b>employee</b> 18:13  19:10  <b>energy</b> 1:2  <b>engineer</b> 3:11  3:23 8:4  <b>entries</b> 4:18  <b>entry</b> 5:8  <b>es</b> 18:4  <b>esquire</b> 2:3,11  <b>evd</b> 3:2  <b>evidence</b> 9:25  10:3 13:18,21  <b>examined</b>  11:16  <b>examiner</b> 1:14  2:21 4:2,9,11  4:16,25 5:2,3,4  5:7,10,12,21</p>			

[identified - oil]

<p><b>identified</b> 14:24 15:1 <b>include</b> 13:6 <b>included</b> 7:16 7:20 8:7 <b>includes</b> 8:13 <b>incorrect</b> 14:25 <b>information</b> 12:2,5,16 <b>interested</b> 18:15 19:12 <b>introduce</b> 5:5 <b>issue</b> 8:23 <b>issuing</b> 8:20</p>	<p><b>i</b></p> <p><b>label</b> 12:1 <b>labels</b> 12:4,16 <b>landman</b> 3:7,19 <b>larger</b> 14:24 <b>law</b> 2:23 <b>lease</b> 7:16 <b>leave</b> 13:4 16:25 <b>left</b> 13:9 <b>letter</b> 7:18 8:14 13:6 <b>likely</b> 5:19 <b>list</b> 7:17,21 <b>lists</b> 8:14 <b>little</b> 16:10 <b>llc</b> 2:2,10,19 <b>location</b> 1:15 <b>look</b> 5:19 13:10 16:20 <b>looking</b> 13:11 <b>looks</b> 17:2,3</p>	<p><b>mcclure</b> 2:21 4:22 5:1,6,6 10:11,12,17,20 11:8,19,21 12:8,10,17,22 14:1,3,9,13,22 15:3,6,8,13,16 15:25 16:6 17:9,11 <b>means</b> 17:8 <b>mexico</b> 1:1,3 18:20 <b>microphone</b> 4:20 <b>mine</b> 5:2 <b>minerals</b> 1:2 <b>modifications</b> 12:14 14:17 <b>modrall</b> 2:12 <b>modrall.com</b> 2:15 <b>monday</b> 16:13 <b>morning</b> 4:12 6:4 16:8 17:14 <b>move</b> 12:2 <b>moving</b> 6:18 <b>mute</b> 5:2</p>	<p>16:17 17:6 <b>negotiations</b> 5:18 <b>neither</b> 18:11 19:7 <b>new</b> 1:1,3 17:3 18:20 <b>nm</b> 1:17 2:6,14 <b>non</b> 7:4,19,22 8:8,10,12 9:6,8 9:10 <b>northwest</b> 2:13 <b>nos</b> 1:9 <b>notary</b> 18:19 <b>note</b> 15:18 <b>noted</b> 14:20 <b>notice</b> 7:21 8:14,14,15 <b>number</b> 9:21 14:2 <b>numbers</b> 4:4,5 4:6,13 15:17</p>
<p><b>j</b></p>			
<p><b>james</b> 1:18 2:3 18:2,18 19:2 19:15 <b>jamesbruc</b> 2:7 <b>jim</b> 2:3 4:9 5:10 <b>job</b> 1:19 <b>john</b> 2:19 3:8 3:20 7:23 10:25 11:2,13 <b>june</b> 16:22 17:1</p>	<p><b>m</b></p> <p><b>m</b> 2:11 3:13,25 <b>mailed</b> 8:15 <b>make</b> 14:16 15:21 17:7 <b>map</b> 7:21 <b>maps</b> 7:17 <b>marked</b> 10:2 13:20 <b>matter</b> 1:5 7:14 8:1,6 <b>matters</b> 5:19 6:18</p>	<p><b>n</b></p> <p><b>n</b> 2:1 4:1 <b>name</b> 15:9,17 <b>natural</b> 1:2 <b>near</b> 8:22 <b>necessary</b> 8:25 <b>need</b> 12:14 14:7 14:21 16:9,11</p>	<p><b>o</b></p> <p><b>o</b> 4:1 <b>objection</b> 6:2,9 6:18,19 <b>objections</b> 9:23 13:16 <b>obscuring</b> 12:5 <b>obviously</b> 6:18 <b>officer</b> 18:2 <b>oh</b> 4:22 5:3,12 9:2 10:20 <b>oil</b> 1:3,6 2:21 2:23 15:19</p>
<p><b>k</b></p>			
<p><b>kelly</b> 3:11,23 8:3 <b>know</b> 4:7 <b>knowledge</b> 18:10 19:6</p>			

[okay - right]

<p><b>okay</b> 4:25 5:3 6:1,21 9:15 10:9,15,23 11:6,11,17,19 12:7,13,19,24 13:10,25 14:11 15:2,13,15,25 16:5 17:9 <b>once</b> 12:20 <b>open</b> 13:4 16:25 <b>operating</b> 2:10 2:19 4:19 <b>operator's</b> 7:21 <b>order</b> 8:18 9:1 <b>orders</b> 7:3 8:19 8:20 <b>outcome</b> 18:16 19:12</p>	<p><b>pecos</b> 1:15 <b>picking</b> 4:21 <b>please</b> 5:5 11:11,19 13:6 14:12 <b>po</b> 2:5 <b>pool</b> 9:6,7 14:25 15:4,6,9 15:14,19,19,19 17:4 <b>pooled</b> 7:18 <b>pooling</b> 3:4,16 7:3,9 9:4,4 15:1,20 <b>portion</b> 7:22 8:8 <b>possible</b> 8:18 8:25 <b>prepared</b> 19:3 <b>present</b> 2:18 <b>presentation</b> 6:22 <b>previous</b> 14:18 <b>previously</b> 7:13 7:24 8:5 13:14 <b>primary</b> 15:22 <b>prior</b> 18:5 <b>probably</b> 11:23 <b>proceed</b> 11:20 14:12 <b>proceeding</b> 17:18 19:4 <b>proceedings</b> 18:3,5,6,9 19:6</p>	<p><b>product</b> 15:22 <b>proof</b> 8:15,15 <b>proposal</b> 7:18 <b>proposed</b> 7:16 <b>public</b> 18:19 <b>publication</b> 8:16 <b>purpose</b> 1:7 <b>putting</b> 13:8</p> <p style="text-align: center;"><b>q</b></p> <p><b>qualified</b> 13:15 18:7 <b>questions</b> 10:5 10:13 12:11 13:22 14:2,4 16:3 <b>quickly</b> 8:21</p> <p style="text-align: center;"><b>r</b></p> <p><b>r</b> 2:1 4:1 <b>raise</b> 11:10 <b>range</b> 7:5 <b>rather</b> 11:24 <b>ready</b> 15:4 <b>reason</b> 16:16 <b>receive</b> 13:5 <b>received</b> 6:8 8:19 10:2 13:20 <b>record</b> 4:5 6:6 7:14 8:1,6 9:12 9:14 11:8 13:4 16:19,25 17:10 17:15 18:9 19:5</p>	<p><b>recorded</b> 18:6 <b>recording</b> 18:8 19:4 <b>reduced</b> 18:7 <b>regarding</b> 10:6 <b>related</b> 18:11 19:7 <b>relative</b> 18:13 19:10 <b>reported</b> 1:18 <b>representing</b> 5:11 <b>request</b> 9:1 10:14 14:4 <b>requesting</b> 8:17 10:16 <b>requests</b> 12:11 16:3 <b>reservoir</b> 3:11 3:23 8:4 <b>resources</b> 1:2 2:2 5:9,11 <b>respectfully</b> 9:1 <b>resubmit</b> 12:3 12:25 <b>retrieve</b> 15:9 15:11 <b>review</b> 6:14,17 <b>revised</b> 9:4 14:21 <b>right</b> 4:16 6:2 9:20 11:10 13:9,11 14:6 14:12 16:24 17:13</p>
<b>p</b>			
<p><b>p</b> 2:1,1 4:1 <b>packet</b> 9:17,18 12:3,15,20 13:6,12 <b>page</b> 13:8 <b>pages</b> 4:21 <b>part</b> 11:25 <b>participating</b> 16:8 <b>parties</b> 5:17 7:18 18:12,14 19:8,11 <b>party</b> 7:21 <b>pbex</b> 2:2 5:11</p>			



[roles - used]

<b>roles</b> 15:22 <b>room</b> 4:24 <hr/> <p style="text-align: center;"><b>s</b></p> <hr/> <b>s</b> 2:1 3:1 4:1 <b>saint</b> 1:16 <b>sample</b> 7:18 8:14 <b>santa</b> 1:3,17 2:6 <b>sarantinos</b> 3:7 3:19 7:12 <b>scenario</b> 8:10 8:10 <b>schedule</b> 8:23 <b>screen</b> 13:9 <b>second</b> 10:24 <b>section</b> 7:5 <b>see</b> 5:21 10:23 10:25 <b>seeking</b> 7:3 <b>separately</b> 9:16 <b>settle</b> 5:19,23 <b>settled</b> 5:22 <b>settlement</b> 5:17 <b>several</b> 4:5 10:21 11:25 <b>shane</b> 3:10,22 8:3 <b>show</b> 6:7 <b>shows</b> 8:9,11 <b>side</b> 12:4 <b>signature</b> 18:17 19:14 <b>signed</b> 6:10	<b>sir</b> 5:7,13 6:7 6:22 10:10 11:18 12:10 <b>site</b> 15:9,12 <b>skills</b> 18:10 19:6 <b>south</b> 1:16 7:5 <b>special</b> 4:3 <b>sperling</b> 2:12 <b>spring</b> 7:7 <b>stamped</b> 6:8 <b>standard</b> 7:4 7:19,22 8:8,9 8:10,12 9:6,8 9:10 <b>start</b> 5:13 <b>state</b> 1:1 18:20 <b>street</b> 2:13 <b>submitted</b> 6:15 7:9,11 12:20 <b>suite</b> 2:13 8:2 <b>summary</b> 7:17 <b>support</b> 8:7 <b>suppose</b> 11:24 <b>sure</b> 14:24 <b>swear</b> 11:7 <b>sworn</b> 11:9,14 18:5 <hr/> <p style="text-align: center;"><b>t</b></p> <hr/> <b>t</b> 3:1 <b>tab</b> 3:4,6,8,10 3:12,16,18,20 3:22,24 7:11 7:23 8:3,13	<b>table</b> 13:12 <b>tabs</b> 9:22 13:13 13:17 <b>take</b> 12:20 13:10 <b>taken</b> 18:3,12 19:9 <b>technical</b> 2:21 5:4 10:7 <b>tell</b> 5:14 11:15 <b>term</b> 8:22 <b>testified</b> 7:13 7:24 8:5 11:16 13:14 <b>testifying</b> 18:5 <b>thank</b> 4:12,17 5:7,12 6:11,21 6:24 10:9 11:5 11:17,22 13:7 13:7 14:13,19 14:22 15:23,25 16:2,5,7 17:14 17:16 <b>thing</b> 9:3 <b>third</b> 16:22 <b>thought</b> 4:11 6:4,5 <b>tiffany</b> 3:6,18 7:12 <b>till</b> 16:25 <b>time</b> 1:13 16:9 16:10 <b>timely</b> 7:1 <b>today</b> 11:1 13:2	<b>told</b> 5:24 <b>township</b> 7:5 <b>tract</b> 7:17,21 <b>transcriber</b> 19:1 <b>transcript</b> 19:3 19:5 <b>transcriptionist</b> 18:8 <b>true</b> 18:9 19:5 <b>truth</b> 11:15,15 11:16 <b>try</b> 13:8 <b>tschantz</b> 2:23 <b>tuesday</b> 1:12 <b>turn</b> 10:6 11:5 13:9 <b>turning</b> 4:21 <b>two</b> 6:23 7:6 9:16 14:20,24 <b>typewriting</b> 18:7 <hr/> <p style="text-align: center;"><b>u</b></p> <hr/> <b>uncovered</b> 17:3 <b>uncovering</b> 12:15 <b>under</b> 12:21 <b>unit</b> 7:4,19,22 8:8,10,10,12 9:8,10 <b>units</b> 9:6 <b>updated</b> 16:17 <b>upright</b> 13:8 <b>used</b> 9:3
---	--	--	---

[usual - yesterday]

<b>usual</b> 8:2
<b>v</b>
<b>versus</b> 8:10 <b>videoconfere...</b> 2:4,20,22
<b>w</b>
<b>want</b> 9:3 15:10 <b>way</b> 9:17 <b>we've</b> 6:8 7:16 7:20 8:7 <b>week</b> 5:20 8:19 16:15 <b>welcome</b> 6:12 <b>wells</b> 8:24 <b>wendell</b> 1:15 <b>wild</b> 15:14 <b>withdrawal</b> 6:2 6:9 <b>witness</b> 2:19 11:14 18:4 <b>witnesses</b> 6:17 13:14 <b>wolfcamp</b> 7:8 <b>wondering</b> 12:2
<b>x</b>
<b>x</b> 3:1
<b>y</b>
<b>yeah</b> 5:16 6:11 14:23 15:13 <b>yesterday</b> 5:25 8:19