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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 OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:

Docket No.

Case Nos. 24457, 24459, 24460,
24462, 24463, 24778, 24779,
24780, 24781, 24782, 24783,
24784, 24785, 24786, 24787,
24788, 24789, 24790, 24801,
24802, 24185, 24184, 24678,
24585, 24586, 24826, 24827,
24828, 24829, 24843, 24844,
24826, 24827, 24839, 24840,
24841, 24845, 24846, 24847,
24848, 24849, 24528, 24541,
24750, 24754, 24795, 24796,
24815, 24817, 24818, 24819,
24820, 24821, 24822, 24823,
24824, 24825, 24833, 24834,
24835, 24837, 24836, 24838

40-24

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HEARING

DATE: Thursday, October 3, 2024
TIME: 8:30 a.m.
BEFORE: Hearing Examiner Gregory Chakalian
LOCATION: New Mexico Energy, Minerals, and
Natural Resources Department
Pecos Hall, Wendell Chino Building
1220 South St. Francis
Santa Fe, NM 87505
REPORTED BY: James Cogswell
JOB NO.: 6773981

A P P E A R A N C E S

List of Attendees:

Jaclyn M. McLean, Hinkle Shanor LLP

Dana S. Hardy, Hinkle Shanor LLP

Jennifer L. Bradfute, Bradfute Consulting & Legal
Services

Michael H. Feldwert, Holland & Hart LLP

Adam G. Rankin, Holland & Hart LLP

Jordan L. Kessler, EOG Resources, Inc.

Darin C. Savage, Abadie & Schill, P.C.

James G. Bruce

Christy B. Trevino, Oil Conservation Division

Freya Tschantz, Oil Conservation Division

Leonard Lowe, Technical Examiner, Oil Conservation
Division (by videoconference)

Deana M. Bennett, Modrall Sperling

Sharon T. Shaheen, Spencer Fane

Andrew R. Clinton, R. Reese & Associates

Michael Rodriguez, Civitas Permian Operating, LLC

Matthew Jones, Witness (by videoconference)

Erica Shewmaker, Witness (by videoconference)

Mitch Robb, Witness (by videoconference)

Drew Oldis, Witness (by videoconference)

Gianna Romero, Witness (by videoconference)

Mitch Krakauskas, Witness (by videoconference)

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

List of Attendees (Cont'd):

Chad Matney, Witness (by videoconference)

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I N D E X

WITNESS(ES) :	DX	CX	RDX	RCX
ERICA SHEWMAKER				
By The Technical Examiner	142			
MITCH ROBB				
By The Technical Examiner	151			
DREW OLDIS				
By The Technical Examiner	167			
GIANNA ROMERO				
By The Technical Examiner	183			
MITCH KRAKAUSKAS				
By The Technical Examiner	189			
CHAD MATNEY				
By The Technical Examiner	198			

E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Case No. 24801:		
Exhibit 1	CV of Nicholas Karns	31/40
Exhibit 2	NOV Against LLJ Ventures DBA	
	Marker Oil and Gas	31/40
Exhibit 2A	Production Report List	32/40
Exhibit 2B	Financial Assurance Info	33/40
Exhibit 2C	Re: Missing Production	
	Reports	32/40
Exhibit 3	Certified Mail: NOV and	
	Docket Notices with Tracking	36/40
Exhibit 4A	Updated Inactive Well Report	39/40
Exhibit 4B	Well Transfers	39/40
Exhibit 4C	Financial Assurance Report	39/40
Exhibit 4D	Updated Civil Penalty	
	Calculator	35/40
Case No. 24802:		
Exhibit 1	CV of Nicholas Karns	44/47
Exhibit 2	NOV Against LLJ Ventures DBA	
	Marker Oil and Gas	45/47
Exhibit 2A	Inactive Well Report	45/47
Exhibit 2B	Financial Assurance Report	45/47

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24802 (Cont'd):		
4	Exhibit 2C	C-115 Report	45/47
5	Exhibit 2D	Civil Penalty Calculator	45/47
6	Exhibit 3	Certified Mail: NOV and	
7		Docket Notices with Tracking	46/47
8			
9	NO.	DESCRIPTION	ID/EVD
10	Case No. 24754:		
11	Exhibit A	Compulsory Pooling	
12		Application Checklist	139/140
13	Exhibit A1	Applications, Proposed	
14		Notice of Hearing	139/140
15	Exhibit B	Geologist Affidavit	140/140
16	Exhibit B2	Landman Affidavit	139/140
17	Exhibit C	Bradfute Affidavit Notice	140/140
18			
19	NO.	DESCRIPTION	ID/EVD
20	Case No. 24795:		
21	Exhibit A	Self-Affirmed Statement,	
22		Mitch Robb	147/148
23	Exhibit B	Self-Affirmed Statement,	
24		Tyler Hill	148/148
25			

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24795 (Cont'd):		
4	Exhibit C	Self-Affirmed Statement,	
5		Dana S. Hardy	148/148
6			
7	NO.	DESCRIPTION	ID/EVD
8	Case No. 24796:		
9	Exhibit A	Self-Affirmed Statement,	
10		Mitch Robb	147/148
11	Exhibit B	Self-Affirmed Statement,	
12		Tyler Hill	148/148
13	Exhibit C	Self-Affirmed Statement,	
14		Dana S. Hardy	148/148
15			
16	NO.	DESCRIPTION	ID/EVD
17	Case No. 24815:		
18	Exhibit 1	Pooling Checklist	162/164
19	Exhibit 2	Landman's Affidavit	162/164
20	Exhibit 3	Geologist's Affidavit	163/164
21	Exhibit 4	Affidavit of Mailing	163/164
22	Exhibit 5	Affidavit of Publication	164/164
23	Exhibit 6	Application and Proposed	
24		Notice	164/164
25			

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EXHIBITS (Cont'd)

NO.	DESCRIPTION	ID/EVD
Case No. 24817:		
Exhibit A	Self-Affirmed Statement, Drew Oldis	/165
Exhibit B	Self-Affirmed Statement, Matthew Van Wie	/165
Exhibit C	Self-Affirmed Statement, Dana S. Hardy	/165
Case No. 24818:		
Exhibit A	Self-Affirmed Statement, Ryan Curry	/171
Exhibit B	Self-Affirmed Statement, Chris Cantin	/171
Exhibit C	Self-Affirmed Statement, Dana S. Hardy	/171
Case No. 24819:		
Exhibit A	Self-Affirmed Statement, Ryan Curry	/172
Exhibit B	Self-Affirmed Statement, Chris Cantin	/172

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

NO.	DESCRIPTION	ID/EVD
Case No. 24819 (Cont'd):		
Exhibit C	Self-Affirmed Statement, Dana S. Hardy	/172

NO.	DESCRIPTION	ID/EVD
Case No. 24820:		
Exhibit A	Self-Affirmed Statement, Brad Dunn	/174
Exhibit B	Self-Affirmed Statement, Charles Crosby	/174
Exhibit C	Self-Affirmed Statement, Dana S. Hardy	/174

NO.	DESCRIPTION	ID/EVD
Case No. 24821:		
Exhibit A	Self-Affirmed Statement, Ryan Curry	/176
Exhibit B	Self-Affirmed Statement, Dana S. Hardy	/176

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

NO.	DESCRIPTION	ID/EVD
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Case No. 24822:

Exhibit A	Self-Affirmed Statement, Ryan Curry	/176
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Exhibit B	Self-Affirmed Statement, Dana S. Hardy	/176
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NO.	DESCRIPTION	ID/EVD
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Case No. 24823:

Exhibit A	Self-Affirmed Statement, Ryan Curry	/179
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Exhibit B	Self-Affirmed Statement, Dana S. Hardy	/179
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NO.	DESCRIPTION	ID/EVD
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Case No. 24824:

Exhibit A	Self-Affirmed Statement, Ryan Curry	/179
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Exhibit B	Self-Affirmed Statement, Dana S. Hardy	/179
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1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24825:		
4	Exhibit A	Self-Affirmed Statement,	
5		Ryan Curry	/180
6	Exhibit B	Self-Affirmed Statement,	
7		Dana S. Hardy	/180
8			
9	NO.	DESCRIPTION	ID/EVD
10	Case No. 24833:		
11	Exhibit A	Self-Affirmed Statement,	
12		Gianna Romero	/182
13	Exhibit B	Self-Affirmed Statement,	
14		Chris Wray	/182
15	Exhibit C	Self-Affirmed Statement,	
16		Dana S. Hardy	/182
17			
18	NO.	DESCRIPTION	ID/EVD
19	Case No. 24834:		
20	Exhibit A	Self-Affirmed Statement,	
21		Mitch Krakauskas	/188
22	Exhibit B	Self-Affirmed Statement,	
23		Scott Kelley	/188
24	Exhibit C	Self-Affirmed Statement,	
25		Sharon T. Shaheen	/188

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case No. 24835:		
4	Exhibit A	Extension Application	193/
5	Exhibit B	Original Pooling Orders	193/
6	Exhibit C	Self-Affirmed Statement,	
7		Collin Christian	193/
8	Exhibit D	Statement of Notice	194/
9	Exhibit E	Affidavit of Publication	194/
10			
11	NO.	DESCRIPTION	ID/EVD
12	Case No. 24837:		
13	Exhibit A	Extension Application	193/
14	Exhibit B	Original Pooling Orders	193/
15	Exhibit C	Self-Affirmed Statement,	
16		Collin Christian	193/
17	Exhibit D	Statement of Notice	194/
18	Exhibit E	Affidavit of Publication	194/
19			
20	NO.	DESCRIPTION	ID/EVD
21	Case No. 24836:		
22	Exhibit A	Self-Affirmed Statement,	
23		Chad Matney	/196
24	Exhibit B	Self-Affirmed Statement,	
25		Shane Finegan	/196

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

NO.	DESCRIPTION	ID/EVD
Case No. 24836 (Cont'd):		
Exhibit C	Self-Affirmed Statement, Michael Rodriguez	/196

NO.	DESCRIPTION	ID/EVD
Case No. 24838:		
Exhibit A	Self-Affirmed Statement, Chad Matney	/196
Exhibit B	Self-Affirmed Statement, Shane Finegan	/196
Exhibit C	Self-Affirmed Statement, Michael Rodriguez	/196

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P R O C E E D I N G S

THE HEARING EXAMINER: Good morning.
It is 8:30 on October the 3rd. This is the regular
docket of the Oil Conservation Division. My name is
Gregory Chakalian. I'm the hearing examiner. And we
have Leonard Lowe as our technical examiner today.

Mr. Lowe, are you ready to proceed?

THE TECHNICAL EXAMINER: Yes, sir, I
am.

THE HEARING EXAMINER: Thank you,
Mr. Lowe.

And, James, are you ready?

THE REPORTER: Yes.

THE HEARING EXAMINER: All right, very
good. I'm going to call a couple of cases that are
not on today's docket to give everyone additional
time. I know the docket was not posted yesterday as
it typically is, and we've handed out printed copies
of the docket.

But it's come to my attention that
we're having a scheduling issue in some cases,
Franklin Mountain Energy and Matador Production. I'll
call the case numbers. There are many of them.
24457, 59, 60, 62, 63, 797 -- no. 24778, 24779, 80,
81, 82 through 90.

1 Entries of appearance, please.

2 MS. BENNETT: Good morning,
3 Mr. Examiner. Deana Bennett on behalf of Franklin
4 Mountain Energy.

5 MR. FELDEWERT: Good morning,
6 Mr. Examiner. Michael Feldewert, Holland & Hart, for
7 the applicant MRC Permian.

8 THE HEARING EXAMINER: And I don't have
9 the background on these cases in front of me, although
10 I did look up that Franklin Mountain Energy cases are
11 back as far as April 2nd, when they were filed.

12 MS. BENNETT: Yes, that's correct.

13 THE HEARING EXAMINER: All right. Do
14 you want to give me a little background on what's
15 going on? What are the issues in these contested
16 cases, competing cases? And let's talk about a
17 hearing date.

18 MS. BENNETT: Thank you. Yes, Franklin
19 Mountain Energy originally filed the cases on April
20 2nd, and MRC filed cases that it subsequently
21 dismissed and then refiled cases on August 12th.

22 And at the last status conference, I
23 mentioned that I would be filing amended applications
24 for Franklin Mountain Energy for four Wolfcamp units,
25 which I have done now. And those four are set on the

1 October 31st docket and --

2 THE HEARING EXAMINER: For what?

3 MS. BENNETT: For a status conference.

4 And these cases have been ongoing. We've had several
5 pre-hearing orders entered. On September 12th, I
6 believe it was, we did approach the Hearing Examiner
7 and ask for that status conference, which was supposed
8 to be a final status conference, to allow some leeway
9 there because of the changes in the Franklin Mountain
10 Energy development plan.

11 And so I filed those cases, as I
12 mentioned, that day. They are set for October 31st.
13 And Franklin Mountain Energy has a lease expiration
14 issue in this acreage and so wants to go to hearing as
15 soon as possible.

16 And at the, I believe it was the
17 September 12th status conference, the Division
18 identified November 5th and November 20th as potential
19 hearing dates. But November 5th is now unavailable,
20 and the Division was kind enough to offer, or to
21 potentially offer November 7th as a trailing docket.

22 And Franklin Mountain Energy would
23 appreciate that as the hearing date, as opposed to
24 waiting to November 20th, because of its lease
25 expiration issues. And given that this is a contested

1 case, or contested cases, getting an order is a
2 lengthier process.

3 And so Franklin Mountain Energy would
4 like to have this hearing as quickly as possible,
5 given the amount of time that it may take to issue the
6 order.

7 THE HEARING EXAMINER: And before I
8 turn to Mr. Feldewert, you said that there were pre-
9 hearing orders in a series of cases. I know the
10 pre-hearing orders don't encompass the amended
11 application because they have new order numbers. But
12 in the basic scheme of things, when did the orders lay
13 out the date for a hearing?

14 MS. BENNETT: Those orders have been
15 vacated.

16 THE HEARING EXAMINER: They have been
17 vacated?

18 MS. BENNETT: Yes. Yes, they have been
19 vacated. Originally, we were set for a contested
20 hearing on September 10th, but due to some discussions
21 between the parties and the need to file amended
22 applications, that contested hearing on September 10th
23 did not occur.

24 THE HEARING EXAMINER: So there was a
25 joint motion --

1 MS. BENNETT: Yes.

2 THE HEARING EXAMINER: -- and an order
3 vacated? All right.

4 MS. BENNETT: Yes, there was.

5 THE HEARING EXAMINER: Mr. Feldewert?

6 MR. FELDEWERT: Yeah, good morning.

7 THE HEARING EXAMINER: Morning.

8 MR. FELDEWERT: So Ms. Bennett is
9 correct noting that these cases are currently on the
10 October 31st docket for a status conference. The
11 reason for that is because there's been a number of
12 dismissals and then refileing of cases, which of course
13 are only going to first appear on the October 31st
14 docket.

15 So we don't really know at this point
16 whether any other parties are going to appear or not,
17 is the first thing. Secondly, at the status
18 conference in September, there was no mention of any
19 lease expiration.

20 I don't know what they mean by "lease
21 expiration" or what dates are involved, but there's no
22 mention of that. And I have the transcript up in
23 front of me if you want to read it real quick, but
24 there was no concern about November 20th being the
25 date.

1 In fact, we had almost tentatively
2 agreed on that. Ms. Bennett was just going to check
3 to see if her witnesses were available. And I'm happy
4 to pull up if you'd like to look at it. My point
5 being that November 20th is the most appropriate date
6 for a couple of reasons.

7 One, we've got a status conference on
8 the 31st, and that will confirm who exactly is going
9 to be involved because of these new filed cases. And
10 secondly, on November 5th, there's already a couple of
11 cases scheduled, one of which involves three parties.

12 I know it's going to take me more than
13 a day. And while Ms. Bennett's not involved in those
14 cases, I am. So to try to schedule something back-to-
15 back-to-back would impose a substantial hardship, not
16 only on my client -- because they're going to
17 potentially have different witnesses because there's
18 different issues -- but certainly on me.

19 So I don't see why November 20th
20 doesn't work. A couple of weeks is not going to make
21 any difference on whatever lease expiration issue they
22 have, and that was not something they brought up back
23 as recently as September 12th. So we would request
24 November 20th.

25 MS. BENNETT: Mr. Hearing Examiner?

1 THE HEARING EXAMINER: So, Ms. Bennett,
2 your response?

3 MS. BENNETT: Yes, thank you. I have
4 previously brought up the lease expiration issue. I'm
5 not sure -- I mean, I trust that I didn't on September
6 12th, but I know that I have previously brought up the
7 lease expiration issue.

8 And I'm happy to go back and look
9 through the status conference transcripts we've had
10 for this case to see when I did bring that up. But I
11 know I have brought it up in the past.

12 In terms of Mr. Feldewert's concern
13 that there could be new parties, that seems highly
14 unlikely given the age of the cases. The new Wolfcamp
15 cases that I filed actually contract the spacing unit
16 from a three-mile to a two-mile.

17 So there's no new acreage involved;
18 it's the same exact acreage. And then I did look back
19 at the September 12th transcripts to see what we had
20 said about November 5th versus November 20th. And I
21 did say, "Let me check with Franklin Mountain Energy."

22 And upon checking with Franklin
23 Mountain Energy, they did not want to have the hearing
24 on November 20th. They wanted to have it on November
25 5th. So I think that, while I may have tentatively

1 said November 20th, "Let me check with Franklin
2 Mountain Energy," when I did so, they wanted it for
3 November 5th.

4 So I think that -- well, and finally,
5 Mr. Feldewert's point that MRC has a hearing on
6 November 5th that might go into November 6th, while I
7 understand that concern, I raised a similar concern to
8 the Hearing Examiner recently about the impacts of
9 having hearings back to back. And yet, the hearings
10 were scheduled, albeit with more of a difference in
11 time.

12 I think I had one week in between the
13 hearings. But although the Hearing Examiner, although
14 you understood my concern, you also indicated that it
15 was important to get cases heard.

16 And so I certainly can empathize with
17 Mr. Feldewert. But I also know that in a recent case,
18 that wasn't that compelling of an argument. And so --
19 oh, also, for what it's worth, Franklin Mountain
20 Energy and MRC have been involved in a number of
21 competing cases, as you are well aware.

22 And MRC, at least in the last few,
23 hasn't shown up. So what Franklin Mountain Energy
24 doesn't want to have happen is delay, delay, delay,
25 only to have MRC at the last minute withdraw its

1 cases, dismiss its objections. I mean, hopefully that
2 occurs in advance, but it does seem that having a
3 hearing date is a catalyst for MRC action.

4 THE HEARING EXAMINER: Okay.
5 Mr. Feldewert?

6 MR. FELDEWERT: Just one final thing.
7 One, I hope the parties can work things out. We
8 always try to work things out, and I think it's good
9 for the Division when we can do that. Number two,
10 they refiled their cases, which are now on the October
11 31st docket. So this lease expiration issue must not
12 be too serious. We still don't know when it is.

13 And secondly, you're talking about a
14 difference between November 7th and November 20th,
15 maybe a week and a half. That's not going to make a
16 big difference. So when you kind of balance things
17 out, I'd rather not have three cases back to back.

18 THE HEARING EXAMINER: Okay. I've
19 heard where the parties agree and where they disagree,
20 and I understand the issues. And the idea of lease
21 expirations, how does that impact the Division's work?

22 MS. BENNETT: Thank you. Well, so,
23 just to give a little more color here, the lease
24 expiration issue that I'm talking about, Franklin
25 Mountain Energy had a lease that was originally set to

1 expire in January 2025.

2 Due to the delay, they were able to get
3 an extension through July of 2025. That might seem
4 like a long time from now, but given the amount of
5 time that it takes for an order to be issued, it's in
6 a relatively short horizon.

7 But to get back to your question about
8 how it impacts, if a lease is going to expire, that
9 means that Franklin Mountain Energy can lose that
10 lease if they don't drill the well.

11 And the way that -- unless they own an
12 interest in every tract, they can't drill the well
13 without a pooling order. And so they are linked in
14 terms of holding the lease depending upon
15 circumstances.

16 And even if Franklin Mountain Energy
17 owns, or an operator owns an interest in every tract,
18 they're still at a risk if they don't have a pooling
19 order, although there's no prohibition. But that's
20 why there's a link between pooling orders and lease
21 expiration issues.

22 THE HEARING EXAMINER: Okay. You've
23 answered my question. Thank you. The issue that the
24 Division is having with hearing this case before the
25 20th is the availability of a technical examiner. As

1 you may know, Hailee Thompson is now at the State Land
2 Office.

3 So we literally have three hearing
4 technical examiners available to us. And the Hearing
5 Division has been given the authority to schedule
6 approximately three dates each month that require a
7 technical examiner.

8 We already have our three in October.
9 Otherwise, I was going to offer October 29 to the
10 parties as a potential date for a contested hearing in
11 the cases that I've called.

12 We can't get a commitment on October
13 29. So that's a date I can't even offer. So I was
14 going to offer October 29 based on the age of these
15 cases, but I can't.

16 On November 5th, if my understanding is
17 correct, we already have two. We have a trailing
18 docket of two lengthy contested. So that means that
19 is going to most likely spill into the 6th, November
20 5th and 6th.

21 And are you involved in either one,
22 Ms. Bennett?

23 MS. BENNETT: I am.

24 THE HEARING EXAMINER: You are.

25 MS. BENNETT: But I'm only monitoring.

1 THE HEARING EXAMINER: Oh, you're
2 monitoring. Okay.

3 Mr. Feldewert, you're involved in one
4 or both? Both --

5 MR. FELDEWERT: Both.

6 THE HEARING EXAMINER: -- on that date.
7 Okay.

8 MR. FELDEWERT: Yes.

9 THE HEARING EXAMINER: We have a
10 commitment for the 20th, and I do note that the 20th
11 is two weeks later. I'm willing to ask the technical
12 team if they will consider the fact that Franklin
13 Mountain Energy 3 has a lease expiration in getting
14 the order out. So I can do that. But I don't see how
15 I can shoehorn in November 7th, even if I wanted to.

16 I'm limited by the technical examiner
17 availability. These other issues are valid. I've
18 heard both sides of them. I don't make the decision
19 based on these issues. I make the decision based on
20 the fact that we are limited. So being that, let me
21 ask Freya.

22 Freya, is November 20th available for a
23 contested hearing?

24 MS. TSCHANTZ: It is. We do have
25 another contested hearing scheduled that date but --

1 THE HEARING EXAMINER: Do you know who
2 the parties are?

3 MS. TSCHANTZ: I'll look it up.

4 MR. FELDEWERT: Yes.

5 THE HEARING EXAMINER: You know?

6 MR. FELDEWERT: Yeah.

7 THE HEARING EXAMINER: Who are the
8 parties?

9 MR. FELDEWERT: MRC and E.G.L.

10 THE HEARING EXAMINER: Are you MRC?

11 MR. FELDEWERT: Yes. Yeah.

12 THE HEARING EXAMINER: Is that going to
13 be a problem?

14 MR. FELDEWERT: My understanding is
15 that the parties are in very productive discussions
16 and that that is likely to get resolved. That's what
17 I've been told as we were looking at the dates here,
18 making sure November 20th would work. So, yes, that
19 should not pose a problem.

20 THE HEARING EXAMINER: Okay. Then
21 these cases that I called will be set for a November
22 20th contested hearing on a trailing docket.

23 So, Freya, would you work on reissuing
24 an amended pre-hearing order to that effect?

25 MS. TSCHANTZ: Yes.

1 THE HEARING EXAMINER: Okay. Anything
2 further from the parties?

3 MR. FELDEWERT: Nothing. Thank you.

4 MS. BENNETT: Nothing further.

5 THE HEARING EXAMINER: Okay. Thank
6 you.

7 Now we're going to go to our regular
8 docket. I'm calling two cases in which the Division
9 is the complainant. This is case 24801 and case
10 24802.

11 Entries of appearance, please.

12 MS. TREVINO: Christy Trevino for the
13 Oil Conservation Division.

14 THE HEARING EXAMINER: Good morning.
15 And do we have the respondent in either case either
16 with us in person or virtually?

17 Ms. Trevino, who is the respondent in
18 24801?

19 MS. TREVINO: In 24801, it's Larry
20 Marker.

21 THE HEARING EXAMINER: Larry who?

22 MS. TREVINO: Marker.

23 THE HEARING EXAMINER: Can you spell
24 it?

25 MS. TREVINO: L-A-R-R-Y M-A-R-K-E-R.

1 THE HEARING EXAMINER: Larry Marker.
2 Larry Marker, are you with us? We're calling your
3 case now, and we're going to proceed without you if
4 you don't appear.

5 THE HEARING EXAMINER: Ms. Trevino,
6 please.

7 MS. TREVINO: Would you like me to call
8 the second case --

9 THE HEARING EXAMINER: No, we'll get to
10 it in just a moment.

11 MS. TREVINO: So, Mr. Hearing Examiner,
12 we'll be proceeding by affidavit for this hearing.
13 This case involves 150 wells owned and operated by the
14 respondent, LLJ Ventures, doing business as Marker Oil
15 and Gas. So far it's been uncontested. I do have to
16 note that we did submit a supplemental affidavit and
17 exhibits yesterday to reflect an update to the 150
18 wells. It's currently at 148.

19 LLJ Ventures had transferred two wells
20 to MorningStar, a different operator. So the Oil
21 Conservation Division -- would you like me to formally
22 ask to admit those exhibits and list them out?

23 THE HEARING EXAMINER: I'd like you to
24 share your screen and let's go through your exhibits
25 one by one, and you can ask me to admit them as we go

1 through them.

2 MS. TREVINO: OCD is going to seek to
3 formally admit Exhibits 1 through 4.

4 THE HEARING EXAMINER: Would you
5 provide a foundation for 1 through 4?

6 MS. TREVINO: Yes. Exhibit 1 --

7 THE HEARING EXAMINER: And, excuse me,
8 Ms. Trevino, is this the amended packet or is this the
9 original packet?

10 MS. TREVINO: This is the original.
11 I'm going to go through that first and then add the
12 supplemental in. It might be quite confusing because
13 the supplemental will cover Exhibit 2. So part of
14 Exhibit 2 is updated by Exhibit 4 that was submitted
15 yesterday.

16 THE HEARING EXAMINER: Do we have two
17 hearing exhibit packets?

18 MS. TREVINO: We do.

19 THE HEARING EXAMINER: Okay. In each
20 case or just this one case?

21 MS. TREVINO: Just this one case.

22 THE HEARING EXAMINER: Okay. What I do
23 in situations like this is, at the end of the hearing,
24 I will instruct you to file a single amended exhibit
25 packet with a cover letter so that we have only one

1 document in the file to base the order on.

2 MS. TREVINO: Understood.

3 THE HEARING EXAMINER: All right. I'm
4 sorry. So go ahead and show me your four exhibits and
5 provide a foundation.

6 MS. TREVINO: We have the affidavit for
7 Mr. Nicholas Karns to support the exhibits. It's
8 going to be Exhibit 1, 2, and its sub-exhibits.
9 Exhibit 1 is the curriculum vitae of Mr. Karns.

10 (24801 Exhibit 1 was marked for
11 identification.)

12 THE HEARING EXAMINER: Is the what?

13 MS. TREVINO: Curriculum vitae.

14 THE HEARING EXAMINER: Okay.

15 MS. TREVINO: And then Exhibit 2 is the
16 NOV.

17 (24801 Exhibit 2 was marked for
18 identification.)

19 MS. TREVINO: And I'll try to scroll
20 slowly.

21 THE HEARING EXAMINER: Okay. So what
22 is Mr. Marker alleged to violate?

23 MS. TREVINO: Originally with his 150
24 wells he violated 19.15.25.8 and is out of compliance
25 with 19.15.5.9A, which is the inactive well rule. All

1 his wells are out of compliance.

2 THE HEARING EXAMINER: So using words
3 instead of the regulations, what has he done?

4 MS. TREVINO: Per the rule he has --
5 well, all of his wells are out of compliance. So per
6 the rule, he's not compliant with 5.9A.

7 THE HEARING EXAMINER: How is he out of
8 compliance?

9 MS. TREVINO: Because he's failed to
10 file C-115 production reports which is evidenced by
11 2C.

12 (24801 Exhibit 2C was marked for
13 identification.)

14 2A is the list of that, and I'll scroll
15 down to that.

16 (24801 Exhibit 2A was marked for
17 identification.)

18 THE HEARING EXAMINER: So he hasn't
19 filed his required --

20 MS. TREVINO: C-115 production reports.

21 THE HEARING EXAMINER: Production
22 reports.

23 MS. TREVINO: He also lacks sufficient
24 financial assurance which is indicated in 2B.

25 //

1 (24801 Exhibit 2B was marked for
2 identification.)

3 THE HEARING EXAMINER: Okay. You don't
4 have to scroll through it to that effect. I just want
5 to understand, you know, this is your case. So I
6 suspect you understand what he's violated.

7 Instead of using the regulation, if you
8 could just explain to me what he's done. So he hasn't
9 filed production reports, and he doesn't have
10 sufficient financial backing; is that what you're
11 saying?

12 MS. TREVINO: Yes, that is correct.

13 THE HEARING EXAMINER: Okay. Has he
14 responded to those allegations?

15 MS. TREVINO: He has not.

16 THE HEARING EXAMINER: Okay --

17 MS. TREVINO: He has in the background
18 transferred some wells. That would indicate that he
19 had some type of knowledge of what was going on, but
20 we have not had any communication with him.

21 THE HEARING EXAMINER: So the NOV puts
22 him on notice -- when was the NOV filed?

23 MS. TREVINO: July 9th.

24 THE HEARING EXAMINER: And when was it
25 sent to him?

1 MS. TREVINO: Oh, I apologize. It was
2 sent to him on July 9th.

3 THE HEARING EXAMINER: Okay. So it was
4 sent to him July 9th, And that gives him, what, 30
5 days to respond?

6 MS. TREVINO: Yes.

7 THE HEARING EXAMINER: Okay. And did
8 he respond?

9 MS. TREVINO: No.

10 THE HEARING EXAMINER: No. And so what
11 did you do -- is that the extent of the allegations,
12 is that there's no filing of the C-115 production
13 report and insufficient financial backing?

14 MS. TREVINO: Yes.

15 THE HEARING EXAMINER: Okay. That's
16 the extent of it?

17 MS. TREVINO: Yes.

18 THE HEARING EXAMINER: And what is the
19 fine?

20 MS. TREVINO: The civil penalties?

21 THE HEARING EXAMINER: Yes.

22 MS. TREVINO: If I can have one moment.

23 THE HEARING EXAMINER: Mm-hmm.

24 MS. TREVINO: So let me back up a
25 little bit. So he had the 150 wells he transferred

1 to. He's at 148. Mr. Karns reviewed the information
2 on October 1st and sent that over for our review. So
3 we updated the civil penalty calculator, so it's
4 414,00, which is evidenced in Exhibit 4D.

5 (24801 Exhibit 4D was marked for
6 identification.)

7 THE HEARING EXAMINER: Okay. And that
8 was sent to him as well?

9 MS. TREVINO: No, not the update
10 because we just reviewed it in preparation for the
11 hearing. So that's what we'll be asking for at this
12 hearing. Because he did transfer those two wells out,
13 we adjusted the civil penalties.

14 THE HEARING EXAMINER: But originally
15 the civil penalty was more?

16 MS. TREVINO: Yes. It's 423,000.

17 THE HEARING EXAMINER: Okay. And he
18 was made aware of that?

19 MS. TREVINO: Yes.

20 THE HEARING EXAMINER: So do you have
21 any record of him receiving the NOV?

22 MS. TREVINO: Yes. We have the
23 tracking information which is going to be Exhibit 3,
24 the emails and tracking info.

25 //

1 (24801 Exhibit 3 was marked for
2 identification.)

3 And we have that affidavit to support
4 that information from Ms. Sara Griego --

5 THE HEARING EXAMINER: Okay. So
6 Mr. Karns's affidavit supports the allegations in the
7 NOV and the fine?

8 MS. TREVINO: Yes.

9 THE HEARING EXAMINER: Okay. And
10 Ms. Griego's affidavit supports the fact that he was
11 put on notice?

12 MS. TREVINO: Yes.

13 THE HEARING EXAMINER: Okay. What
14 happened after that?

15 MS. TREVINO: At some point he
16 transferred these wells. I couldn't pull --

17 THE HEARING EXAMINER: That's not what
18 I mean. What I mean is, procedurally, what happened
19 after you put him on notice and he failed to respond
20 within 30 days?

21 MS. TREVINO: We filed a document
22 statement which is also evidenced by Ms. Griego's
23 emails. She also sent that out to him by mail, which
24 is not required by the rule.

25 THE HEARING EXAMINER: Okay. And when

1 did you do that?

2 MS. TREVINO: I apologize. I need a
3 moment. That was sent on August 15th.

4 THE HEARING EXAMINER: Okay. To the
5 same address?

6 MS. TREVINO: Yes. The same email
7 address and physical address.

8 THE HEARING EXAMINER: So you said
9 Exhibit 1 was what?

10 MS. TREVINO: The curriculum vitae of
11 Mr. Karns.

12 THE HEARING EXAMINER: Okay. And
13 Exhibit 2 is?

14 MS. TREVINO: The Notice of Violation.
15 And then Exhibit 2A is the Inactive Well Report. 2B
16 is the Financial Assurance Report. 2C is the C-115
17 Report. 2D is the Civil Penalty Calculator.

18 THE HEARING EXAMINER: And where do you
19 have the affidavit of Mr. Karns?

20 MS. TREVINO: It's before all the
21 exhibits.

22 THE HEARING EXAMINER: So it's not
23 marked as an exhibit?

24 MS. TREVINO: No, it's not.

25 THE HEARING EXAMINER: Okay. Okay. So

1 we went through Exhibit 1 and Exhibit 2 and its
2 subparts. What about Exhibit 3?

3 MS. TREVINO: Exhibit 3 is Ms. Griego's
4 Notice of Violation and Docketing Notice that was sent
5 out certified by mail. And then Exhibit 3 is the
6 tracking information, and it showed it was picked up
7 by the respondent.

8 THE HEARING EXAMINER: And do we have
9 an affidavit marked as an exhibit for Ms. Griego?

10 MS. TREVINO: The affidavit is not
11 marked, but it is preceding the exhibit.

12 THE HEARING EXAMINER: Okay. In your
13 amended exhibit packet, would you remark the exhibits
14 to include the affidavits as exhibits?

15 MS. TREVINO: Yes.

16 THE HEARING EXAMINER: And then the
17 sub-exhibits can work off of that --

18 MS. TREVINO: Okay.

19 THE HEARING EXAMINER: -- can be
20 related to that.

21 MS. TREVINO: Yes.

22 THE HEARING EXAMINER: So Exhibit 1
23 would be Mr. Karns's affidavit, and then 1A could be,
24 what, you said the NOV, and 1B and so on. And then
25 Ms. Griego could be Exhibit 2 and subparts to her, you

1 know, whatever the exhibit supports.

2 MS. TREVINO: Yes.

3 THE HEARING EXAMINER: And then what do
4 we have after Ms. Griego's exhibits?

5 MS. TREVINO: Now we have Exhibit 4,
6 which is supported by a supplemental affidavit of
7 Mr. Karns, and it covers an updated Inactive Well
8 Report, which is 4A.

9 (24801 Exhibit 4A was marked for
10 identification.)

11 MS. TREVINO: 4B is the well transfers.

12 (24801 Exhibit 4B was marked for
13 identification.)

14 MS. TREVINO: And 4C is the financial
15 assurance report.

16 (24801 Exhibit 4C was marked for
17 identification.)

18 MS. TREVINO: And 4D is the updated
19 Civil Penalty Calculator.

20 (24801 Exhibit 4D was marked for
21 identification.)

22 THE HEARING EXAMINER: I see. So we
23 have a second affidavit by Mr. Karns to correct the
24 initial affidavit?

25 MS. TREVINO: It's not a correction;

1 it's an update because the wells were transferred. So
2 typically when we have these hearings, you ask if any
3 change has been made. So that was a change that we
4 discovered.

5 THE HEARING EXAMINER: And the well
6 transfers were made between the time of the NOV and
7 today?

8 MS. TREVINO: Yes.

9 THE HEARING EXAMINER: I see. Okay.
10 All right. Are there any other exhibits?

11 MS. TREVINO: No, that's all.

12 THE HEARING EXAMINER: Okay.

13 MS. TREVINO: OCD is going to request
14 to formally admit those Exhibits 1 through 4.

15 THE HEARING EXAMINER: Are there any
16 objections? Not hearing any, your exhibits are
17 admitted with the caveat that you will file an amended
18 exhibit packet as we spoke about.

19 (24801 Exhibits 1 through 4 were
20 received into evidence.)

21 THE HEARING EXAMINER: How long do you
22 need to file the amended exhibit packet?

23 MS. TREVINO: I can do that today.

24 THE HEARING EXAMINER: Today. Okay.
25 So we'll do the close of business tomorrow. That will

1 be the 4th of October by 5 p.m. Anything further on
2 this case?

3 MS. TREVINO: No.

4 THE HEARING EXAMINER: Very good.
5 Let's move on to 24802. Who is the respondent here?

6 MS. TREVINO: It's a Roger Slayton
7 doing business at Escudilla Oil Company. And I --

8 THE HEARING EXAMINER: Can you spell
9 Roger's last name?

10 MS. TREVINO: S-L-A-Y-T-O-N. And I
11 believe the respondent listed on the central contract
12 is Megan Bryant. And if I can have a moment to
13 pull --

14 THE HEARING EXAMINER: Mm-hmm.

15 MS. TREVINO: -- the spelling. It's
16 going to be M-E-G-A-N B-R-Y-A-N-T.

17 THE HEARING EXAMINER: So are you
18 saying there's two respondents in this case?

19 MS. TREVINO: No, that's the central
20 contact. So we sent this to her as it said on our
21 permitting system that she's the office administrator
22 for this company, Roger Slayton.

23 THE HEARING EXAMINER: All right. Do
24 we have anyone from the Roger Slayton DBA Escudilla
25 Oil Company with us? Okay. There's no one who has

1 spoken up on behalf of the respondent. So please
2 proceed.

3 MS. TREVINO: This operator has 25
4 wells that are non-compliant with our rules. They
5 failed to file C-115 production reports since May of
6 2021.

7 THE HEARING EXAMINER: What kind of
8 reports did you say they were?

9 MS. TREVINO: C-115 production reports.

10 THE HEARING EXAMINER: Production
11 reports.

12 MS. TREVINO: We issued the NOV on July
13 9th.

14 THE HEARING EXAMINER: So is that the
15 only allegation in this NOV, is no C-115s?

16 MS. TREVINO: No. They lack sufficient
17 financial insurance for the 25 wells as well.

18 THE HEARING EXAMINER: Same violations
19 as the last NOV?

20 MS. TREVINO: Yes.

21 THE HEARING EXAMINER: Same type of
22 violations. Okay.

23 MS. TREVINO: Yes.

24 THE HEARING EXAMINER: So you were
25 saying? You did what?

1 MS. TREVINO: So we sent the NOV on
2 July 9th.

3 THE HEARING EXAMINER: Okay.

4 MS. TREVINO: And since then, we have
5 had no response. And the mail has been returned back
6 to the sender. We're proceeding via affidavit just at
7 the last hearing.

8 THE HEARING EXAMINER: So you said
9 there was a Ms. Megan -- I forgot her last name but --

10 MS. TREVINO: Bryant.

11 THE HEARING EXAMINER: Thank you,
12 Bryant. She hasn't responded?

13 MS. TREVINO: No.

14 THE HEARING EXAMINER: How do you know
15 she's the contact for Roger Slayton with DBA --

16 MS. TREVINO: That's what we have in
17 our permitting system, and that's up to the operators
18 to change if they have a change in management --

19 THE HEARING EXAMINER: So we have a
20 rule that requires an operator to notify the division
21 of a change in management?

22 MS. TREVINO: Yes.

23 THE HEARING EXAMINER: Okay. But you
24 don't charge that as a violation?

25 MS. TREVINO: We don't. Not in this

1 particular case.

2 THE HEARING EXAMINER: Okay. Okay.

3 And so July 9th, you sent out the NOV. What happened?

4 MS. TREVINO: We had no response and
5 then we sent out the document statement on August 15th
6 that was sent out by Ms. Sara Griego. And if you'd
7 like, I can go through the exhibits.

8 THE HEARING EXAMINER: No, thank you.

9 MS. TREVINO: We're going to request
10 that Exhibits 1 through 3 be admitted.

11 THE HEARING EXAMINER: So in this case,
12 Exhibit 1 is what?

13 MS. TREVINO: Exhibit 1 is the
14 curriculum vitae of Mr. Karns.

15 (24802 Exhibit 1 was marked for
16 identification.)

17 THE HEARING EXAMINER: So we don't have
18 an affidavit marked again as an exhibit?

19 MS. TREVINO: No. We have the
20 affidavit preceding the exhibits that Mr. Karns is
21 testifying to.

22 THE HEARING EXAMINER: I prefer to have
23 an affidavit marked as an exhibit and then anything
24 that relies on that affidavit to be marked as a sub-
25 exhibit.

1 MS. TREVINO: Understood.

2 THE HEARING EXAMINER: So if you will
3 file an amended exhibit packet in this case as well by
4 the close of business tomorrow to conform to that.
5 But right now you have Exhibit 1 being the CV of
6 Mr. Karns. What's Exhibit 2?

7 MS. TREVINO: Exhibit 2 is the Notice
8 of Violation.

9 (24802 Exhibit 2 was marked for
10 identification.)

11 MS. TREVINO: Exhibit 2A is the
12 Inactive Well Report.

13 (24802 Exhibit 2A was marked for
14 identification.)

15 MS. TREVINO: 2B is the Financial
16 Assurance Report.

17 (24802 Exhibit 2B was marked for
18 identification.)

19 MS. TREVINO: 2C is the C-115 Report.

20 (24802 Exhibit 2C was marked for
21 identification.)

22 MS. TREVINO: And 2D is the Civil
23 Penalty Calculator.

24 (24802 Exhibit 2D was marked for
25 identification.)

1 THE HEARING EXAMINER: And what is the
2 civil penalty in this case?

3 MS. TREVINO: I apologize. I need to
4 switch documents. 66,150.

5 THE HEARING EXAMINER: And how many
6 wells here? Twenty-five?

7 MS. TREVINO: Twenty-five wells. The
8 Inactive Well Report shows 24 inactive but one -- not
9 released. So we request that, you know, proper
10 service reclamation happen on that well. So we're
11 requesting for all 25 wells.

12 THE HEARING EXAMINER: Okay. And so
13 that's Exhibit 2 -- what was it?

14 MS. TREVINO: 2 and 2A through 2D, the
15 subsequent exhibits. And then Exhibit 3 is supported
16 by an affidavit by Ms. Sara Griego to show the Notice
17 of Violation was sent out Certified Mail and that
18 tracking information.

19 (24802 Exhibit 3 was marked for
20 identification.)

21 THE HEARING EXAMINER: So do we also
22 have anything showing that the docketing was sent out
23 as well?

24 MS. TREVINO: Yes, we do. It's
25 supported in that exhibit.

1 THE HEARING EXAMINER: Same one. Okay.
2 So those are your three exhibits as they stand now?

3 MS. TREVINO: Yes.

4 THE HEARING EXAMINER: Okay. Is there
5 any objection? Not hearing any, those three exhibits
6 are admitted with the same caveat as the other case.

7 (24802 Exhibit 1 through Exhibit 3 were
8 received into evidence.)

9 MS. TREVINO: Understood.

10 THE HEARING EXAMINER: Is there
11 anything further on this case?

12 MS. TREVINO: No.

13 THE HEARING EXAMINER: No? Okay.
14 Thank you very much for your presentation. We're in
15 recess on those cases.

16 I'm now calling case number 24185,
17 E.G.L. Resources. It is joined with two cases that
18 are not on our docket today, 24184 and 24678.

19 Entries of appearance, please.

20 MS. BENNETT: Good morning,
21 Mr. Examiner. Deana Bennett on behalf of Avant
22 Operating, LLC.

23 THE HEARING EXAMINER: Good morning.

24 MS. MCLEAN: Good morning. Jackie
25 McLean with Hinkle Shanor on behalf of COG and Concho.

1 THE HEARING EXAMINER: Did you file an
2 objection?

3 MS. MCLEAN: No, we're just monitoring.

4 THE HEARING EXAMINER: And Ms. Bennett,
5 did you file an objection?

6 MS. BENNETT: Yes, I did.

7 THE HEARING EXAMINER: You did. Okay,
8 very good.

9 MR. SAVAGE: Good morning,
10 Mr. Examiner. Darin Savage with Abadie & Schill on
11 behalf of Cimarex Energy.

12 THE HEARING EXAMINER: Cimarex. Did
13 you file an objection?

14 MR. SAVAGE: No, I did not.

15 THE HEARING EXAMINER: Who's
16 representing E.G.L.?

17 MR. FELDEWERT: I was waiting to get in
18 here. Mike Feldewert with the Santa Fe office of
19 Holland & Hart on behalf of the applicant in this
20 case.

21 THE HEARING EXAMINER: Very good. So
22 we have -- so Mr. Feldewert, I just want to confirm
23 with you we have one objection?

24 MR. FELDEWERT: Yes.

25 THE HEARING EXAMINER: And that's from

1 Avant?

2 MR. FELDEWERT: Yes.

3 THE HEARING EXAMINER: Okay. Very
4 good. Mr. Feldewert, it's your case. How do you want
5 to proceed?

6 MR. FELDEWERT: So as you'll recall,
7 this case was called for a status conference because
8 we were here on September 12th. E.G.L. had a -- let
9 me get this straight -- a north half case where there
10 was competing applications, and we put that on an
11 October 31st status conference. This matter involves
12 the south half area.

13 We thought it was going to be able to
14 go forward uncontested, and there was an effort to try
15 to keep the two cases together even though there
16 wasn't a competing ruling case. You ruled, and then
17 about halfway through that docket, Avant piped up and
18 said, "Hey, guess what? We're going to file a
19 competing application for a competing proposal." So
20 this is really to determine the status of what they
21 said they were going to file.

22 THE HEARING EXAMINER: I see.

23 MR. FELDEWERT: Or send out, I should
24 say.

25 THE HEARING EXAMINER: Okay. But you

1 brought up a few things that I don't have in my notes
2 here. At least -- give me one moment here. I also
3 put in my notes here that the parties were conferring
4 on an October contested hearing date. Do you not
5 agree?

6 MR. FELDEWERT: Since you had it on a
7 status conference for October 31st, I don't recall
8 that.

9 THE HEARING EXAMINER: I'm talking
10 about case 24185.

11 MR. FELDEWERT: I don't have that in my
12 notes.

13 THE HEARING EXAMINER: Okay. All
14 right. Well, I put it here, "Continued from September
15 12th." Well, there is an objection, Mr. Feldewert --

16 MR. FELDEWERT: Yes.

17 THE HEARING EXAMINER: -- to this case.

18 MR. FELDEWERT: So, if I may --

19 THE HEARING EXAMINER: Yes.

20 MR. FELDEWERT: -- Ms. Bennett could
21 probably confirm. The real purpose of this was to see
22 if they were actually going to file something.

23 THE HEARING EXAMINER: Okay.

24 MR. FELDEWERT: We just had a brief
25 sidebar and it's my understanding that they have

1 indeed sent out a competing proposal.

2 THE HEARING EXAMINER: Have or have
3 not?

4 MR. FELDEWERT: Have.

5 THE HEARING EXAMINER: Have.

6 MR. FELDEWERT: I don't know when they
7 intend to file the competing applications. I'll leave
8 that to Ms. Bennett. But it might be worthwhile then,
9 since they actually sent out competing proposals to
10 put this on the October 31st document for a status
11 conference with the other, north half acreage cases.

12 THE HEARING EXAMINER: Is the north
13 half 24184?

14 MR. FELDEWERT: I believe so, yes.

15 THE HEARING EXAMINER: Ah.

16 MR. FELDEWERT: It's either 84 or 86.

17 THE HEARING EXAMINER: I'm going to go
18 with 84. And what about 24678? Is that your case?
19 Is that your competing case with 84?

20 MR. FELDEWERT: Yes.

21 THE HEARING EXAMINER: I understand.
22 And those are for the north half?

23 MR. FELDEWERT: Yes.

24 THE HEARING EXAMINER: Oh, I see.
25 Okay, very good. So 85 is for the south half, and

1 we're wondering whether or not you have sent out -- so
2 Ms. Bennett?

3 MS. BENNETT: Thank you, Mr. Examiner.
4 Avant did send out proposals for the south half. They
5 sent out proposals on September 26th. And that
6 proposal does compete with the case you called today,
7 24185.

8 So the earliest I could file is October
9 28th, which -- I have a question, actually, about the
10 new policy for status conference versus affidavit
11 cases. But let me just run through this, and then
12 I'll be able to ask my question. So the earliest I
13 could file is December 28th.

14 THE HEARING EXAMINER: October 28th.

15 MS. BENNETT: I'm sorry, October 28th,
16 which would mean that the earliest docket I could file
17 for technically is December 5th because it has to be a
18 month before. But because we know it's contested I'm
19 curious if that means I can't file for December 5th
20 but have to file for December 19th. I'm just
21 wondering how that new policy about dividing dockets
22 will work out in a situation like that.

23 THE HEARING EXAMINER: Okay. Okay.
24 Hold on, let me think about this for a moment and make
25 some sort of a decision about -- so, Mr. Feldewert,

1 you know that there's been a proposal now. You know
2 that they're going to be filing a competing
3 application with your case. It's already a competing
4 application with your other case.

5 MR. FELDEWERT: Correct.

6 THE HEARING EXAMINER: Do you want to
7 hear both cases together?

8 MR. FELDEWERT: Yes.

9 THE HEARING EXAMINER: You do?

10 MR. FELDEWERT: Yes.

11 THE HEARING EXAMINER: Okay. Perfect.

12 MR. FELDEWERT: And that leads into my
13 other point, and that is there is the policy of
14 waiting 30 days between the well proposal and the
15 filing of an approving application.

16 But the exception to that policy has
17 been where there is a, contested cases, and
18 essentially the parties are presumably known and so
19 there is an allowance for the more expedited filing of
20 the application so there's no unreasonable delay. So
21 it seems to me that -- let's see.

22 I think we're beyond the October 31st
23 docket, so we certainly could file for the next docket
24 in November which would then allow the cases to all be
25 called at that November docket. And then, assuming

1 the parties had not reached an agreement, we could set
2 a contested case.

3 THE HEARING EXAMINER: But if
4 Ms. Bennett files on October 28th --

5 MR. FELDEWERT: But she can file before
6 that. That's what I'm saying.

7 THE HEARING EXAMINER: But even if she
8 filed by October 28th -- let's say she filed by
9 October 28th -- we could still put it on the October
10 31st docket, which is what you said 24184 and 24678
11 are set for?

12 MR. FELDEWERT: Yes. I'm not sure
13 you're going to be able to place it on that docket
14 given that filing date.

15 THE HEARING EXAMINER: Oh, because of
16 notice. Right.

17 MR. FELDEWERT: Correct. You have to
18 file 30 days in advance of the docket by rule.

19 THE HEARING EXAMINER: But you're
20 saying there's an exception that would allow her to
21 file before the October 28th so we could still get it
22 on October 31st if filed --

23 MR. FELDEWERT: Actually we'd be able
24 to get it on the first docket in November.

25 THE HEARING EXAMINER: Not October

1 31st?

2 MR. FELDEWERT: Correct. Because we
3 don't have --

4 THE HEARING EXAMINER: I see.

5 MR. FELDEWERT: What are we? October?
6 Yeah, it's my grandson's birthday. So we're beyond 30
7 days for the October 31st, but November 7th can still
8 be accomplished.

9 THE HEARING EXAMINER: I've heard 20
10 days. I've not heard 30 days. Where does that come
11 from?

12 MR. FELDEWERT: Thirty days is in the
13 rules; 20 days is the notice period.

14 THE HEARING EXAMINER: I thought that's
15 what we were talking about, the notice period.

16 MR. FELDEWERT: No, she has not filed
17 the pooling application yet.

18 THE HEARING EXAMINER: But I thought
19 you said the exception to her filing the pooling
20 application would fit in this case in that way she
21 could file her pooling application before the 30-day
22 policy period is over. So I didn't understand your
23 exception.

24 MR. FELDEWERT: Two different 30-day
25 periods.

1 THE HEARING EXAMINER: Go ahead.

2 MR. FELDEWERT: Okay. The first 30-day
3 period is, when you send out well proposals, there's a
4 policy that the division wants you to wait 30 days
5 before you file your pooling application. Okay. The
6 second 30-day period is you have to file your pooling
7 application 30 days in advance of the time of the
8 hearing date.

9 THE HEARING EXAMINER: Thirty days in
10 advance of the hearing.

11 MR. FELDEWERT: Of the hearing date,
12 yes.

13 THE HEARING EXAMINER: So which
14 exception were you talking about?

15 MR. FELDEWERT: The second.

16 THE HEARING EXAMINER: Ah --

17 MR. FELDEWERT: I mean -- I'm sorry --
18 the first one. The first one, between the well
19 proposal and when you file your pooling application.

20 THE HEARING EXAMINER: Right. So then
21 if she sent out her -- help me understand this,
22 Ms. Bennet, that if you sent out your proposals on
23 September the 26th, why couldn't you file your
24 competing application before the 30-day period based
25 on the exception that Mr. Feldewert is talking about

1 so we could get your case on the October 31st docket
2 which is when the south half is on?

3 MS. BENNETT: A couple of things.

4 THE HEARING EXAMINER: Yes.

5 MS. BENNETT: There is an exception.
6 It's not necessarily for contested hearings; it's when
7 there's exigent circumstances.

8 THE HEARING EXAMINER: Oh.

9 MS. BENNETT: So I'm assuming that
10 Mr. Feldewert feels that this is an exigent
11 circumstance. I'm happy to do that, but there are
12 other working interest owners besides E.G.L. who may
13 not appreciate the expedited timeline. But I'm happy
14 to do that.

15 I think it makes sense to try to move
16 these cases along. The other wrinkle, though, is that
17 it's my understanding that E.G.L. has -- and E.G.L.
18 even said this at the last hearing -- that E.G.L.
19 needs to re-propose its north half wells because of a
20 surface issue that the BLM recently identified with
21 respect to the dune sagebrush lizard. And that has
22 also triggered some reevaluation by Avant.

23 And so Avant set out north half
24 proposals as well anticipating that it would be
25 getting revised north half proposals from E.G.L. And

1 it's my understanding that E.G.L. has not yet sent out
2 those proposals even though it has to -- and
3 Mr. Feldewert can correct me on this -- even though
4 E.G.L. has to change its surface hole location.

5 So I think while I'm happy to file the
6 south half cases and happy to learn of the exception
7 to the 30-day rule today, I don't think that that
8 actually advances the ball that much. Happy to send
9 all these for -- I was thinking more along the lines
10 of a -- well, sorry. Let me take a step back about
11 the question.

12 Even if I was to file them early, I
13 don't know that, under the new policy, I could file
14 them for November 7th because that's set for affidavit
15 cases. And we know that these will be set for a
16 status conference.

17 So I still have that underlying
18 question of what to do when I know a case will be set
19 for a status conference. And theoretically, I could
20 file for the first docket.

21 But given that I know it's going to be
22 set for a status conference, do I have to file it for
23 the second docket? Or can I file it for the first
24 docket and then it gets continued to the second
25 docket?

1 THE HEARING EXAMINER: Good question.
2 I'm still trying to wrap my head around what's
3 happening on October 31st and how this case --

4 MR. FELDEWERT: So let me say there's
5 no -- because the regulation required you to file the
6 pooling application 30 days --

7 THE HEARING EXAMINER: Yes.

8 MR. FELDEWERT: -- in advance of the
9 hearing, she cannot file for the 31st because we're
10 within that 30-day period. She would have had to file
11 on October 1st.

12 THE HEARING EXAMINER: I understand.
13 But are we hearing 24184 and 24678 on October 31st?

14 MR. FELDEWERT: It's a status
15 conference.

16 THE HEARING EXAMINER: It is?

17 MR. FELDEWERT: Yes.

18 THE HEARING EXAMINER: So we are
19 hearing those cases on that date. Okay. Now that I
20 know that we are certainly hearing those cases on that
21 date -- and those are for the north half?

22 MR. FELDEWERT: Correct.

23 THE HEARING EXAMINER: Okay, fine.
24 What do you anticipate to achieve at that status
25 conference on the 31st?

1 MR. FELDEWERT: Well, we'll know
2 whether they filed their pooling application,
3 hopefully what the case number is, presumably, and
4 then we can consolidate all the cases for a contested
5 hearing date.

6 THE HEARING EXAMINER: Okay. All
7 right.

8 MS. BENNETT: Mr. Examiner?

9 THE HEARING EXAMINER: Oh, I'm just
10 thinking still.

11 MS. BENNETT: Okay.

12 THE HEARING EXAMINER: So hold on one
13 second. And I'm sick, so I'm thinking more slowly
14 than usual. But this is a bit confusing anyway.
15 Okay.

16 Now, your question is regarding what
17 happens later this month when you file your competing
18 application to this case that we've called, 24185, and
19 what docket it will be put on. It will be put on the
20 second docket in November. And you're asking -- so
21 knowing that, what is your question?

22 MS. BENNETT: I think that answers my
23 question. The question was: On a going-forward
24 basis, given that the first docket is set for
25 affidavit cases and the second docket is set for

1 status conferences, if we know that a case is
2 contested, do we automatically file for the second
3 docket? In the past I would have filed for the first
4 docket.

5 THE HEARING EXAMINER: You'll be put on
6 the docket that fits within the new policy no matter
7 when you file for it. So I don't think you need to
8 worry about which docket you're going to ask for.
9 Because we'll find the docket that fits the case.
10 That's the way I look at it here.

11 So if you know your case is
12 contested -- I mean, how many times have there been
13 contested cases in which the parties reach resolution
14 and then the other party withdraws an objection?

15 MS. BENNETT: Right. I think that's
16 part of my confusion because, let's say for example,
17 in these cases, I filed for November 17th -- because
18 that's the status conference docket -- and between now
19 and November 7th, the parties reach resolution. I am
20 precluded then from having a November 7th hearing
21 because we can't backtrack the notice.

22 THE HEARING EXAMINER: Right.

23 MS. BENNETT: So I would then be bumped
24 to December, the next December docket, which I'm not
25 saying is a bad thing. I'm just saying that there's

1 some confusion, I think, at least for me -- maybe
2 everyone else has it worked out.

3 THE HEARING EXAMINER: I would think --
4 and Mr. Feldewert, do you have any --

5 Ms. Bennett, I'll get you in just a
6 moment.

7 Mr. Feldewert, do you have anything to
8 say about that?

9 MR. FELDEWERT: I think Ms. Bennett
10 raises a good point --

11 THE HEARING EXAMINER: Sure.

12 MR. FELDEWERT: -- and that is, we
13 certainly need some flexibility. And the fact that
14 the first docket is for "new" cases and the second
15 docket is for purely status conferences, that you
16 should be able to file either one of them knowing that
17 one of the reasons you do that is to provide notice to
18 the parties and allow parties to appear as needed.

19 But it seems to me that it would then
20 also -- if you allow those which you understand to be
21 contested cases to be filed for the first time for the
22 first docket, you can then always move it to the
23 status conference case; right?

24 THE HEARING EXAMINER: Mm-hmm. Mm-hmm.

25 MR. FELDEWERT: So it seems to me that

1 the Division does not lose any efficiency by allowing
2 you to file for the first docket, if you can, because
3 it allows you then perhaps to go forward with the
4 resolutions. So I think that's what you're saying,
5 and I totally agree with it.

6 THE HEARING EXAMINER: I don't disagree
7 with what either one of you has brought up at all.

8 Ms. McLean?

9 MS. MCLEAN: I was just going to say,
10 it was my understanding -- I think we have probably
11 the same thing happening with our sicknesses. It was
12 my understanding that we were going back to filing,
13 you know, one filing deadline which would be for the
14 first Thursday of the month. And then things would be
15 automatically moved to the second if it was going to
16 be contested and needing a status conference.

17 And I would just suggest that we need
18 some sort of clear guidance. And to me, that would
19 make the most sense because there's only going to be
20 in exceptional circumstances like this where you, you
21 know, know that you are going to be at a status
22 conference. But generally you file and you're just
23 hoping no one enters -- right?

24 THE HEARING EXAMINER: Agreed. So I
25 think you're saying the same thing as Ms. Bennett and

1 Mr. Feldewert is basically saying.

2 MS. BENNETT: I do have just a
3 logistical --

4 THE HEARING EXAMINER: Sure.

5 MS. BENNETT: -- question for
6 Ms. Tschantz, which is, when I file -- let's say I
7 file this case for November 5th -- or November 7th,
8 excuse me -- and we don't have resolution, how is
9 Ms. Tschantz to know that this is one that needs to be
10 automatically moved?

11 THE HEARING EXAMINER: Because
12 Mr. Feldewert would file an objection.

13 MS. BENNETT: Okay.

14 THE HEARING EXAMINER: And that's how
15 we'd know.

16 MR. FELDEWERT: Correct.

17 THE HEARING EXAMINER: I think that's
18 ultimately the way this would work. And I think that
19 fits with Ms. McLean, too. So let's go to
20 Ms. Tschantz for a moment.

21 Ms. Tschantz, do you see any issue with
22 putting all new cases on the first docket, and
23 basically assuming that they're going to be hearings
24 by affidavit, and then as soon as you get an
25 objection, you move that case to the second docket.

1 MS. TSCHANTZ: Yes, that's what I was
2 contemplating doing. The reason that we should file
3 for all new applications on the first docket is
4 because that's the only one that's going to be
5 noticed. So we don't want to get into the practice of
6 putting new applications on the second docket.

7 THE HEARING EXAMINER: I agree.

8 MS. TSCHANTZ: Even if there's an
9 objection that's known -- will be known.

10 THE HEARING EXAMINER: Now, just as a
11 caveat, the technical examiner can only review so many
12 hearings by affidavit. So at some point, if the list
13 becomes lengthy -- and I don't know what that number
14 is. It really is up to the technical examiner, not
15 me.

16 We'll either have to set a special
17 docket that month as overflow, or we can put them on a
18 trailing docket with a special hearing later that
19 month. But they will be noticed on that first docket
20 if there is no objection.

21 And I suspect they'll be noticed on
22 that first docket, as Ms. Tschantz said, whether or
23 not there is an objection and then moved to the second
24 docket for a status conference. Does that address
25 your issue?

1 MS. BENNETT: It does mostly answer my
2 question, I guess. It sounds like the parties, once
3 an objection is lodged, Ms. Tschantz will
4 automatically move the case so we won't need to file
5 continuances to the second docket.

6 THE HEARING EXAMINER: I agree, yes.

7 MS. BENNETT: And then, later today, I
8 have a hearing, and I might wait to ask my question
9 about that case later today. It's kind of the
10 converse of the question I'm asked right now.

11 THE HEARING EXAMINER: I see.

12 MS. BENNETT: So I'll just hold off and
13 ask that question in the context of that status
14 conference.

15 THE HEARING EXAMINER: Okay. Thank
16 you.

17 Mr. Feldewert?

18 MR. FELDEWERT: I have nothing.

19 THE HEARING EXAMINER: Does that answer
20 your concerns?

21 MR. FELDEWERT: Yes, it does.

22 THE HEARING EXAMINER: Okay. It does?

23 MR. FELDEWERT: And it's good to point
24 out that that first docket is the only docket that is
25 going to be provided public notice by the Division,

1 so --

2 THE HEARING EXAMINER: Well, I can also
3 see where that would be confusing because, a few
4 months ago, we said we were going to be noticing two
5 dockets a month --

6 MR. FELDEWERT: Right.

7 THE HEARING EXAMINER: -- which now
8 we're not anymore. So I'm glad to know that myself.

9 Ms. McLean, anything further on that?

10 MS. MCLEAN: No.

11 THE HEARING EXAMINER: No. Okay. So
12 back to these cases. On October 31st, we're hearing
13 24184 and 24678. And, at that time, we're going to
14 see whether or not Avant files its competing
15 application based on its proposal that it sent out on
16 September 26th.

17 Is there anything -- Mr. Feldewert,
18 this is your case. Are you asking us to move 24185,
19 or are you going to continue this case to the October
20 31st so it's all together? Or are you just going to
21 wait to see what happens?

22 MR. FELDEWERT: Whatever is easier for
23 the Division. I suppose it makes sense to move it to
24 October 31st for now and keep them all together. And
25 hopefully, by that time, we can add a second case

Page 67

1 number and then proceed from there.

2 THE HEARING EXAMINER: And then we can
3 set a contested hearing for the four cases?

4 MR. FELDEWERT: Yes.

5 MS. BENNETT: Mr. Hearing Examiner?

6 THE HEARING EXAMINER: Ms. Bennett?

7 MS. BENNETT: At the October 31st
8 status conference, it would also be good to get an
9 update from E.G.L. about whether they proposed revised
10 north half --

11 THE HEARING EXAMINER: The well
12 location.

13 MS. BENNETT: -- well locations. That
14 would supersede case number 24185.

15 THE HEARING EXAMINER: So are you
16 suggesting that if the well location changes that they
17 have to go through the whole process again?

18 MS. BENNETT: I would think so.

19 THE HEARING EXAMINER: Oh -- I mean, I
20 don't know. That's why I'm asking.

21 MS. BENNETT: I mean, I'm not sure what
22 the changes are or how detailed their application was.

23 THE HEARING EXAMINER: I see.

24 MS. BENNETT: But if the application
25 had the incorrect locations for the wells, then that

1 under the Division's material change policy, I think
2 that would require a new application. But I have not
3 seen their new well proposals and I don't know what
4 the changes are planned to be.

5 THE HEARING EXAMINER: Mr. Feldewert?

6 MR. FELDEWERT: My understanding is
7 that they have gone out. I got a note here to check
8 on the status. I'll let you know. But she's correct,
9 by October 31st we will have another application and
10 probably dismiss the existing one primarily because
11 the spacing unit has changed due to the surface hole
12 location.

13 THE HEARING EXAMINER: I see.

14 MR. FELDEWERT: Yeah.

15 THE HEARING EXAMINER: Does that
16 require new notice as well?

17 MR. FELDEWERT: New notice by the --

18 THE HEARING EXAMINER: By E.G.L. to the
19 other parties?

20 MR. FELDEWERT: They sent out a letter.

21 THE HEARING EXAMINER: They did --

22 MR. FELDEWERT: Yeah. Yeah.

23 THE HEARING EXAMINER: So you would be
24 dismissing 24184 at that time and you'd be refiling
25 under a new case number?

1 MR. FELDEWERT: We would have already
2 refiled. Yeah. That's what it looks like.

3 THE HEARING EXAMINER: Thank you.
4 Anything further on these cases?

5 MR. FELDEWERT: No. Thank you.

6 THE HEARING EXAMINER: Thank you.

7 MR. FELDEWERT: So this will be moved
8 to October 31st?

9 THE HEARING EXAMINER: I thought you
10 said you were going to move it to October 31st.

11 MR. FELDEWERT: Yes, I will be.

12 THE HEARING EXAMINER: Okay. So, yes,
13 we'll keep the three cases together that we have,
14 although by that time we may have a new case from
15 Ms. Bennett and a new case from you. Case number, at
16 least.

17 MR. FELDEWERT: Yeah. Thank you.

18 THE HEARING EXAMINER: All right.
19 Thank you. Okay, we're in recess on that case. 24585
20 Avant Operating.

21 MS. BENNETT: Good morning,
22 Mr. Examiner, Deana Bennett on behalf of Avant
23 Operating. And this case is related to 24586.

24 THE HEARING EXAMINER: Yes, it is.

25 MS. BENNETT: And then it's also

1 related to several other cases on today's docket.

2 THE HEARING EXAMINER: I see. So let
3 me call 24586, 24826, 24827. I believe that's all of
4 them -- no? Is there more?

5 MR. FELDEWERT: Well, let me step back.
6 So the cases 6 and 7 on your docket -- 24826 and
7 24827 -- are not related to this case.

8 THE HEARING EXAMINER: They're not
9 related?

10 MR. FELDEWERT: They're not, no.

11 THE HEARING EXAMINER: Okay. So we
12 only have two cases that I'm calling?

13 MR. FELDEWERT: Correct, but if you
14 continue down your docket --

15 THE HEARING EXAMINER: Oh.

16 MR. FELDEWERT: -- I also go to number
17 8. There's an OXY case on there.

18 THE HEARING EXAMINER: Oh.

19 MR. FELDEWERT: 8 and 9. So it's 24829
20 and 248 --

21 THE HEARING EXAMINER: 28?

22 MR. FELDEWERT: 28, yes. Those are
23 related to these cases.

24 THE HEARING EXAMINER: I did know that.

25 MR. FELDEWERT: then there's a

1 Goldeneye; right?

2 MS. BENNETT: Yes.

3 MR. FELDEWERT: And then I believe
4 that's Mr. Bruce. There's the E.G.L./Goldeneye, which
5 is 24843 through 24844.

6 THE HEARING EXAMINER: Ah.

7 MR. FELDEWERT: And they're number 13
8 and 14 on your docket.

9 THE HEARING EXAMINER: I see. Okay,
10 let me start over again then.

11 So, Freya, would you please -- and
12 you're saying they should be all joined together?

13 MS. TSCHANTZ: Yes.

14 THE HEARING EXAMINER: Okay. So,
15 Freya, would you please adjust the joined cases in
16 lines 4, 5, 8, 9, 13, and 14? Okay, so I'm going to
17 call the cases now. 24585, 24586, 24828, 24829, and
18 24843, 24844.

19 Entries of appearance, please.

20 MS. BENNETT: Good morning,
21 Mr. Examiner. Deana Bennett on behalf of Avant
22 Operating, LLC.

23 THE HEARING EXAMINER: Good morning.

24 MR. FELDEWERT: Good morning,
25 Mr. Examiner. Michael Feldewert with Santa Fe Office

1 of the Holland & Hart appearing on behalf of OXY USA,
2 Inc. --

3 THE HEARING EXAMINER: Good morning.

4 MR. FELDEWERT: -- and I'm also
5 appearing on behalf of XTO Energy.

6 THE HEARING EXAMINER: Thank you.

7 MS. MCLEAN: And Jackie McLean with
8 Hinkle Shanor representing Mewbourne.

9 MR. CLINTON: Andrew Clinton for
10 Northern Oil and Gas.

11 THE HEARING EXAMINER: Hold on,
12 Mr. Clinton. Hold on, hold on, hold on.

13 Ms. McLean, so you're representing who?

14 MS. MCLEAN: Mewbourne.

15 THE HEARING EXAMINER: Mewbourne.
16 Okay, Mewbourne. Okay. Okay.

17 And then you said, Mr. Clinton, who are
18 you?

19 MR. CLINTON: Here for Northern Oil and
20 Gas.

21 THE HEARING EXAMINER: Northern Oil and
22 Gas. So let me ask a question as we go through this.
23 Let's slow down on the entries of appearance.

24 Mr. Feldewert, are these competing
25 applications with Avant?

1 MR. FELDEWERT: Yes, and with E.G.L.'s
2 Goldeneye.

3 THE HEARING EXAMINER: Okay. So these
4 are three competing applications.

5 MR. FELDEWERT: Yes, sir.

6 THE HEARING EXAMINER: Okay.
7 Mr. Clinton, have you filed an objection?

8 MR. CLINTON: No, sir. Just
9 monitoring.

10 THE HEARING EXAMINER: Okay. And
11 you're representing, you said, who?

12 MR. CLINTON: Northern Oil and Gas,
13 number 24818, 819.

14 THE HEARING EXAMINER: Oh, just those
15 two cases.

16 MR. CLINTON: Yes, sir.

17 THE HEARING EXAMINER: I don't have
18 those case numbers in the six that I just called.
19 Would you say the case numbers that you've entered an
20 appearance on?

21 MR. CLINTON: I'm sorry. I thought you
22 called 24818 and 819. I apologize --

23 THE HEARING EXAMINER: No, I didn't.
24 That's okay. I called six cases. Those numbers were
25 not the six that I --

1 MR. CLINTON: Okay, thank you.

2 THE HEARING EXAMINER: Okay. No
3 worries. Do we have any other entries of appearance
4 in these six cases?

5 MS. KESSLER: Yes, Mr. Examiner. This
6 is --

7 THE HEARING EXAMINER: Ms. Kessler?

8 MS. KESSLER: -- Jordan Kessler -- on
9 behalf of EOG, just in those two OXY cases, 24828 and
10 24829.

11 THE HEARING EXAMINER: Are you
12 monitoring?

13 MS. KESSLER: That's correct.

14 THE HEARING EXAMINER: Okay. Very
15 good. Thank you, Ms. Kessler.

16 Mr. Bruce?

17 MR. BRUCE: Yes, Mr. Examiner. Jim
18 Bruce representing E.G.L. Resources and its sister
19 company PBEX in all six cases.

20 THE HEARING EXAMINER: And these are
21 your competing applications, the 43 and 44?

22 MR. BRUCE: Yes.

23 THE HEARING EXAMINER: Okay.
24 Wonderful.

25 Let's start with you, Ms. Bennett,

1 because you have the oldest case numbers. How do you
2 want to proceed?

3 MS. BENNETT: Thank you, Mr. Examiner.
4 So the OXY cases and the E.G.L. cases were filed for
5 today's docket. And Avant would like to have these
6 cases set for a status conference on November 21st.

7 It's my understanding that Avant is in
8 discussions and was hopeful that those discussions
9 would be fruitful, and so would like to have a status
10 conference on November 21st.

11 THE HEARING EXAMINER: You said
12 something that confused me. You said that the OXY
13 cases and the E.G.L. were set for status conference
14 today, but you didn't mention your Avant cases also.

15 MS. BENNETT: The Avant cases were also
16 set --

17 THE HEARING EXAMINER: Oh, okay.

18 MS. BENNETT: -- for a status
19 conference today. What I was trying to say is that
20 the OXY and E.G.L. cases appear for the first time on
21 the docket today.

22 THE HEARING EXAMINER: I understand.
23 Thank you. Because they're objected to and they're
24 competing.

25 MS. BENNETT: Yes.

1 THE HEARING EXAMINER: Okay. Very
2 good.

3 Mr. Feldewert?

4 MR. FELDEWERT: I agree. I think
5 November 21st status conference makes sense.

6 THE HEARING EXAMINER: Okay. Before I
7 turn to Mr. Bruce, Ms. Bennett, what are the issues in
8 this case?

9 MS. BENNETT: The issues are competing
10 operatorship. And so if these cases go to a contested
11 hearing, the Division will be assessing which of the
12 three operators should be awarded the operatorship of
13 the acreage.

14 THE HEARING EXAMINER: Operatorship.
15 What does that mean?

16 MS. BENNETT: Who should be given or
17 who should be granted a pooling order --

18 THE HEARING EXAMINER: Oh.

19 MS. BENNETT: -- from the Division.

20 THE HEARING EXAMINER: Oh. So they're
21 competing pooling applications.

22 MS. BENNETT: They are.

23 THE HEARING EXAMINER: I hadn't heard
24 the term "operatorship" before, but I understand now.

25 Mr. Bruce?

1 MR. BRUCE: I agree with November 21st.
2 That's fine for a status conference.

3 THE HEARING EXAMINER: Okay. It is a
4 little hard to hear you. So I got what you said, but
5 in the future, will you speak up a little louder?

6 MR. BRUCE: I will.

7 THE HEARING EXAMINER: All right.
8 Thank you. Are you sick, too?

9 MR. BRUCE: Sick? I was going to make
10 it there today -- but I twisted my knee so bad I'm
11 hobbling around --

12 THE HEARING EXAMINER: I'm sorry.
13 Well, I hope you get better soon, Mr. Bruce. Okay.
14 So, Freya, would you expect that these will be all
15 continued by the parties to the November 21st status
16 conference? And would you join all six together?

17 MS. TSCHANTZ: I will.

18 THE HEARING EXAMINER: All right.
19 Thank you. Anything further on these cases?

20 MR. FELDEWERT: No. Thank you.

21 MS. BENNETT: No. Thank you.

22 THE HEARING EXAMINER: Mr. Bruce?

23 MR. BRUCE: No.

24 THE HEARING EXAMINER: No. Thank you.
25 Okay. I'm calling now -- sorry? Okay.

1 MR. BRUCE: Nothing, Mr. Examiner.

2 THE HEARING EXAMINER: All right.

3 Thank you, Mr. Bruce.

4 I'm calling now case number 6 on our
5 docket, which is 24826, Alpha Energy Partners, which
6 is joined with 24827. Entries of Appearance, please.

7 MR. SAVAGE: Good morning, Mr. Hearing
8 Examiner. Darin Savage with Abadie & Schill,
9 appearing on behalf of Alpha Energy Partners, LLC.

10 THE HEARING EXAMINER: Thank you.

11 MS. SHAHEEN: Good morning,
12 Mr. Examiner. Sharon Shaheen, Spencer Fane, on behalf
13 of Eagle Natural Resources.

14 MR. RANKIN: Good morning,
15 Mr. Examiner. May it please the Division, Adam Rankin
16 with the Santa Fe office of Holland & Hart, appearing
17 on behalf of Permian Resources.

18 THE HEARING EXAMINER: Mr. Rankin, did
19 you file an objection?

20 MR. RANKIN: We filed an objection to
21 one of the cases. Apologize for the reverb. But we
22 appeared in 24826 and filed an objection in that case.

23 THE HEARING EXAMINER: I see. Are you
24 going to file some sort of competing application?

25 MR. RANKIN: Not at this time,

1 Mr. Examiner. I don't believe we will be in this
2 case. Permian Resources recently acquired its
3 interests and it's evaluating Alpha's proposals and
4 the company's plans.

5 THE HEARING EXAMINER: So you're
6 negotiating?

7 MR. RANKIN: Yes.

8 THE HEARING EXAMINER: Okay. And
9 Ms. Bennett -- no, not Ms. Bennett.

10 Mr. Savage, when were your cases filed?

11 MR. SAVAGE: To put this in
12 perspective, so these specific ones were reopening
13 earlier cases and pooling newly discovered working
14 interest owners, and those were filed at the end of
15 August, around August 29th.

16 And the original cases were filed a
17 little bit over three years ago, and those were 22171
18 and 22172. So Alpha has been through a lot of
19 endeavor and work trying to get these, you know,
20 developed and, you know, we hoped OCD would take that
21 into consideration.

22 THE HEARING EXAMINER: Okay. But you
23 have orders based on the three-year-old cases; right?

24 MR. SAVAGE: We do have orders. And
25 those were issued in 2024, and there was competing

1 cases involved in the original cases. And there was
2 restrictions based on the Carlsbad Brine that we had
3 to work through, and so --

4 THE HEARING EXAMINER: So the orders
5 are still valid? You haven't asked for an extension?

6 MR. SAVAGE: The orders are still
7 valid.

8 THE HEARING EXAMINER: Okay. All
9 right. And now you have these cases because you have
10 discovered, how many new interest owners?

11 MR. SAVAGE: So -- and I just took over
12 representation on these cases. So on 24827, I believe
13 there's about ten --

14 THE HEARING EXAMINER: Oh.

15 MR. SAVAGE: -- and in 24826, there's
16 more than ten.

17 THE HEARING EXAMINER: Okay. How does
18 that happen?

19 MR. SAVAGE: Well, one of the
20 difficulties of this case is that it extends into the
21 city boundaries of Carlsbad -- so all those tracts are
22 broken up and severed. You know, Alpha has been
23 working on its due diligence and trying to clean up
24 everything as they proceed.

25 THE HEARING EXAMINER: I'll get to you,

1 Ms. Shaheen, in just a moment.

2 Mr. Rankin, your client is one of these
3 new interest owners?

4 MR. RANKIN: Yeah, they acquired an
5 interest that has been identified --

6 THE HEARING EXAMINER: Oh.

7 MR. RANKIN: -- by Alpha as having not
8 yet been pooled.

9 THE HEARING EXAMINER: Oh. Okay.

10 MR. RANKIN: I believe that's correct -
11 -

12 MR. SAVAGE: That is correct.

13 THE HEARING EXAMINER: Okay. All
14 right. Okay. I understand.

15 Ms. Shaheen?

16 MS. SHAHEEN: Thank you.

17 THE HEARING EXAMINER: Your
18 microphone's not on.

19 MS. SHAHEEN: Thank you, Mr. Examiner.
20 Eagle only recently learned of these poolings. They
21 have never received a well proposal or a proposed
22 joint operating agreement.

23 Eagle would like to voluntarily
24 participate under a JOA and ask that this case be set
25 for status conference November 20th or 21st, whichever

1 is the docket date. So that gives the parties time to
2 negotiate a joint operating agreement.

3 THE HEARING EXAMINER: You just brought
4 up a good point.

5 Freya, is it November 20th or November
6 21st for that docket?

7 MS. TSCHANTZ: 21st.

8 THE HEARING EXAMINER: It is the 21st.
9 So at least we know that much.

10 Mr. Savage, did you know about Eagle's
11 interest?

12 MR. SAVAGE: Yes, they were listed on
13 our --

14 THE HEARING EXAMINER: Okay, they were.

15 MR. SAVAGE: But if I could point out,
16 it's my understanding that Alpha has sent them JOAs.

17 THE HEARING EXAMINER: Oh.

18 MR. SAVAGE: They have been reaching
19 out --

20 THE HEARING EXAMINER: Oh. Oh.

21 MR. SAVAGE: -- pretty proactively to
22 discuss these matters.

23 THE HEARING EXAMINER: Well, we don't
24 get involved in that, but Ms. Shaheen, it sounds like
25 there may be other issues going on. Okay.

1 So, Mr. Savage, these are your cases.
2 And as you said, you're trying to clean up this bit of
3 a mess when it comes to interest owners. How do you
4 want to proceed with your cases?

5 MR. SAVAGE: Well, so given the lengthy
6 nature of these cases and that Permian Resources is a
7 newcomer, I believe their interest is recorded around
8 the same time that we filed the application. And
9 Eagle is a relatively new newcomer. And Alpha has
10 been -- we're reaching out to the parties and working
11 with them.

12 As I understand, Alpha would prefer to
13 have a hearing day set to be able to go forward. And
14 I understand that November 7th is not available, so
15 November 20th would be a possibility for a hearing
16 date.

17 THE HEARING EXAMINER: My preference
18 would be to put this on the November docket for a
19 status conference and, at that time, give
20 Ms. Shaheen's client and Mr. Rankin's client a little
21 bit more time to negotiate on this.

22 And then if that hasn't been fruitful,
23 then we can set a date in December to have a contested
24 hearing if necessary. So that would mean the second
25 docket in November would be November 21st.

1 Is that right, Freya?

2 MS. TSCHANTZ: Yes.

3 THE HEARING EXAMINER: Okay. So
4 Mr. Savage, would you please continue these two cases
5 to the November 21st docket for a status conference?
6 And we'll see how the negotiations are going.

7 MR. SAVAGE: I would thank you. And is
8 it possible if the parties do resolve prior that we
9 could convert that status conference to a hearing by
10 affidavit if that is an option that we have at that
11 point?

12 THE HEARING EXAMINER: We won't have a
13 technical examiner on November 21st. However,
14 depending on if we set any other -- do we have another
15 special docket in November, Freya?

16 MS. TSCHANTZ: November 5th and
17 November 20th.

18 THE HEARING EXAMINER: Those are the
19 only dockets right now. So we have the ability to set
20 one other. Well, at least one other; right? For a
21 technical examiner in November?

22 MS. TSCHANTZ: We do. However, I know
23 the technical examiners are traveling, and I think you
24 also are out for a week in November.

25 THE HEARING EXAMINER: I am.

1 MS. TSCHANTZ: So --

2 THE HEARING EXAMINER: I am. Okay.

3 Well, Mr. Savage, it looks like if the
4 parties do resolve the issue, December 7 is the docket
5 that we would hear the case on.

6 MR. SAVAGE: Okay.

7 MR. RANKIN: Thank you.

8 THE HEARING EXAMINER: Thank you.
9 Anything further?

10 MR. RANKIN: Nothing from Permian.
11 Thank you.

12 THE HEARING EXAMINER: Thank you.

13 MS. SHAHEEN: Nothing from Eagle.
14 Thank you.

15 THE HEARING EXAMINER: Thank you very
16 much. Okay. We're off the record in those two cases.

17 Moving now to lines 10, it looks like
18 11 and 12 on our docket, Civitas Permian. That's
19 24839, 40, and 41. Entries of appearance, please.

20 MR. RODRIGUEZ: Good morning. Michael
21 Rodriguez on behalf of the applicant, Civitas Permian
22 Operating.

23 THE HEARING EXAMINER: Good morning.

24 MR. FELDEWERT: Good morning,
25 Mr. Examiner. Michael Feldewert, Santa Fe office of

1 Holland & Hart for MRC Permian, who has appeared and
2 objected to this cases.

3 THE HEARING EXAMINER: Thank you. That
4 was what I was going to ask you. Are there any other
5 parties, Mr. Rodriguez, that you know of?

6 MR. RODRIGUEZ: Not that I'm aware of.

7 THE HEARING EXAMINER: Okay. When did
8 you file your cases?

9 MR. RODRIGUEZ: They were filed on
10 September 3rd.

11 THE HEARING EXAMINER: September 3rd.

12 MR. RODRIGUEZ: Yes, sir.

13 THE HEARING EXAMINER: Okay. And these
14 are compulsory pooling applications. How do you want
15 to proceed?

16 MR. RODRIGUEZ: Well, since they've
17 been objected to, we would request the earliest
18 available contested case docket.

19 THE HEARING EXAMINER: Okay. As you've
20 heard, October's not possible. November 5th already
21 has at least two cases on it. November's going to be
22 difficult, Mr. Rodriguez. I would say the earliest
23 would be in December.

24 Mr. Feldewert, what is your position?

25 MR. FELDEWERT: So MRC has submitted

1 competing -- well, they're called Tony La Russa wells.

2 THE HEARING EXAMINER: What did you
3 say? The last few words?

4 MR. FELDEWERT: Tony La Russa.

5 THE HEARING EXAMINER: Is that a well
6 name?

7 MR. FELDEWERT: Yes. He was a famous
8 baseball coach of the --

9 THE HEARING EXAMINER: I figured you
10 would know that.

11 MR. FELDEWERT: Anyway, they overlap.
12 They cover the Wolfcamp and the Bone Spring under
13 sections 3 and 10. So they do overlap the existing
14 Civitas applications in section 10.

15 So pooling applications, if they don't
16 reach an agreement, need to be filed, which I suppose
17 we could do for the November or December and get them
18 on either that first docket in November to be noticed
19 or the second docket in December to be noticed.

20 So it would depend upon when you would
21 want to set it for a contested hearing, if you feel
22 like you want to do that now or whether we, you know,
23 should have a status conference first.

24 THE HEARING EXAMINER: Okay. When were
25 your client's proposals sent out?

1 MR. FELDEWERT: This year sometime.

2 Do you know?

3 MR. RODRIGUEZ: Yeah, I understand it's
4 April 17th.

5 MR. FELDEWERT: April, okay.

6 THE HEARING EXAMINER: I'm confused.
7 Didn't you just say that MRC Permian sent out
8 proposals?

9 MR. FELDEWERT: Yes.

10 THE HEARING EXAMINER: Oh. Okay.

11 MR. FELDEWERT: So they were sent out
12 and the parties have been in discussions.

13 THE HEARING EXAMINER: Oh. So you
14 don't automatically file an application after your
15 proposal? Oh, you don't?

16 MR. FELDEWERT: No. Remember you got
17 at least a 30-day period once you have discussions.
18 And so if the discussions are proceeding, then you
19 don't want to burden the Division with pooling
20 applications. But I was going to check with my
21 client.

22 Mr. Rodriguez mentioned to me that
23 there's been some exchange of information. I think
24 his client is waiting on information, so I'm going to
25 check with MRC on the status of that. So my

1 preference would be to have a status conference, but
2 you know, Mr. Rodriguez may feel different.

3 THE HEARING EXAMINER: Well, he asked
4 for a contested hearing date.

5 Mr. Rodriguez, did you know about these
6 competing proposals that were sent out by MRC?

7 MR. RODRIGUEZ: I did, and there have
8 been some productive conversations along the way, but
9 it seems like those discussions kind of fizzled --

10 THE HEARING EXAMINER: I see.

11 MR. RODRIGUEZ: -- toward the end of
12 August. So Civitas went ahead and filed pooling
13 applications --

14 THE HEARING EXAMINER: I see.

15 MR. RODRIGUEZ: -- as a means of just
16 kind of resolving this matter.

17 THE HEARING EXAMINER: I see.

18 MR. RODRIGUEZ: So, at this point, it
19 seems like there's not much left to discuss.

20 THE HEARING EXAMINER: I see.

21 MR. RODRIGUEZ: If Matador is planning
22 on filing competing applications, they can do so by
23 October 8th, to land on the November 7th docket, and
24 then we can set these for a contested hearing.

25 At that point, if discussions pick up

1 again, we can certainly pivot back to a status
2 conference. But that way we can keep, you know, this
3 moving forward.

4 THE HEARING EXAMINER: Okay. I've not
5 run into a situation, Mr. Feldewert, where we have one
6 set of applications that are on our docket, and yet we
7 have the -- I won't say the word "threat," but the
8 impending filing of competing applications that hasn't
9 happened yet.

10 I mean, I don't know that the Division
11 can force Permian to file applications if it doesn't
12 want to, but I certainly can set a contested hearing.

13 MR. FELDEWERT: Certainly. Yes. Yes.
14 So if you're looking at a contested hearing in
15 December, then we would either file for November
16 7th --

17 THE HEARING EXAMINER: Right.

18 MR. FELDEWERT: -- or December 5th,
19 which I think is the date, so that they get notice,
20 and we would be ripe for the contested hearing. So --

21 THE HEARING EXAMINER: Perfect.

22 Freya, do we have any dates open in
23 December for a contested hearing?

24 MS. TSCHANTZ: December 3rd, 10th, and
25 17th.

1 THE HEARING EXAMINER: Excellent. We
2 have three dates. Let me write those down. December
3 3 -- what was it?

4 MS. TSCHANTZ: 3, 10, and 17.

5 THE HEARING EXAMINER: Perfect. Those
6 are the dates in December.

7 Mr. Rodriguez? And I know you have to
8 check with your clients. I understand that.

9 MR. RODRIGUEZ: Of course. I think we
10 would prefer -- the standard docket's on the 19th. I
11 think we'd prefer the 10th.

12 THE HEARING EXAMINER: The 10th.

13 Mr. Feldewert?

14 MR. FELDEWERT: That makes sense to me,
15 because if we did it on the 3rd, we'd file exhibits
16 Thanksgiving week.

17 THE HEARING EXAMINER: Perfect.

18 MR. FELDEWERT: And I'd like to avoid
19 that, so the 10th would be fine.

20 THE HEARING EXAMINER: All right.
21 We'll issue a pre-hearing order, Freya, for December
22 10th for these three cases.

23 And then Mr. Feldewert, when you file
24 your competing applications, would you file a motion
25 to amend so that we can add your cases to the pre-

1 hearing order?

2 MR. FELDEWERT: Yes, sir.

3 THE HEARING EXAMINER: All right.

4 Perfect. Excellent.

5 Anything further, Mr. Rodriguez?

6 MR. RODRIGUEZ: No, thank you.

7 THE HEARING EXAMINER: Mr. Feldewert?

8 MR. FELDEWERT: No, thank you for your
9 time.

10 THE HEARING EXAMINER: Thank you.

11 We're now moving on to lines 15, it
12 looks like maybe 16, 17, 18. These are Mewbourne Oil
13 compulsory pooling cases. The case numbers are 24845
14 through 24848. Entries of appearance, please.

15 MR. FELDEWERT: Good morning,
16 Mr. Examiner. Michael Feldewert, Santa Fe office of
17 Holland & Hart, on behalf of the applicant, Mewbourne.

18 THE HEARING EXAMINER: Okay, thank you.

19 MS. BENNETT: Good morning,
20 Mr. Examiner. Deana Bennett, on behalf of Franklin
21 Mountain Energy.

22 THE HEARING EXAMINER: Good morning.

23 Thank you. Okay.

24 Mr. Feldewert, when did you file these
25 cases?

1 MR. FELDEWERT: Give me a minute.

2 THE HEARING EXAMINER: Sure. And while
3 you're looking, Ms. Bennett, you objected, obviously,
4 to these cases?

5 MS. BENNETT: Yes. Yes.

6 THE HEARING EXAMINER: Okay. And what
7 is the objection?

8 MS. BENNETT: Franklin Mountain Energy
9 is sending out competing proposals, and they should be
10 sent out this week or next, so that's why I objected.

11 THE HEARING EXAMINER: Okay. Thank
12 you.

13 Mr. Feldewert?

14 MR. FELDEWERT: These were filed on
15 September 3rd.

16 THE HEARING EXAMINER: Okay.
17 Relatively new.

18 MR. FELDEWERT: So this is the first
19 time they've appeared on the docket.

20 THE HEARING EXAMINER: Very good.
21 September 3rd. And did you know about the competing
22 proposals?

23 MR. FELDEWERT: No.

24 THE HEARING EXAMINER: Ah, okay.

25 And you said you sent them out when?

1 MS. BENNETT: They have either been
2 recently --

3 THE HEARING EXAMINER: Oh.

4 MS. BENNETT: -- sent out, or they'll
5 be sent out this week or early next week, is my
6 understanding.

7 THE HEARING EXAMINER: So impending?

8 MS. BENNETT: Yes.

9 THE HEARING EXAMINER: Okay, so we have
10 impending competing proposals. If negotiations don't
11 work, then we'll see filed applications in a month or
12 so?

13 MS. BENNETT: That's right.

14 THE HEARING EXAMINER: In a month or
15 so. Okay. Which would be in early November sometime.
16 And they would be set for a status conference and
17 joined with these cases.

18 Mr. Feldewert, these are your cases.
19 How do you want to proceed?

20 MR. FELDEWERT: So in light of their
21 intention here to file competing proposals, and they
22 can be set on notice for the November docket, we would
23 like to set a contested hearing in December. I forget
24 the dates you said they were available.

25 THE HEARING EXAMINER: 3, 10, and 17.

1 I would think the 17th.

2 MR. FELDEWERT: 17th makes sense.

3 THE HEARING EXAMINER: I would think
4 so.

5 MR. FELDEWERT: Yes.

6 THE HEARING EXAMINER: That's
7 interesting. You're not usually one to want to set a
8 contested hearing this soon.

9 MR. FELDEWERT: Well, I hesitated only
10 because I know we got the majority interest in these
11 sections. So it's going to be interesting to see what
12 they come up with. I suspect they may go away, and we
13 might be able to proceed earlier in November. But the
14 client is ready to go.

15 He told me that they want to move
16 forward. And so that's what's prompting my request.
17 And I agree. Usually, I like to give the -- time.
18 Given the circumstance, I'm trying to figure out what
19 Franklin Mountain Energy is going to do. So it will
20 be interesting to see what they say.

21 THE HEARING EXAMINER: And how did you
22 work into the November 7 date that you mentioned a
23 little while ago?

24 MR. FELDEWERT: Well, if they sent out
25 proposals, if they've been sent -- do you know when

1 they were sent?

2 MS. BENNETT: Just to clarify, I don't
3 know when they've been sent, and I don't think we
4 could make it November 7th --

5 THE HEARING EXAMINER: Right. I didn't
6 think so.

7 MS. BENNETT: -- or November 17th.

8 THE HEARING EXAMINER: It seemed a
9 little optimistic.

10 MR. FELDEWERT: Well, I was hoping to
11 be optimistic. So I would request that, if they're
12 going to proceed, they file their pooling applications
13 for the December 5th docket.

14 And so if you have a contested case
15 set, working backwards, that would force them to do
16 that. So this is a circumstance where I do want a
17 contested case.

18 THE HEARING EXAMINER: Okay.
19 Ms. Bennett?

20 MS. BENNETT: Thank you, Mr. Hearing
21 Examiner. I would like to suggest a November 21st
22 status conference to discuss the status and next
23 steps. At that point, I will have filed the competing
24 applications if that is the way that the discussions
25 move forward.

1 And so we'll have a much better picture
2 of the landscape on November 21st. And they will be
3 set for December 5th, but then automatically, I guess,
4 they would be set for a status conference on December
5 19th under the new guidance, unless I suppose there's
6 a contested hearing date set between December 5th and
7 December 19th.

8 But I think setting them for a status
9 conference on November 21st allows us to discuss
10 status and next steps at that status conference.

11 THE HEARING EXAMINER: So let me think
12 about this for a moment. So If we set these for a
13 contested hearing on December 17th and we instruct
14 Mr. Feldewert to set the cases for a status conference
15 on November 21st, then we have a placeholder for the
16 contested hearing.

17 And if things go well, we can always
18 vacate the contested hearing if negotiations have been
19 fruitful. We've done that before. Do you have an
20 objection to a December 17 contested hearing?

21 MS. BENNETT: I haven't asked Franklin
22 Mountain Energy about December 17th because I was
23 thinking that, based on the schedule, it would be
24 sometime after December 19th because if I file for
25 December 5th, it would automatically get kicked to the

1 19th. So I hadn't asked them for a December 17th --
2 for any December contested hearing dates.

3 THE HEARING EXAMINER: But it would
4 satisfy notice if they were put on the December 5th
5 docket for notice and it could be then heard on the
6 17th. I know you haven't spoken to your client.

7 I do like to move these cases along.
8 I'm not hearing any reason not to set them. The
9 applicant has asked me for a contested hearing in
10 December. I can't think of a good reason not to give
11 it to him. I'm not hearing one.

12 MS. BENNETT: Well, the primary reason
13 is that as Mr. Feldewert has said in the past, these
14 parties are in discussions. There's no reason that
15 I've heard to rush these cases either.

16 So why not let the parties have some
17 time to evaluate the competing proposals that Franklin
18 Mountain Energy is sending out and then come back to
19 the Division?

20 I'm not asking for a status conference
21 in January. I'm just asking for a delay to November
22 17th, I think is the date -- November 21st, excuse
23 me -- is the date for the regularly scheduled docket.
24 And that way the parties will have some time to
25 discuss and see where things stand.

1 And then at that point, the Division
2 could set a contested hearing. I just don't see the
3 need to set one today, months in advance.

4 THE HEARING EXAMINER: I see your point
5 perfectly, but it seems like we can do both. It seems
6 like we can -- first of all, December 17th gives the
7 parties over two months to negotiate, gives the
8 parties ten weeks to negotiate. You know, in our
9 orders it says, "Just give us a week's notice to
10 cancel a contested hearing."

11 That gives the parties nine weeks to
12 come up with a settlement agreement, for lack of a
13 better word. We can also put these cases on the
14 November 21st docket for a status conference and still
15 have a contested hearing reserved for these cases. So
16 I don't see the drawback in doing both.

17 MS. BENNETT: Okay.

18 THE HEARING EXAMINER: Okay. So
19 Mr. Feldewert?

20 MR. FELDEWERT: Neither do I.

21 THE HEARING EXAMINER: Okay. I thought
22 so. Yes, I gathered that. So Mr. Feldewert, would
23 you please continue your four -- one, two, three --
24 three cases, excuse me. No, four cases.

25 Would you please continue your four

1 cases to the November 21st docket for a status
2 conference? We will also, presumably by then, know
3 whether Franklin Mountain Energy has filed their
4 competing applications.

5 Whether or not they are on that docket
6 or the December 5th docket, I don't think that makes a
7 difference to at least have the knowledge that they've
8 been filed.

9 We can see how the parties are
10 negotiating. If we need to vacate the pre-hearing
11 order for a December 17 contested hearing, we can do
12 that.

13 Is there anything else, Ms. Bennett?

14 MS. BENNETT: No, thank you.

15 THE HEARING EXAMINER: No? Thank you.
16 Mr. Feldewert?

17 MR. FELDEWERT: No. Thank you for your
18 time.

19 THE HEARING EXAMINER: Okay. Thank
20 you. Yeah.

21 I'm now calling Avant case number 19 on
22 our docket, 24849. Entries of appearance, please.

23 MS. BENNETT: Good morning,
24 Mr. Examiner, Deana Bennett, on behalf of Avant
25 Operating, LLC.

1 THE HEARING EXAMINER: Thank you.

2 MR. FELDEWERT: Good morning,
3 Mr. Examiner. Michael Feldewert for the Santa Fe
4 office of Holland & Hart on behalf of MRC Permian.

5 THE HEARING EXAMINER: Good morning.
6 Okay, Ms. Bennett -- well, Mr. Feldewert, you filed an
7 objection?

8 MR. FELDEWERT: Yes, sir.

9 THE HEARING EXAMINER: Okay. Why?

10 MR. FELDEWERT: Well, let's see. A
11 number of reasons. One -- let's see -- they filed
12 this in September for a 1,280-acre non-standard
13 spacing unit in the Bone Spring.

14 If you look at the application, there's
15 no mention that this acreage is still under existing
16 pooling orders for four stand-up spacing units.
17 That's orders R22336A, 22337A, 22338A, and 22339A.

18 By virtue of the A, you'll see that
19 that indicates that there was an extension of the time
20 to drill the wells. Looking at the file, it appears
21 that Legacy Reserves Operating is the one that
22 received these orders back in October of 2022, and the
23 pooling orders allowing the operator to drill don't
24 expire until October 28.

25 So, currently, this application won't

1 last with these existing spacing units. And they,
2 more interestingly, they list the same wells that are
3 already named in the existing pooling orders. So what
4 I glean from this is that Avant has suddenly, at some
5 point, become a successor operator.

6 And the other thing I saw was that in
7 May, Avant actually filed a pooling application that
8 was less extensive, that again overlapped these
9 existing spacing units, and that was dismissed in
10 June.

11 So our client's not sure exactly what's
12 happening here, and what's going on, but their concern
13 is the lack of development under the existing orders.
14 And until they know what's going on, they're looking
15 at sending out competing proposals, but not until the
16 pooling orders expire, because they don't expire until
17 the end of October.

18 THE HEARING EXAMINER: Of this year.

19 MR. FELDEWERT: This year, correct. So
20 I thought, A, I'd like to figure out what's going on,
21 number one. And number two, it seems to me we're
22 going to have to have a status conference, because
23 we've got to let these existing pooling orders expire,
24 if that's what's going to happen, and figure out
25 what's going on.

1 And Avant apparently doesn't have any
2 concern about delay, because there's been no
3 development under the existing orders that have been
4 around since 2022. And they had a pooling application
5 that they dismissed in June, and then didn't refile
6 until September. So that in a nutshell --

7 THE HEARING EXAMINER: Is why you
8 objected.

9 MR. FELDEWERT: -- objecting, yeah.

10 THE HEARING EXAMINER: Okay. Very
11 good. I understand.

12 So, Ms. Bennett, what's going on with
13 this case?

14 MS. BENNETT: Thank you, Mr. Examiner.
15 I did email Mr. Feldewert earlier this week and ask
16 him to please explain to me what MRC's concerns were.
17 MRC filed their objection on Monday, after we'd
18 already filed exhibits, after we sent out notice
19 letters.

20 And this was very -- I'm not saying
21 that they don't have the right to file on Monday, but
22 to come in on Monday and then not respond in any way
23 to my request for information about MRC's objections
24 seems unfair to come in today and then identify
25 objections that have nothing to do with Avant's

1 current pooling application.

2 THE HEARING EXAMINER: To your
3 knowledge, what is MRC's interest in this acreage?

4 MS. BENNETT: Good question. MRC has
5 about 14 percent. Avant has 80 percent committed. So
6 I was surprised to hear Mr. Feldewert say that he was
7 wondering what FME's position was in the Mewbourne
8 go-ro [ph] cases, when Mewbourne has the majority
9 interest there, and yet he's taking the opposite
10 stance here in these cases, which seems very
11 contradictory.

12 But, in any event, Avant is the
13 successor to Legacy. And Avant has proposed wells
14 that -- they do have a different development plan than
15 Legacy did, but they are the successor to Legacy. So
16 if Avant needs to dismiss those other orders, they
17 will do so.

18 That seemed like a sort of mechanical,
19 logistical issue that they can take care of. We can
20 take care of that soon. But these are -- they have
21 different development plans than Legacy did. They are
22 the successor in interest to Legacy.

23 So for all intents and purposes, those
24 are Avant's orders, I would say, to do with what they
25 will. And, yes, Avant did file an application some

1 time ago that we dismissed, and MRC entered an
2 appearance in that case and objected to that case as
3 well, and did not, at that time, give Avant any
4 indication about its concerns.

5 So this is a situation where Avant is
6 playing, you know, pin the tail on the donkey, trying
7 to figure out what MRC's concerns are, only to find
8 out today that they're really not anything to do with
9 Avant's current development plan, or excuse me,
10 pooling application.

11 THE HEARING EXAMINER: So let me
12 understand something here, because I don't. So Avant
13 is a successor of interest that Legacy owned, and
14 Legacy received orders that Mr. Feldewert mentioned.
15 Do you agree? 22336? Oh, you didn't know about that?

16 MS. BENNETT: I haven't looked at those
17 orders.

18 THE HEARING EXAMINER: Okay. Okay.
19 Well, Mr. Feldewert did, and we had those order
20 numbers that he mentioned. It looks like there were
21 about four of them, and they all had As after them.
22 So it looks like Legacy received orders from the
23 Division and then received extensions from the
24 Division.

25 Now Avant has succeeded in interest to

1 this acreage, and it has a different plan or a
2 different development scheme. And that's why you have
3 filed a new application, as opposed to another
4 extension, let's say, you have --

5 MS. BENNETT: Yes.

6 THE HEARING EXAMINER: Okay. So the
7 original orders would be inapplicable to the new
8 development plan?

9 MS. BENNETT: That's right. I emailed
10 or texted with Avant and just confirmed. And they
11 have confirmed to me today that their development
12 plans are different, and that they would be willing to
13 dismiss those Legacy orders if we needed to do that to
14 address what is essentially an irrelevant concern.

15 THE HEARING EXAMINER: Lately, I've
16 seen companies file, asking -- I know Ms. Hardy has on
17 several occasions asked the division to vacate orders
18 because they have new plans or new ideas. So that is
19 something that's been done lately. I don't know the
20 legal requirements of all that, but I've seen it.
21 Anyway, back to your case.

22 So Mr. Feldewert, hearing -- did you
23 have anything else to say, Ms. Bennett?

24 MS. BENNETT: Not at the moment. I'm
25 going to be confirming with Avant, though, to see if

1 they want to have this set for a contested hearing.
2 And I'll try to get some information on that while
3 you're discussing it with Mr. Feldewert.

4 THE HEARING EXAMINER: From what you
5 heard from Ms. Bennett, does that help you at all?

6 MR. FELDEWERT: Well, I mean, it
7 helps -- does it help me?

8 THE HEARING EXAMINER: Your client.

9 MR. FELDEWERT: To some extent, yes. I
10 mean, you know, when you get an application like this,
11 and there are existing pooling orders, and the
12 application doesn't indicate what they're going to do
13 with the existing pooling orders, you have some
14 questions or concern. And I was not involved in the
15 discussions.

16 Ms. Bennett has not been involved in
17 discussions. I don't know if Avant -- you know, she
18 didn't even know about the pooling orders. I'm not
19 sure Avant even brought this up. This is something
20 that MRC had looked at and said, "What the heck's
21 going on here" and asked me to recently try to find
22 out and look into it.

23 Sure enough, when I looked into it,
24 there are existing pooling orders. They were
25 extended. And then, you know, there was no mention

1 back in May when Avant filed what would have been an
2 overlapping application. They immediately dismissed
3 it. Not immediately, but they eventually dismissed
4 it.

5 THE HEARING EXAMINER: How did you find
6 the orders?

7 MR. FELDEWERT: MRC did an examination
8 and sent them to me yesterday.

9 THE HEARING EXAMINER: How does one
10 find the orders? Is it by the acreage?

11 MR. FELDEWERT: Yeah, you can do a
12 search on the acreage.

13 THE HEARING EXAMINER: You can search
14 the acreage.

15 MR. FELDEWERT: Yeah, you can search
16 the acreage. So I don't know why Avant didn't mention
17 this in their well proposal letter. It wasn't in
18 there. And they didn't, to my knowledge, they didn't
19 have any -- I don't know if they had any discussion
20 with MRC or not, but there was nothing in their well
21 proposal letter.

22 There was nothing in their application.
23 And their application was filed before the pooling
24 orders expired, which is a little odd. So that's led
25 to the confusion, and that's why we object.

1 THE HEARING EXAMINER: And is it
2 correct that your client owns about a 14 percent
3 interest?

4 MR. FELDEWERT: I'm looking at their
5 exhibits. That's what their exhibits represent.

6 THE HEARING EXAMINER: Yeah. It does.

7 MR. FELDEWERT: I don't know. I have
8 not asked the client if that's correct. All we know
9 is that this acreage has been pooled since October of
10 2022.

11 THE HEARING EXAMINER: And are you
12 getting that from the original order 22336?

13 MR. FELDEWERT: Yes.

14 THE HEARING EXAMINER: You are.

15 MR. FELDEWERT: Yes.

16 THE HEARING EXAMINER: And when did
17 Legacy ask for an extension? Were you involved in
18 that case?

19 MR. FELDEWERT: Not that I recall, no.
20 And I didn't look up the case file.

21 THE HEARING EXAMINER: That's fine.

22 MR. FELDEWERT: And I also don't know
23 when Avant actually took over Legacy.

24 Do you know?

25 THE HEARING EXAMINER: Ms. Bennett, do

1 you know?

2 MS. BENNETT: It was relatively
3 recently. I'm not entirely sure. I don't have the
4 date in front of me, but I want to say within a year.
5 I'm not entirely sure.

6 THE HEARING EXAMINER: Sure. Okay. So
7 it seems like -- excuse me for interrupting you,
8 Ms. Bennett. But it seems like at least some of
9 Mr. Feldewert's concerns or his client's concerns
10 could be resolved through discussion.

11 MS. BENNETT: Yes, they could have
12 been --

13 THE HEARING EXAMINER: And can be in
14 the near future. It sounds like it. So knowing
15 that -- and I don't know if all of your concerns will
16 be resolved or not. But it's October 3rd now. The
17 case was filed in September. How do you want to
18 proceed with your case, Ms. Bennett?

19 MS. BENNETT: I'd like to ask for a
20 status conference on October 31st.

21 THE HEARING EXAMINER: Okay. Okay --

22 MS. BENNETT: And I did get some
23 information from Avant that the Legacy extension that
24 was requested was prior to Avant's acquisition of
25 Legacy.

1 And one more quick note is that
2 Mr. Feldewert mentioned that he received the orders
3 yesterday from MRC, but they filed their objection on
4 Monday. And so there's definitely -- I'm not sure
5 what the basis of the objection on Monday was then or
6 if could have been lodged earlier.

7 THE HEARING EXAMINER: Okay. All
8 right. Well, nevertheless, you know, MRC has a right
9 to object. They have. If we set your case for
10 October 31st for a status conference, if the parties
11 resolve their objections, I think we have -- Freya, do
12 we have a technical examiner on the 31st?

13 MS. TSCHANTZ: Yes, I believe we do.

14 THE HEARING EXAMINER: It sounds like,
15 Ms. Bennett, if you resolve the -- we can have a
16 hearing by affidavit. We can convert it to a hearing
17 by affidavit for you.

18 MS. BENNETT: That would be great.

19 THE HEARING EXAMINER: If you'll let us
20 know --

21 MS. BENNETT: Yes.

22 THE HEARING EXAMINER: -- you know.
23 And if you'll withdraw your objection.

24 MR. FELDEWERT: Certainly. Certainly.

25 THE HEARING EXAMINER: Okay. All

1 right. Then, Ms. Bennett, would you please continue
2 this case to the October 31st docket for a status
3 conference and hopefully a hearing by affidavit?

4 MS. BENNETT: Thank you. I will. I
5 appreciate it.

6 THE HEARING EXAMINER: And also, if we
7 do go through with the hearing by affidavit, I'll
8 expect you to file something based on your research
9 and based on your, you know, due diligence for your
10 client, some motion and proposed order for the acting
11 director to sign to vacate the previous orders upon
12 the granting of the new compulsory pooling
13 application.

14 MS. BENNETT: I'll do that.

15 THE HEARING EXAMINER: All right.
16 Thank you.

17 MS. BENNETT: Thank you.

18 THE HEARING EXAMINER: All right.
19 Thank you. Okay, we're off the record in that case.

20 Let's move on to case number 20 on our
21 docket, Permian Resources. Not sure what PCR stands
22 for, but I think we'll find out in a moment. 24528.

23 MR. RANKIN: Good morning,
24 Mr. Examiner. May it please the Division, Adam Rankin
25 with the Santa Fe office of Holland & Hart appearing

1 on behalf of one of the joint applicants in these
2 cases now, Read & Stevens and Permian Resources.

3 THE HEARING EXAMINER: Ah. That's
4 these cases, yes.

5 MR. RANKIN: Yes, sir.

6 MR. SAVAGE: Yes, good morning,
7 Mr. Hearing Examiner. Good morning, Technical
8 Examiner. Darin Savage with Abadie & Schill on behalf
9 of Cimarex Energy Company in these cases.

10 THE HEARING EXAMINER: Ah, I should
11 have called the second case. 24541. Thank you for
12 correcting me.

13 So we had a hearing on these cases.
14 And as I remember, this is for the creation -- we had
15 competing applications for a special pool that, after
16 the hearing, the parties agreed, since we weren't
17 going to be dealing with an allocation table, for lack
18 of better word, that the parties would get together
19 and file for a joint application for a special pool.
20 And the parties did that.

21 Then there was an amended application
22 for a special pool. I think when Dean McClure advised
23 the parties that there was a problem with the pool
24 code maybe or the pool name.

25 Mr. Savage, is that what you remember?

1 MR. SAVAGE: That's correct. We had to
2 do some adjustments on those.

3 THE HEARING EXAMINER: And we filed an
4 order requiring the Division to look at just the
5 amended joint application.

6 Is that right, Mr. Rankin?

7 MR. RANKIN: Correct, Mr. Examiner. I
8 believe, in fact, there's a second joint amended
9 application which is the current one standing before
10 the Division.

11 THE HEARING EXAMINER: There's a
12 second -- thank you.

13 MR. RANKIN: Second joint amended
14 application in this case --

15 THE HEARING EXAMINER: And from the
16 first amended to the second, what was the change?

17 MR. RANKIN: One was a pool code issue.
18 I think, yeah, the second amendment was also a pool
19 issue.

20 THE HEARING EXAMINER: Ah.

21 MR. RANKIN: So we finally, based on
22 the input from the Division, in the interim, I think
23 we've corrected all those issues and, as a result of
24 those discussions, we have a second amended joint
25 application.

1 THE HEARING EXAMINER: And Mr. Rankin,
2 then the issue turned to notice.

3 MR. RANKIN: Correct, Mr. Examiner. So
4 as discussed at the contested hearing on this that
5 resulted in the filing of the joint second amended
6 application, the Division directed parties to perfect
7 the notice based on Mr. McClure's concerns about the
8 contraction/expansion of the pools and giving notice
9 about which pools are actually being involved here.

10 So based on that direction, the parties
11 conferred, cooperated, and in addition to filing the
12 second joint amended application, also cooperated to
13 provide notice and perfect notice through Certified
14 Mailing and also through Notice of Publication.

15 THE HEARING EXAMINER: I agree. There
16 was also the issue of how far out the notice would be
17 required to the interest owners. And we had decided
18 as a Division that the more restrictive notice was in
19 effect. And that meant it was only the four sections
20 of the special pool and one mile around it, so meaning
21 16 sections of notice. And the parties agreed with
22 that.

23 Is that right, Mr. Savage?

24 MR. SAVAGE: That is correct.

25 THE HEARING EXAMINER: Mr. Rankin?

1 MR. RANKIN: Correct.

2 THE HEARING EXAMINER: All right. I
3 thought so. So I've looked over your submission
4 because basically we left the record open to receive
5 the evidence.

6 So we have your exhibit packets that
7 you revised back on August, I think it was 27, and the
8 parties complied with that. And then we have new
9 exhibit packets for the notice.

10 Okay, very good. I've looked at them.
11 I see the dates in the letter and the publication.
12 They all comply with the rules. I guess I'll turn to
13 my -- was there anything else the parties wanted to
14 mention at this time? No. Okay. No?

15 MR. RANKIN: No, I'd just say my
16 understanding is that the purpose of this hearing was
17 just to perfect notice.

18 THE HEARING EXAMINER: Yeah. And if
19 the Division has no other questions I think then we
20 could take the case under advisement.

21 THE HEARING EXAMINER: Agreed.

22 So Mr. Lowe, are you with us?

23 MS. TSCHANTZ: Mr. Hearing Examiner, is
24 your mic on?

25 THE HEARING EXAMINER: I'm sorry. I

1 turned it off when there was all this interference a
2 moment ago.

3 Mr. Lowe, are you with us?

4 THE TECHNICAL EXAMINER: Oh, yes, I am,
5 sir --

6 THE HEARING EXAMINER: All right, thank
7 you. Do you have any questions on the case numbers --
8 they are lines 20 and 21 on our docket. It's 24541
9 and 24528.

10 THE TECHNICAL EXAMINER: I do not have
11 any questions. I just wanted to understand what was
12 presented while the notice was cured. So everything
13 seems to be good to go.

14 THE HEARING EXAMINER: Okay, excellent.
15 Okay, thank you gentlemen. These two cases will be
16 taken under advisement at this time, and the Division
17 will look at the second amended joint application for
18 a special pool. I do have one question, though. I'll
19 be optimistic. When the pool is granted, how do you
20 see to proceed?

21 MR. SAVAGE: So as I understand, in
22 these proceedings, once the pool is created, then the
23 parties can go forward with proposing development
24 plans for pooling their interests within that pool.
25 So we would be submitting competing pooling

1 applications.

2 THE HEARING EXAMINER: Now, we already
3 have competing pooling applications. This is why, to
4 me, there's a legal question here. So I understand
5 that Mr. Garcia and the Division had denied the
6 competing pooling applications because there was no
7 division between the formations.

8 And once the Division creates a special
9 pool, what is your argument that the Division doesn't
10 already have the evidence necessary to proceed to
11 either award the compulsory pooling order to either
12 Permian or Cimarex?

13 MR. SAVAGE: So I would say that,
14 because those original ones were based on there being
15 two pools and two pool codes and the nature of the
16 development plan around those, that there would be so
17 many inconsistencies and that would potentially
18 materially affect notice.

19 It could affect the understanding of
20 the development plan. And I think it would be, you
21 know, safer to start from scratch in regarding to the
22 pooling applications.

23 THE HEARING EXAMINER: Before I go to
24 Mr. Rankin -- because I think his opinion is going to
25 be different. But if that were the case, would your

1 argument be that the hearing records should be
2 reopened in the original cases to accept some new
3 evidence but not rehash the entire thing again?

4 MR. SAVAGE: I think that would be up
5 to the discretion of the OCD. I mean, I could see
6 that you could reopen and do amended applications. Or
7 I could see that you would do new applications under
8 new cases and those be consolidated or the previous
9 cases' record left open for retrieval of --

10 THE HEARING EXAMINER: The reason I ask
11 the question, Mr. Savage, is because I read the
12 original order. And the wording in the original order
13 from the Division was somewhat different than what
14 we've done in these cases.

15 Originally, the order said that the
16 cases would be reopened for this evidence that we have
17 here in these two new cases, and that's not what we
18 did. We told the parties -- and I remember Mr. Rankin
19 asked, you know, if we want to reopen it. And I spoke
20 to Mr. Garcia and we decided, no, we want to have new
21 cases for the special pool issue.

22 However, I have not spoken to
23 Mr. Garcia about what his preference is about the
24 original compulsory pooling competing applications.
25 I'm going to need a glass of water soon, but let's

1 deal with this. So I haven't heard from Mr. Rankin
2 yet.

3 Mr. Rankin?

4 MR. RANKIN: Thank you, Mr. Examiner.
5 In that order denying both sets of competing pooling
6 applications, the Division was very clear that the
7 direction was to file for a special pool and that,
8 upon creation of the special pool, the record would
9 stand as to the competing development plans and that
10 no additional evidence or proposals or development
11 plans would be necessary because both parties have
12 adequately addressed that.

13 Now, I would say that Cimarex, from the
14 beginning and continuing, has taken the position that
15 their plan from the beginning was designed with this
16 single source of supply in mind.

17 So I don't understand how or why
18 Cimarex would need to do anything different in their
19 plan of development than what they've already done.
20 Nor do I see why we would need to do so because we
21 have from the beginning taken the position that
22 separate benches are required to be developed here for
23 at least two reasons.

24 So the need for the parties to start
25 from scratch is not seen here, number one. Number

1 two, doing so just continues to delay the process. We
2 are well up beyond a year in this case.

3 As the Division is probably well aware,
4 Permian Resources, Read & Stevens, has been developing
5 all around this acreage and it wants to go forward and
6 drill this acreage. However, it's been unable to do
7 so because of the delays.

8 Delay here in our view serves Cimarex,
9 not Permian or interest owners or the Division. So we
10 would strenuously oppose the opportunity to refile, to
11 repropose, and that just will draw out the process.

12 So I think on that, based on the
13 direction from the Division under the existing order,
14 there's no need, and in fact, the parties have been
15 expressly told not to file any additional proposals,
16 development plans, or exhibits.

17 THE HEARING EXAMINER: And you know
18 that the Division does not condone delay, and it
19 hasn't since I've been here. However, Mr. Savage
20 brought up the legal consequences of a special pool.
21 I mean, first of all, what are they, and how would you
22 deal with them?

23 MR. RANKIN: Well, Mr. Examiner, when
24 the applications were filed, notice wasn't given about
25 a pool. Okay? The applications were identifying the

1 formations and the zones. Okay?

2 The proposals identify which formations
3 are being targeted, the TBDs. That hasn't changed.
4 Okay? In addition, the parties have been, as been
5 demonstrated in the record, have been providing
6 updates to everybody in this pool repeatedly.

7 We've given notice multiple times about
8 what the plans are, about the change to a special pool
9 and the Division's order on the case. Everybody has
10 gotten multiple -- in fact, frankly, Mr. Examiner,
11 Permian has been getting comments from folks that
12 they're getting too much. Okay?

13 We've been told that they're getting
14 too many notifications. Because not only is Permian
15 giving notices, but Cimarex is as well, to the same
16 people.

17 So, Mr. Examiner, in terms of
18 notification or what is at issue here, I don't think
19 there's any question nor is there any confusion about
20 what's going on.

21 THE HEARING EXAMINER: So you're saying
22 then -- before I come back to you, Mr. Savage, and I
23 will -- you're saying then that the initial notice in
24 the compulsory pooling applications, it encompassed
25 this area, and whether or not the division creates a

1 special pool in this area would not require new
2 notice?

3 MR. RANKIN: I don't believe it would
4 require new applications because applications that
5 were filed by both parties identified target
6 formations. So the change to a Wolfbone [ph] pool has
7 no impact on the nature of the application or need to
8 refile amended applications or new applications
9 because the applications we're targeting identified
10 only the formations.

11 THE HEARING EXAMINER: Within a certain
12 geological area.

13 MR. RANKIN: Right.

14 THE HEARING EXAMINER: And surface
15 area.

16 Mr. Savage, do you disagree with that?

17 MR. SAVAGE: I do to a large extent.
18 So in various places, the formations were identified
19 but the new pool encompasses a larger number of
20 formations than those without.

21 So, for example, NPR's -- if I
22 understand this, in PR's applications, they targeted
23 the third Bone Spring and they targeted the Wolfcamp
24 XY. I don't know if there was mention or to what
25 extent there was a mention of the Wolfcamp A sands.

1 And then the other question that may
2 arise -- and this is a highly contested case. And in
3 the past, both parties have expressed an interest in,
4 you know, appealing it. Let's assume they appeal it
5 to the OCC.

6 Let's say it's appealed to the district
7 court. You know, I think the OCC might be able to
8 handle a review of some complexity but certainly the
9 district court may not.

10 And I think that it would be beneficial
11 to do a bit of a cleanup and sequester and make sure
12 that all the material legal issues are accounted for.
13 And I think a new pooling application with the notice
14 would account for that.

15 It sounds like -- we keep chopping this
16 up. We do updates, and they're fragmented. And they
17 list pools, and they list formations of various types.
18 And we cobble together various items.

19 And now you're proposing to do another
20 notice without an application. Like, when you
21 typically do a notice, you do a notice letter and then
22 you attach an application that has the case number to
23 the -- and then everybody is on board for
24 understanding exactly what's involved.

25 And I believe if we review the

1 transcript of August 13th, there was as I understand
2 when the Hearing Examiner went back to confer with the
3 other Technical Examiners that came back, there was a
4 discussion that it might be best to go forward with
5 the new pooling applications. But that was my
6 recollection on that, but that would have to be
7 reviewed and --

8 THE HEARING EXAMINER: So if you could
9 just answer the question that I asked -- maybe you
10 could more clearly answer it. I asked you: Why do
11 you believe that or new notice has to be provided when
12 the original applications put working interest owners
13 on notice that this acreage and these formations --
14 and we're still talking about the same formations.

15 We're just talking about creating
16 literally a special pool within those same formations.
17 Why would new notice be necessary?

18 MR. SAVAGE: I believe that there are
19 some issues there, material issues that could fall to
20 the cracks on this if this is not provided.

21 THE HEARING EXAMINER: Okay. Then why
22 don't you file a motion then? Why don't you file a
23 motion and explain to me -- because maybe I just can't
24 wrap my head around what you're actually saying right
25 now. But maybe if given a chance you can -- we have

1 some time. This has been taken under advisement.

2 I will talk to Mr. Garcia. But I will
3 look for a motion from you on reopening those cases.
4 Because I agree with Mr. Rankin that, based on the
5 wording of the order, those cases are closed with the
6 exception of evidence that discusses the creation of a
7 special --

8 MR. SAVAGE: If I may add one more --

9 THE HEARING EXAMINER: Of course.

10 MR. SAVAGE: -- item in that order --

11 THE HEARING EXAMINER: Please.

12 MR. SAVAGE: -- I mean, that seemed to
13 be the point of the confusion about why the parties
14 went beyond the scope. So there is an example of some
15 confusion that should be, I believe should be
16 addressed and we had to address it at the hearing
17 itself and rein in the scope.

18 Both parties viewed that opening of
19 those cases as an invitation to adjudicate at the time
20 of that hearing, adjudicate not only the creation of
21 the pool but also adjudicate the former competing
22 applications which were denied. And it was like a
23 revival. Those were already denied. How do you
24 revive those once those development plans are denied?

25 THE HEARING EXAMINER: Well, they were

1 denied based on the lack of a special pool. Once a
2 special pool is created, if it is created -- I can't
3 speak for the Division on that basis -- then it is up
4 to the Division to decide whether to grant one party
5 or the other the compulsory pooling order or to ask
6 for more evidence.

7 So I think what I would like is -- and
8 I'm going to take a break after this. What I would
9 like is I would like you to file a motion on why you
10 feel there is a need to reopen the evidentiary record
11 in the original cases. And I will give time of course
12 to Mr. Rankin to argue the opposite. And then I will
13 make a decision based on the pleadings.

14 We are not going to have a long drawn
15 out thing. I will discuss this with Mr. Garcia and he
16 can of course speak to OGC if he wants to. But that's
17 how I think we will deal with this at this time. Is
18 there anything further on these cases?

19 MR. SAVAGE: Do we set a motion
20 hearing? Would a motion hearing be set then?

21 THE HEARING EXAMINER: I don't think
22 so. I think what I will do is I am going to leave you
23 time to file a motion. How much time would you like,
24 Mr. Savage?

25 MR. SAVAGE: Would three weeks be

1 appropriate?

2 THE HEARING EXAMINER: That would be
3 fine. It'd be fine. So why don't we give you until
4 the end of October?

5 MR. SAVAGE: Okay. Thank you.

6 THE HEARING EXAMINER: We'll give you
7 the rest of the month. So October 31st is your
8 deadline.

9 Mr. Rankin, your response?

10 MR. RANKIN: Mr. Examiner, I think I
11 would like the standard two weeks.

12 THE HEARING EXAMINER: Perfect. 14th
13 of November work for you?

14 MR. RANKIN: Okay.

15 THE HEARING EXAMINER: Okay.
16 Wonderful.

17 And, Freya, will you put a calendar
18 reminder in for those dates?

19 MS. TSCHANTZ: Yes.

20 THE HEARING EXAMINER: Okay. So these
21 cases are taken under advisement. I don't see
22 anything further to do on these cases. Are we done,
23 parties? Okay, very good.

24 MR. SAVAGE: Thank you.

25 THE HEARING EXAMINER: Okay. We're off

1 the record.

2 (Off the record.)

3 THE HEARING EXAMINER: It is 10:45 a.m.
4 We're back on the record. We're moving on to case
5 number 22 on our docket, Permian Resources. It's a
6 hearing by affidavit, it looks like. And it is case
7 number 24750.

8 Entries of appearance, please.

9 MS. SHAHEEN: Thank you, Mr. Examiner.
10 Sharon Shaheen, Santa Fe office of Spencer Fane, for
11 the applicant.

12 THE HEARING EXAMINER: And,
13 Ms. Shaheen, are there any other parties that you know
14 of?

15 MS. SHAHEEN: There are not. This case
16 was continued from the last docket because I
17 inadvertently published notice one day too late. So
18 we're here just to perfect notice.

19 And also, I would note that we brought
20 up revised exhibits as requested by the Technical
21 Examiner to remove the request for approval of
22 operating costs and supervision costs as well as the
23 risk penalty because we were only pooling
24 overekt [ph].

25 THE HEARING EXAMINER: Very good. So

1 has the notice period perfected?

2 MS. SHAHEEN: Yes, it has.

3 THE HEARING EXAMINER: Okay. Very
4 good.

5 Mr. Lowe, any questions in this case?

6 THE TECHNICAL EXAMINER: Good morning,
7 Ms. Shaheen. I have a few questions just for
8 clarification on my end. Good morning.

9 MS. SHAHEEN: Good morning.

10 THE HEARING EXAMINER: Who are your
11 questions for, Mr. Lowe? Is it a landman, a
12 geologist, or --

13 THE TECHNICAL EXAMINER: More than
14 likely the landman or an attorney --

15 MS. SHAHEEN: I'm happy to help. I
16 don't know that my landman is on because I thought I
17 was here just to perfect notice.

18 THE HEARING EXAMINER: Let's hear the
19 questions.

20 THE TECHNICAL EXAMINER: And that's
21 fine. I just wanted to get a clarification on
22 understanding what you intend to submit the NSP
23 application for this location?

24 MS. SHAHEEN: That I don't know.

25 THE TECHNICAL EXAMINER: Okay. I was

1 curious about because I think this has been -- I just
2 want to get an understanding of where this is at.
3 Also, the wells here pertaining to this case, do they
4 have an approved API number?

5 MS. ROMERO: I believe they do. Were
6 those not in the exhibits?

7 THE TECHNICAL EXAMINER: I saw a few.
8 I just didn't see anything up front on Exhibit A.
9 Usually there would be references to API numbers
10 there. But if there are approved API numbers, I would
11 strongly suggest that you associate those numbers on
12 the C-102s or any documents that you're submitting
13 pertaining to our requests.

14 THE HEARING EXAMINER: So Mr. Lowe,
15 before you go on, it sounds to me -- I mean, I don't
16 think Ms. Shaheen was going to submit any more C-102s
17 to associate with APIs.

18 Ms. Shaheen, why don't we go on recess
19 on this case for a few minutes? Why don't you contact
20 your client, see if you can get your landman to join
21 us virtually? And then we can have Mr. Lowe ask the
22 landman the questions directly.

23 MS. SHAHEEN: Okay. And because I
24 believe these wells are already being drilled, so I'm
25 sure they have API numbers, and I would think they're

1 going to file their application for the NSPs shortly.
2 So let me go and do some research.

3 THE HEARING EXAMINER: Perfect. So
4 Mr. Lowe, we'll reserve your questions. Let's see if
5 Ms. Shaheen can find the landman.

6 THE TECHNICAL EXAMINER: Yeah. Those
7 questions were sufficient enough for me. It's fine
8 for now. I don't anticipate them adding any more
9 wells for what's going on at this moment.

10 THE HEARING EXAMINER: Okay. So you
11 don't want to ask the landman any questions then?

12 THE TECHNICAL EXAMINER: No, I'm okay
13 with her response.

14 THE HEARING EXAMINER: All right. Well
15 then, Ms. Shaheen, you're off the hook.

16 MS. SHAHEEN: Thank you --

17 THE HEARING EXAMINER: We will take
18 this case under advisement. Thank you.

19 MS. SHAHEEN: Thank you.

20 THE HEARING EXAMINER: All right.
21 Let's move on to Tap Rock Operating, case number 23 on
22 our docket, 24754.

23 Entries of appearance, please.

24 MS. BRADFUTE: Mr. Examiner, this is
25 Jennifer Bradfute with Bradfute Consulting and Legal

1 Services on behalf of the applicant, Tap Rock
2 Operating LLC.

3 THE HEARING EXAMINER: Good morning,
4 Ms. Bradfute. Are there any other parties that you
5 know of?

6 MS. BRADFUTE: Yes, Mr. Examiner. COG
7 Operating, Concho, and EOG Resources have entered
8 appearances in the case.

9 THE HEARING EXAMINER: Okay. Do we
10 have them with us?

11 MR. RANKIN: Mr. Examiner, good
12 morning. Adam Rankin with the Santa Fe office of
13 Holland & Hart appearing on behalf of COG Operating
14 and Concho Oil and Gas. We are just monitoring these
15 cases at this time.

16 THE HEARING EXAMINER: Thank you,
17 Mr. Rankin.

18 MS. KESSLER: And good morning,
19 Mr. Examiner. Jordan Kessler on behalf of EOG, also
20 just monitoring.

21 THE HEARING EXAMINER: Thank you,
22 Ms. Kessler.

23 Okay, Ms. Bradfute?

24 MS. BRADFUTE: Okay. Thank you,
25 Mr. Examiner. In this case, Tap Rock Operating LLC

1 seeks to form a 1,280-acre more or less standard
2 spacing unit for the development of the Wolfcamp
3 formation. The spacing unit will cover all of
4 sections 9 and 10 in township 25 south, range 25 east,
5 and Eddy County, New Mexico.

6 I've pre-filed Tap Rock's exhibits,
7 which contain affidavits from Tap Rock's landman,
8 Erica Shewmaker, and Tap Rock's geologist, Matthew
9 Jones. Mr. Jones has not previously testified before
10 the Division. His resume was included as Exhibit B6
11 in the resume packet, and he is here with us today.

12 THE HEARING EXAMINER: Okay, perfect.
13 Ms. Bradfute, give me a moment. I'm having trouble
14 with my computer. It's not connecting to the imaging
15 system.

16 So I think I'll have to restart my
17 computer. So, sorry, but it's going to be about a
18 minute silence here. In the meantime, why don't we
19 get your witness sworn in as I'm restarting this
20 computer.

21 Who is your witness's name?

22 MS. BRADFUTE: Matthew Jones.

23 THE HEARING EXAMINER: Matthew Jones.

24 And who is Erica Shewmaker?

25 MS. BRADFUTE: Erica Shewmaker is the

1 landman. And she has previously testified before the
2 Division, and her credentials were accepted and made
3 part of the record.

4 THE HEARING EXAMINER: Okay. So we
5 have Mr. Jones, who we need to get qualified as an
6 expert. We might as well swear in both witnesses at
7 the same time, in case Mr. Lowe has any questions for
8 the landman or Mr. Jones.

9 Would you please state and spell your
10 names for the record? Ms. Shewmaker first.

11 MS. SHEWMAKER: Yes, my name is Erica
12 Shewmaker. It's E-R-I-C-A. Last name Shewmaker,
13 S-H-E-W-M-A-K-E-R.

14 THE HEARING EXAMINER: Thank you.
15 Mr. Jones?

16 MR. JONES: Hello, I'm Matthew Jones.
17 That's M-A-T-T-H-E-W J-O-N-E-S.

18 THE HEARING EXAMINER: Would you both
19 raise your right hands, please?

20 WHEREUPON,

21 MATTHEW JONES,
22 called as witnesses and having been first duly sworn
23 to tell the truth, the whole truth, and nothing but
24 the truth, were examined and testified as follows:

25 THE HEARING EXAMINER: Okay.

1 Mr. Jones, why don't you outline --
2 because I don't have your resume in front of me, why
3 don't you outline, first, your education background
4 that goes to, is it -- what expertise are you seeking
5 to be qualified in?

6 MR. JONES: General geology,
7 specifically to petroleum geology.

8 THE HEARING EXAMINER: Okay, petroleum
9 geologist.

10 MR. JONES: Correct.

11 THE HEARING EXAMINER: Okay. What
12 education do you have towards that qualification?

13 MR. JONES: I have a bachelor's degree
14 in chemistry from New Mexico State University, as well
15 as a master's degree in geology from New Mexico State
16 University, as well as 15 years of experience for
17 major, as well as independent operators and smaller
18 shops that were a variety of the lower 48 bases.

19 THE HEARING EXAMINER: Okay. Can you
20 be a little bit more forthcoming when it comes to the
21 experience? Who did you work for, and what did you do
22 for them?

23 MR. JONES: Yeah, so I started with
24 Devon Energy in 2009. There, I worked a variety of
25 different projects dealing with their technical

1 services team, helping asset teams develop their
2 assets properly, taking into account specifically
3 geology and how pertinent it is to proper development
4 and -- and exploitation of the asset.

5 So that was specific to the Anadarko,
6 East Texas Basin. I then moved to Samson Resources,
7 where I did a variety of Rockies projects, mostly
8 centered in the Powder River Basin, asset development
9 there in a variety of Cretaceous sands, as well as a
10 Williston Basin in the Bakken Shale, Bakken Petroleum
11 System, and then a few other basins where I did some
12 reconnaissance work.

13 I have worked in the Permian Basin. I
14 started with a small startup called Gary Permian at
15 the end of 2016, working in the Delaware Basin. And
16 I've worked in the Delaware Basin ever since.

17 I started with Tap Rock Resources about
18 four years ago, and doing mostly A&D and asset
19 projects, and space and eval reservoir evaluation.

20 THE HEARING EXAMINER: Okay. And I
21 found your resume, and so when you say you started
22 about four years ago, it says here Devon Energy. Is
23 that Tap Rock?

24 MR. JONES: No, no. Devon Energy would
25 have been where I started working. Tap Rock is where

1 I'm at presently.

2 THE HEARING EXAMINER: Oh, I see. Oh,
3 excuse me. I see it now. Okay. Okay, very good.
4 Mr. Jones, you are hereby qualified as an expert in
5 petroleum geology for this Division.

6 Ms. Bradfute, let's talk about your
7 exhibits to get them admitted. Why don't you give me
8 a brief overview of the exhibits.

9 MS. BRADFUTE: Yes, thank you,
10 Mr. Examiner. Included in the exhibit packet is
11 Exhibit A, the Compulsory Pooling Application
12 Checklist.

13 (24754 Exhibit A was marked for
14 identification.)

15 Exhibit A1 is a copy of the
16 applications and the Proposed Notice of Hearing.

17 (24754 Exhibit A1 was marked for
18 identification.)

19 And then Exhibit B2 is the affidavit of
20 the landman with the typical attachments included.

21 (24754 Exhibit B2 was marked for
22 identification.)

23 All of the referenced exhibits,
24 starting with the outpolling of A, are referenced in
25 the landman's affidavit. Exhibit B is the affidavit

1 of the geologist with all of the required attachments
2 that go along with that affidavit.

3 (24754 Exhibit B was marked for
4 identification.)

5 And Exhibit C contains my affidavit
6 notice with the typical background information
7 provided to document that notice was adequately given.

8 (24754 Exhibit C was marked for
9 identification.)

10 THE HEARING EXAMINER: Okay. And are
11 you seeking to have these admitted?

12 MS. BRADFUTE: Yes, I am, Mr. Examiner.

13 THE HEARING EXAMINER: Okay, thank you.
14 Are there any objections?

15 MR. RANKIN: No objections.

16 THE HEARING EXAMINER: Thank you,
17 Mr. Rankin. If I don't hear an objection, I'm just
18 going to assume that there's no objections.

19 So, Ms. Bradfute, your exhibits are
20 admitted into evidence.

21 (24754 Exhibit A through
22 Exhibit C were received into evidence.)

23 THE HEARING EXAMINER: I have a couple
24 of questions, and then I'll turn it over to Mr. Lowe.
25 What was the date of your sample notice letter?

1 MS. BRADFUTE: The sample notice
2 letter -- I apologize, let me turn to it. Is that the
3 well proposal or the sample notice letter of the case?

4 THE HEARING EXAMINER: Exhibit C1.

5 MS. BRADFUTE: C1, thank you. It is
6 8/21. I made the notice letter the same date that it
7 was mailed.

8 THE HEARING EXAMINER: Okay, so you
9 said August 21st. And then what about your date of
10 publish?

11 MS. BRADFUTE: The date of
12 publication -- and all parties actually did receive
13 notice in this case.

14 THE HEARING EXAMINER: Oh.

15 MS. BRADFUTE: But I did also publish
16 just to be safe. The affidavit of publication ran on
17 August 29th.

18 THE HEARING EXAMINER: Perfect. Okay,
19 very good.

20 Mr. Lowe, are there any questions on
21 this case?

22 THE TECHNICAL EXAMINER: Yes,
23 Mr. Examiner, I do have a few questions.

24 THE HEARING EXAMINER: Okay, you have
25 the land man and the geologist. Who are you directing

1 your questions to?

2 THE TECHNICAL EXAMINER: I'm going to
3 elect at this time to change to the landman for this
4 case --

5 THE HEARING EXAMINER: Okay, let's get
6 the landman on the screen, if we can stop sharing the
7 exhibit.

8 MS. BRADFUTE: Thank you.

9 THE HEARING EXAMINER: Thank you.

10 Ms. Shewmaker?

11 MS. SHEWMAKER: Yes.

12 THE HEARING EXAMINER: Okay, Mr. Lowe,
13 she's under oath.

14 WHEREUPON,

15 ERICA SHEWMAKER,
16 called as witnesses and having been first duly sworn
17 to tell the truth, the whole truth, and nothing but
18 the truth, were examined and testified as follows:

19 THE TECHNICAL EXAMINER: Good morning,
20 Ms. Shewmaker.

21 MS. SHEWMAKER: Good morning, Mr. Lowe.

22 THE TECHNICAL EXAMINER: I have an
23 up-front question that I think might clarify other
24 questions I had pending. The Exhibit A application
25 checklist has a broad statement on the formation and

1 question for this case. It only states the Wolfcamp,
2 and that's a gas well. Specifically, do you know what
3 the pool of formation for this case pertains to?

4 MS. SHEWMAKER: I do, yes. It's the
5 Purple Stage Wolfcamp gas pool, which is pool number
6 98220.

7 THE TECHNICAL EXAMINER: Okay, that
8 clarifies that question --

9 THE HEARING EXAMINER: Mr. Lowe, when
10 you're done, are you going to want Ms. Bradfute to
11 resubmit a corrected C-102?

12 THE TECHNICAL EXAMINER: Some
13 indication anywhere -- the application checklist or
14 the C-102s -- indicating specifically what the pool of
15 formations are for this case.

16 THE HEARING EXAMINER: Okay. So,
17 Ms. Bradfute, we'll start with that clarification for
18 an amended exhibit packet --

19 MS. BRADFUTE: Okay.

20 THE HEARING EXAMINER: -- and we'll
21 keep going.

22 Mr. Lowe?

23 THE TECHNICAL EXAMINER: Pretty much
24 all my other questions pertain to the initial up-front
25 question that clarified it all.

1 THE HEARING EXAMINER: Okay. So,
2 Ms. Bradfute, how long will it take for you to submit
3 a corrected application to show the proper pool code
4 information?

5 MS. BRADFUTE: And just to clarify,
6 Mr. Lowe wanted that in the Application Checklist?

7 THE TECHNICAL EXAMINER: Application
8 Checklist and the C-102.

9 MS. BRADFUTE: And the C-102s. Okay.
10 I think that we could have that filed, definitely by
11 close of business on Monday.

12 THE HEARING EXAMINER: Perfect.

13 MS. BRADFUTE: And I just wanted a
14 point of clarification. So I did follow the notice
15 for the revised Application Checklist for pooling
16 cases on the OCD's website, which did state that a
17 pool code wasn't required unless you were filing for
18 an NSP as well.

19 I'm happy to provide the information.
20 It's not a problem to provide it. I just wanted to
21 confirm for future cases what the proper procedure
22 would be.

23 THE TECHNICAL EXAMINER: I believe at
24 least that a specific pool name would be fine
25 distinguish the initial inquiry and get hearing. But

1 ideally, really, a pool code would definitely
2 determine any other questions that I know I would have
3 pertaining to your case.

4 THE HEARING EXAMINER: Okay. Great.

5 All right, Ms. Bradfute. You have
6 until October 7, close of business, to file an amended
7 exhibit packet correcting the application and the
8 C-102 with the information that Ms. Shewmaker just
9 provided to Mr. Lowe. And we'll leave the record
10 open. Once we get your -- please put a cover letter
11 on your exhibit packet showing why you're filing it.

12 MS. BRADFUTE: Okay.

13 THE HEARING EXAMINER: And then we'll
14 remove this original filing for a clear record.

15 Anything else, Mr. Lowe?

16 THE TECHNICAL EXAMINER: That is it.
17 Thank you very much.

18 THE HEARING EXAMINER: All right.
19 Thank you, Ms. Shewmaker, Mr. Jones.

20 And anything else, Ms. Shewmaker?
21 Ms. Bradfute, I mean.

22 MS. BRADFUTE: No. Thank you,
23 Mr. Examiner.

24 THE HEARING EXAMINER: All right.
25 Thank you. All right. We're in recess on that case.

1 We'll go to Mewbourne Oil, case number
2 24 on our docket, 24795. Entries of appearance,
3 please.

4 MS. MCLEAN: Yes. Good morning, Jackie
5 McLean. And actually, 24795 and 24796 are
6 consolidated.

7 THE HEARING EXAMINER: So I'm also
8 calling 24796.

9 MS. MCLEAN: Thank you.

10 THE HEARING EXAMINER: Are there any
11 other parties that you know of, Ms. McLean?

12 MS. MCLEAN: No, Mr. Examiner.

13 THE HEARING EXAMINER: Okay. Very
14 good. And you're presenting by affidavit this
15 morning?

16 MS. MCLEAN: That's correct.

17 THE HEARING EXAMINER: Okay. Very
18 good. Please proceed.

19 MS. MCLEAN: Thank you. In case number
20 24795, Mewbourne applies for an order pooling all
21 uncommitted interest in the Bone Spring Formation
22 underlying a 480-acre more or less nonstandard spacing
23 unit comprised of the west half of section 12 and the
24 northwest quarter of section 13, township 26 south,
25 range 29 east in Eddy County. And Mewbourne seeks to

1 dedicate this unit to the Fuller 13-12 FedCom 571H,
2 522H, 523H, 574H, and 563H wells.

3 And then in case number 24796,
4 Mewbourne is applying for an order pooling uncommitted
5 interest in the Bone Spring Formation underlying a
6 480-acre, again, nonstandard spacing unit comprised of
7 the east half of section 11 and the northeast quarter
8 of section 14, township 26 south, range 29 east in
9 Eddy County.

10 And Mewbourne will dedicate this unit
11 to the Fuller 14-11 FedCom 560H, 527H, 576H, 526H, and
12 565H wells. And again, in both cases, Mewbourne seeks
13 approval of a nonstandard horizontal spacing unit to
14 allow it to consolidate surface facilities, which will
15 reduce emissions and best prevent surface
16 environmental and economic waste.

17 Exhibit A is a testimony of Mitch Robb,
18 who has previously been admitted to testify as a land
19 expert before the Division, and the related land
20 exhibits.

21 (24795 Exhibit A was marked for
22 identification.)

23 (24796 Exhibit A was marked for
24 identification.)

25 Our geologist Tyler Hill, Exhibit B,

1 has also been admitted to testify as a petroleum
2 geologist before the Division, and he's providing
3 geology testimony and related exhibits.

4 (24795 Exhibit B was marked for
5 identification.)

6 (24796 Exhibit B was marked for
7 identification.)

8 And then we also have notice testimony
9 that attaches the notice letter, green cards, and
10 receipts, as well as a timely publication notice.

11 (24795 Exhibit C was marked for
12 identification.)

13 (24796 Exhibit C was marked for
14 identification.)

15 And I ask that the exhibits be admitted
16 to the record in case numbers 24795 and 24796, and
17 that the cases be taken under advisement.

18 THE HEARING EXAMINER: Are there any
19 objections? Okay. Your exhibits are admitted into
20 evidence in both cases.

21 (24795 Exhibit A through Exhibit C were
22 received into evidence.)

23 (24796 Exhibit A through Exhibit C were
24 received into evidence.)

25 THE HEARING EXAMINER: I have a couple

1 of questions for you before we turn to Mr. Lowe. What
2 was the date of your sample notice letter?

3 THE TECHNICAL EXAMINER: That was --
4 let's see, so August 20th.

5 THE HEARING EXAMINER: Okay. And what
6 was the date of your publication? Well, it looks like
7 it's August 27th; is that right?

8 THE TECHNICAL EXAMINER: That's
9 correct.

10 THE HEARING EXAMINER: That is correct.
11 All right, good. We have no problems with notice then
12 in these cases. Exhibit C --

13 MS. MCLEAN: Would it be helpful going
14 forward --

15 THE HEARING EXAMINER: Yes.

16 MS. MCLEAN: -- to put that on the
17 exhibit index? So we did that for the publication
18 notice. Should we put that for the notice letter
19 date?

20 THE HEARING EXAMINER: That'd be
21 perfect. It makes it easy to verify that it's timely.
22 Thank you.

23 Mr. Lowe, any questions for Ms. McLean
24 or for her witnesses?

25 THE TECHNICAL EXAMINER: I have a few

1 questions --

2 THE HEARING EXAMINER: Okay, very good.

3 So, Ms. McLean --

4 THE TECHNICAL EXAMINER: -- for the
5 landman.

6 THE HEARING EXAMINER: Very good.

7 Let's get the landman on the screen. Do we have a
8 name for our landman?

9 MS. MCLEAN: It should be Mitch Robb.

10 THE HEARING EXAMINER: Mr. Robb, would
11 you turn on your camera and unmute yourself, please?

12 MR. ROBB: Hi, I'm sorry about that.

13 THE HEARING EXAMINER: No worries.

14 MR. ROBB: Thank you.

15 THE HEARING EXAMINER: Thank you,
16 Mr. Robb.

17 MR. ROBB: All right --

18 THE HEARING EXAMINER: No worries,
19 Mr. Robb. Thank you --

20 MS. MCLEAN: Thank you.

21 THE HEARING EXAMINER: -- for
22 appearing. It's my understanding that you've already
23 been qualified as an expert as a landman for the
24 Division?

25 MR. ROBB: Yes, that's correct.

1 THE HEARING EXAMINER: Okay, very good.
2 Would you raise your right hand? There you go.

3 WHEREUPON,

4 MITCH ROBB,

5 called as a witness and having been first duly sworn
6 to tell the truth, the whole truth, and nothing but
7 the truth, was examined and testified as follows:

8 THE HEARING EXAMINER: Thank you,
9 Mr. Robb.

10 Mr. Lowe, your questions.

11 THE TECHNICAL EXAMINER: Good morning,
12 Mr. Robb. I have a question just to re-clarify and
13 understand that this pool for this case is the Corral
14 Canyon Bone Spring South Pool, pool code 13354; is
15 that correct?

16 MR. ROBB: Yes, I believe so.

17 THE TECHNICAL EXAMINER: Okay. And in
18 that case, I review the C-102s as presented in the
19 exhibit for this case. One, two, three, four --
20 there's five wells. Of the five wells, I view that
21 the last take points were encroaching towards the
22 southern edge of the space unit as requested for
23 releasing. Are you aware of that?

24 MR. ROBB: -- within a hundred feet or
25 spaced a hundred feet off the line?

1 THE HEARING EXAMINER: Okay, Mr. Robb.
2 Hold on, hold on, Mr. Lowe. We can't have you asking
3 Mr. Lowe questions, unfortunately, Mr. Robb. Would it
4 be helpful for you to have the exhibits in front of
5 you?

6 MR. ROBB: Yes, I don't have them -- I
7 was driving to --

8 THE HEARING EXAMINER: Oh, okay. All
9 right. Is there any way -- I don't know if you can
10 provide the exhibits to your witness or --

11 MS. MCLEAN: Yeah.

12 THE HEARING EXAMINER: -- if this can
13 be done differently. Or we can go in recess for a
14 while until Mr. Robb is in front of his exhibits.

15 MS. MCLEAN: Are you able to pull them
16 up on your phone? Are you able to see on your phone?
17 Because that would be my concern.

18 MR. ROBB: Yeah, let me try -- that.

19 THE HEARING EXAMINER: Or, Mr. Robb,
20 how long would it take for you to get in front of a
21 proper computer so you could see your exhibits?

22 MR. ROBB: If I could access them --
23 they're all saved on the server. And they're
24 replacing something right now. So I don't know -- I'm
25 trying to see if we can do it differently here --

1 THE HEARING EXAMINER: I think,
2 Mr. Robb, I think Ms. McLean can either pull them up
3 on our screen here so you can see them, if you can
4 see, if you can view this --

5 MS. MCLEAN: Let me log in to the
6 docket --

7 THE HEARING EXAMINER: By all means.
8 Mr. Lowe, which exhibit number are you
9 asking questions about?

10 THE TECHNICAL EXAMINER: It is -- I
11 don't know the number, but it's on page 12. The first
12 C-102.

13 THE HEARING EXAMINER: Okay, fine.

14 MS. MCLEAN: And I have it.

15 THE HEARING EXAMINER: You have it?
16 Okay -- Ms. McLean has it, Mr. Lowe.

17 So, Mr. Robb, Ms. McLean is going to
18 share her screen, and you'll be able to look at the
19 document on your phone, I believe.

20 MR. ROBB: Okay, perfect.

21 MS. MCLEAN: I hope you're not driving.

22 THE HEARING EXAMINER: You're not
23 driving, are you?

24 MS. MCLEAN: Please pull over.

25 MR. ROBB: -- pulled over.

1 MS. MCLEAN: All right, that's good.
2 Okay, I'm on, so I just need to share my screen.
3 Okay, can you see it? Okay, perfect. So I'm in case
4 number 24795.

5 THE HEARING EXAMINER: We want on page
6 12, Ms. McLean. You're on 11.

7 MS. MCLEAN: Okay, here it is, 12.
8 Perfect.

9 THE HEARING EXAMINER: There you go.
10 Okay, Mr. Robb, can you see that?

11 MR. ROBB: I do.

12 THE HEARING EXAMINER: All right, good.
13 Mr. Lowe, where on this document are
14 you directing Mr. Robb's attention?

15 THE TECHNICAL EXAMINER: The first tick
16 point, which indicates 2593 from the north flank. If
17 that's the case, then --

18 THE HEARING EXAMINER: Okay, well, hold
19 on, Mr. Lowe. We're just directing him. Hold on.
20 We're just directing him.

21 Mr. Lowe [sic], you can see the screen
22 that Ms. McLean is sharing. Is this the area that
23 contains the information?

24 MR. ROBB: I can barely make it out
25 still.

1 MS. MCLEAN: Can I make it bigger? Is
2 that better?

3 MR. ROBB: Yeah, yeah.

4 THE TECHNICAL EXAMINER: And this tends
5 to well number --

6 MS. MCLEAN: This one is the 571H.

7 THE TECHNICAL EXAMINER: 571, yes.
8 Yeah, the first tick point is 2593 from the north
9 flank.

10 THE HEARING EXAMINER: Mr. Robb, you
11 can see that?

12 MR. ROBB: Yes, I can.

13 THE HEARING EXAMINER: Okay, very good.
14 So, Mr. Lowe, what's the question
15 again?

16 THE TECHNICAL EXAMINER: That footage
17 there indicates that you're 47 feet to the southern
18 edge. You go to the second page after this one, it
19 shows it's encroaching towards the southern quarter of
20 Section 13. You're allotted a hundred feet, and you
21 are less than a hundred feet.

22 MR. ROBB: Okay. I didn't prepare that
23 exact C-102. I -- our -- our intent is to be a
24 hundred foot off of that line. That C-102 can be
25 revised and provided to you all, if that would -- if

1 that would help. If the southern extension is
2 complete, we'll have that first tick point within a
3 hundred feet of that section 13 central line.

4 THE TECHNICAL EXAMINER: Okay. So this
5 pertains to all the C-102s in this case. They all are
6 showing 47 to 62 feet to the southern edge of the
7 spacing unit. So you --

8 MR. ROBB: Okay, yeah.

9 THE TECHNICAL EXAMINER: -- you might
10 want to revise all the C-102s.

11 MR. ROBB: Yeah, that -- that's
12 something we can do. I -- I think we originally had
13 people perform C-102s, and I'm -- I'm guessing when --
14 when these were updated to the new form, something
15 went wrong. But it is our intent to be a hundred foot
16 off that line.

17 THE TECHNICAL EXAMINER: Okay. Well,
18 that clarifies that question, then. And I guess we'll
19 be waiting for updated C-102s for that one. My next
20 question -- this could be for the land man or their
21 attorney -- on page 25 of the exhibits, there is no
22 indication on the exhibits indicating what this is.
23 What is it?

24 MS. MCLEAN: I think I can provide the
25 answer to that. And we say it in his testimony as

1 well, that this is the map of the non-standard spacing
2 unit.

3 And as you can see, the yellow, it says
4 here in the box, non-standard operation unit, the
5 blue, offset owners notified, because under the rule,
6 you have to provide notice to the surrounding tracts
7 of the non-standard spacing unit.

8 So this just visually depicts that non-
9 standard spacing unit and to who we provided notice
10 to. Although we are the operator in all of the offset
11 spacing units.

12 THE TECHNICAL EXAMINER: Is the
13 operator a hundred percent working in all the affected
14 tracts?

15 MR. ROBB: I can answer. The parties
16 are the same parties within these units. It -- it's
17 one big KOA that we have.

18 THE TECHNICAL EXAMINER: Okay. All
19 right. Well, thank you for that clarification on that
20 exhibit there. I still want to get clarification on
21 it. My next question pertains to page 41 of the
22 exhibits. Okay, you're there.

23 Of those notices sent out, there were a
24 few indications of return to sender status. And I saw
25 at the latter part of your exhibits that there was a

1 public publication in newspapers. Were they provided
2 public notice in newspapers of return to sender
3 status?

4 MS. MCLEAN: Yes. We included everyone
5 in the publication notice.

6 THE TECHNICAL EXAMINER: Okay. And
7 that notice was filed timely as well?

8 MS. MCLEAN: That's correct.

9 THE TECHNICAL EXAMINER: Okay. That's
10 the only clarification I needed then. Thank you for
11 your answers.

12 THE HEARING EXAMINER: Okay. Thank
13 you, Mr. Lowe.

14 So, Ms. McLean, how long do you need to
15 revise this exhibit packet to correct all the C-102s?

16 Is it the applications or just the C-
17 102s, Mr. Lowe?

18 THE TECHNICAL EXAMINER: Just the C-
19 102s.

20 THE HEARING EXAMINER: All right.
21 Thank you.

22 Ms. McLean, how much time do you need
23 to correct the C-102s?

24 I'll ask Mr. Robb, how long do you
25 think y'all need to do new C-102s for these?

1 MR. ROBB: We can have those by next
2 week.

3 THE HEARING EXAMINER: Can you be more
4 specific? Next week?

5 MR. ROBB: I'd -- I'd have to consult
6 with my engineer, but we can typically get these
7 turned around in a couple days.

8 THE HEARING EXAMINER: What about the
9 end of next week? Would that be enough time for you,
10 say, the 11th of October?

11 MR. ROBB: Yes, yes, we can do that.

12 THE HEARING EXAMINER: That will be
13 plenty of time for you? Okay.

14 Now, Mr. Lowe, is that for both cases,
15 24795 and 96, all the C-102s need to be corrected?

16 THE TECHNICAL EXAMINER: I did notice
17 the same scenario with another case, 24796 as well.

18 THE HEARING EXAMINER: All right.

19 THE TECHNICAL EXAMINER: If that's the
20 same scenario, then I assume that would --

21 THE HEARING EXAMINER: Well, let's not
22 assume. Do we need to go to the exhibit?

23 Ms. McLean, can we go to the C-102s for
24 case 96? Since they've been admitted into evidence,
25 we'll show Mr. Lowe and Mr. Robb, and we'll figure it

1 out.

2 MS. MCLEAN: -- oh, sorry -- thank you.
3 I'm like, why is no one responding to my screen?

4 THE HEARING EXAMINER: I think it's
5 page 12 also.

6 MS. MCLEAN: Yeah, I had it up on my
7 computer, but I wasn't sharing the screen.

8 THE HEARING EXAMINER: Okay, Mr. Lowe,
9 do you see the same issue here?

10 THE TECHNICAL EXAMINER: Yes, I do.

11 THE HEARING EXAMINER: Okay, Mr. Robb,
12 do you agree --

13 THE TECHNICAL EXAMINER: They are
14 all --

15 THE HEARING EXAMINER: Do you agree,
16 Mr. Robb, that there is an issue based on the
17 information in the C-102?

18 MR. ROBB: Yes -- same circumstance as
19 in the last case. We'll put the revised --

20 THE HEARING EXAMINER: Okay. Perfect.
21 Okay. Very good.

22 Mr. Lowe, is there anything else on
23 this case?

24 THE TECHNICAL EXAMINER: No, I have no
25 more questions --

1 THE HEARING EXAMINER: All right,
2 wonderful.

3 So then, Ms. McLean, you and your party
4 have until the October 11th. I'm assuming that's
5 enough time for you?

6 MS. MCLEAN: Yes, that's plenty.

7 THE HEARING EXAMINER: To correct and
8 file amended exhibit packets with a cover letter to
9 explain what you're doing? Okay, very good. All
10 right, is there anything further, Ms. McLean?

11 MS. MCLEAN: Not from me --

12 THE HEARING EXAMINER: Okay, thank you,
13 Mr. Robb.

14 MR. ROBB: Thank you.

15 THE HEARING EXAMINER: We're off the
16 record in that case.

17 We are moving on to Mewbourne Oil,
18 24815. It's number 26 on our docket.

19 MR. BRUCE: Mr. Examiner, Jim Bruce,
20 representing Mewbourne.

21 THE HEARING EXAMINER: Are there any
22 other parties, Mr. Bruce?

23 MR. BRUCE: Not that I'm aware of.

24 THE HEARING EXAMINER: All right.
25 Mr. Bruce, please proceed.

1 MR. BRUCE: Mr. Examiner, in this case,
2 Mewbourne seeks to force pool the south half of
3 section 4 and the southeast of section 5, 22 south, 27
4 east -- Wolfcamp formation. Exhibit 1 is the Pooling
5 Checklist.

6 (24815 Exhibit 1 was marked for
7 identification.)

8 Exhibit 2 is the landman's statement by
9 Carson Collen.

10 (24815 Exhibit 2 was marked for
11 identification.)

12 He has testified numerous times before
13 the Division and has had his credentials accepted as a
14 matter of record. It contains the usual flaps [ph],
15 C-102s, the list of interest owners. And I think it
16 would be at page -- let me see here. Let me make sure
17 I got the right date.

18 Page 17 of the filing, part 1 of the
19 exhibit, the only two parties being pooled are Magnum
20 Hunter Productions and Mizel Resources, and their
21 percentage interest in the well unit is given. And
22 then it contains the other proposed letters, the
23 EFES [ph], et cetera.

24 And then you move to block 2 of the
25 exhibits. You've got the geologist affidavit by Tyler

1 Hill, who was also previously qualified before the
2 Division.

3 (24815 Exhibit 3 was marked for
4 identification.)

5 It contains the usual structure of that
6 cross section. He does mention in his affidavit that
7 there are four wells in the well unit, the well number
8 715H and 717H, which are Wolfcamp Y sand wells, known
9 as the Upper Wolfcamp sand complex, and two wells,
10 825H and 827H, which are Wolfcamp C wells.

11 The landman does state that there is no
12 depth [ph] settlements in the Wolfcamp Formation.

13 These are Purple Sage Wolfcamp wells, and the setbacks
14 are 330 feet. Exhibit 4 is the Affidavit of Mailing.

15 (24815 Exhibit 4 was marked for
16 identification.)

17 Mailing went out August 30th. The only
18 two parties being pooled are Magnum Hunter and Mizel
19 Resources --

20 THE HEARING EXAMINER: Okay, Mr. Bruce,
21 I can see all this in the packet. I've already
22 reviewed the date of the letter -- and the publication
23 notice on September 19th, so today is the tenth day.
24 Kind of close, but I think you've made it. Are you
25 seeking to admit these into evidence?

1 MR. BRUCE: I would ask that the
2 admission of Exhibits 1, the checklist; 2, the
3 landman's materials; 3, the geologist's affidavit; the
4 Affidavit of Mailing; the Affidavit of Publication;
5 and the Application of Proposed Notice be admitted in
6 the record.

7 (24815 Exhibit 5 through Exhibit 6 were
8 marked for identification.)

9 THE HEARING EXAMINER: Are there any
10 objections? They're admitted in the evidence.

11 (24815 Exhibit 1 through Exhibit 6 were
12 received into evidence.)

13 THE HEARING EXAMINER: Mr. Lowe, do you
14 have any questions for any of the witnesses in this
15 case?

16 THE TECHNICAL EXAMINER: I have no
17 questions.

18 THE HEARING EXAMINER: All right,
19 wonderful.

20 Mr. Bruce, this case is taken under
21 advisement. Thank you.

22 MR. BRUCE: Thank you.

23 THE HEARING EXAMINER: I'm calling Spur
24 Oil, number 27 on our docket, 24817.

25 MS. MCLEAN: Jackie McLean with Hinkle

1 Shanor on behalf of Spur Energy Partners.

2 THE HEARING EXAMINER: Do you know if
3 there's any other parties?

4 MS. MCLEAN: There are not.

5 THE HEARING EXAMINER: All right, very
6 good. What's critical for me to know so that we can
7 move these cases along is, are the witnesses qualified
8 as experts previously, the dates of the mailing of the
9 letter, the actual notice, and the date of
10 publication, if there is such for constructive notice.
11 The rest of it is all pretty much the same.

12 So Ms. McLean?

13 MS. MCLEAN: Yes, thank you. Our
14 witnesses have been previously qualified as experts in
15 their respective fields. Our notice letter was sent
16 August 29, 2024, and the publication was on September
17 7, 2024. And I ask that all the exhibits be admitted
18 into the record in case number 24817 and the case be
19 taken under advisement.

20 THE HEARING EXAMINER: Thank you,
21 Ms. McLean. Are there any objections? Your exhibits
22 are admitted into evidence.

23 (24817 Exhibit A through Exhibit C were
24 received into evidence.)

25 THE HEARING EXAMINER: Mr. Lowe, do

1 you have any questions in case number 24817?

2 THE TECHNICAL EXAMINER: Yes, sir, I do
3 have questions.

4 THE HEARING EXAMINER: Okay. And is it
5 for the landman or the geologist or for the attorney?

6 THE TECHNICAL EXAMINER: I believe the
7 landman and for the attorney.

8 THE HEARING EXAMINER: Okay, very good.
9 Let's get your landman sworn in, Ms. McLean.

10 MS. MCLEAN: Okay. And that should be
11 Drew Oldis.

12 THE HEARING EXAMINER: I'm sorry, I
13 didn't hear the name.

14 MS. MCLEAN: Drew Oldis.

15 MR. OLDIS: I'm here.

16 THE HEARING EXAMINER: If you'll turn
17 on your screen, sir.

18 MR. OLDIS: I don't have that
19 capability. I don't have a camera.

20 THE HEARING EXAMINER: Ah, okay. All
21 right. Would you state and spell your name for the
22 record?

23 MR. OLDIS: Drew Oldis, D-R-E-W
24 O-L-D-I-S.

25 THE HEARING EXAMINER: Okay. Would you

1 raise your right hand, please?

2 MR. OLDIS: Mm-hmm.

3 WHEREUPON,

4 DREW OLDIS,

5 called as a witness and having been first duly sworn
6 to tell the truth, the whole truth, and nothing but
7 the truth, was examined and testified as follows:

8 THE HEARING EXAMINER: Okay. Mr. Lowe,
9 what exhibit are you directing Mr. Oldis to?

10 THE TECHNICAL EXAMINER: I believe it's
11 page 12 of the exhibit.

12 THE HEARING EXAMINER: Ms. McLean, what
13 exhibit number is that?

14 MS. MCLEAN: That's Exhibit A2, the
15 C-102.

16 THE HEARING EXAMINER: Thank you.
17 Mr. Oldis, would you take a look at
18 Exhibit A2?

19 MR. OLDIS: Okay.

20 THE HEARING EXAMINER: Are you there?

21 MR. OLDIS: Yes, sir.

22 THE HEARING EXAMINER: Mr. Lowe?

23 MS. MCLEAN: Do you want me to share
24 the screen?

25 THE HEARING EXAMINER: No, thank you.

1 MS. MCLEAN: Okay.

2 THE HEARING EXAMINER: Mr. Lowe, your
3 question?

4 THE TECHNICAL EXAMINER: Okay. I'm
5 trying to clarify information from my side. I must
6 have had confusion or miscommunication of what I'm
7 looking at because the numbers as presented in the
8 case are are fine.

9 So I believe -- well, let me ask this
10 to you since you're here. Are all the wells properly
11 located in an orthodox location as far as the take
12 points go?

13 MR. OLDIS: Yes. I think there's one
14 well that has a kind of a non-standard towards the
15 end. I think it is the -- yeah, actually I believe
16 they all are.

17 THE TECHNICAL EXAMINER: Yeah. Yeah, I
18 guess they are because I must have miscommunicated
19 what I was looking at or misunderstood or viewed the
20 wrong exhibits for this case in a sense.

21 But from what I've seen here in the
22 ground location, everything seems to be good as far as
23 meeting the requirements for this pool that you're
24 seeking here. And that's 96836; right?

25 MR. OLDIS: Yes.

1 THE TECHNICAL EXAMINER: Yes. Okay.
2 Well, that was quick and easy. Sorry about that.

3 THE HEARING EXAMINER: Thank you very
4 much.

5 Thank you, Mr. Lowe, Mr. Oldis.

6 Ms. McLean, your case is taken under
7 advisement. Thank you.

8 MS. MCLEAN: Thank you.

9 THE HEARING EXAMINER: I'm calling
10 Permian Resources, number 28 on our docket, and 29 on
11 our docket, 24818 and 24819.

12 MS. MCLEAN: Jackie McLean with Hinkle
13 Shanor on behalf of Permian Resources.

14 THE HEARING EXAMINER: It looks like
15 there might be some other parties in this case.

16 MS. MCLEAN: There are.

17 MR. CLINTON: Andrew Clinton for
18 R. Reese & Associates on behalf of Northern Oil and
19 Gas.

20 THE HEARING EXAMINER: Good morning.

21 MR. CLINTON: Good morning.

22 MS. KESSLER: Jordan Kessler on behalf
23 of EOG Resources. Just monitoring.

24 THE HEARING EXAMINER: Good morning.

25 Mr. Clinton, are you just monitoring?

1 MR. CLINTON: Monitoring as well.

2 Thank you.

3 THE HEARING EXAMINER: All right.

4 Thank you. Have both parties reviewed the exhibits in
5 these cases?

6 MS. KESSLER: I have, Mr. Examiner, and
7 I have no objections to the questions.

8 THE HEARING EXAMINER: Fantastic.

9 Thank you.

10 Mr. Clinton?

11 MR. CLINTON: I have as well. No
12 questions.

13 THE HEARING EXAMINER: And no
14 objections?

15 MR. CLINTON: No objections.

16 THE HEARING EXAMINER: Very good.

17 Ms. McLean?

18 MS. MCLEAN: Yes. Thank you. So we
19 sent out one notice letter for both cases on September
20 9, 2024. We did a publication notice for both cases.
21 They ran on September 14, 2024.

22 THE HEARING EXAMINER: And September 9,
23 is that the 20-day notice?

24 MS. MCLEAN: Ten business days.

25 THE HEARING EXAMINER: That's a ten

1 business day?

2 MS. MCLEAN: For publication.

3 THE HEARING EXAMINER: I knew that, but
4 I meant the letters.

5 MS. MCLEAN: Oh, the letters are 20
6 days.

7 THE HEARING EXAMINER: 20 days.

8 MS. MCLEAN: Yes.

9 THE HEARING EXAMINER: So that's 20
10 calendar days.

11 MS. MCLEAN: Calendar days.

12 THE HEARING EXAMINER: Very good. So
13 you're fine.

14 MS. MCLEAN: And then both experts have
15 previously testified before the Division and have been
16 qualified.

17 THE HEARING EXAMINER: Perfect. And
18 you're seeking your exhibits entered?

19 MS. MCLEAN: Yes. To have the exhibits
20 entered in case numbers 24818 and 24819 and for the
21 cases to be taken under advisement.

22 THE HEARING EXAMINER: Okay. Your
23 exhibits are admitted into evidence in both cases.

24 (24818 Exhibit A through Exhibit C were
25 received into evidence.)

1 (24819 Exhibit A through Exhibit C were
2 received into evidence.)

3 THE HEARING EXAMINER: And Mr. Lowe, do
4 you have any questions for their witnesses?

5 THE TECHNICAL EXAMINER: I do have no
6 questions. Thank you.

7 THE HEARING EXAMINER: Wait. You said
8 you do have no questions?

9 THE TECHNICAL EXAMINER: I'm sorry. I
10 do not have any questions.

11 THE HEARING EXAMINER: Okay. Thank
12 you, sir. All right.

13 Ms. McLean, thank you. Your two cases
14 are taken under advisement.

15 MS. MCLEAN: Thank you.

16 THE HEARING EXAMINER: I am now
17 calling -- this might be your case as well --
18 Mewbourne Oil, number 30 in our docket, 24820?

19 MS. MCLEAN: That's correct. That would
20 be Jackie McLean at Hinkle Shanor on behalf of
21 Mewbourne. And in these cases --

22 THE HEARING EXAMINER: Hold on. Hold
23 on. I think Ms. Kessler entered an appearance here.

24 MS. KESSLER: I think that I did. I'm
25 just confirming, sir. If I can go quickly.

1 THE HEARING EXAMINER: Yes. Okay.

2 MS. KESSLER: Jordan Kessler on behalf
3 of EOG Resources.

4 THE HEARING EXAMINER: Thank you,
5 Ms. Kessler. Did you have a chance to review the
6 exhibits in this docket?

7 MS. KESSLER: Wait. Are we on case
8 number 33?

9 THE HEARING EXAMINER: No. We're on
10 case 30.

11 MS. KESSLER: There I am. I'm still
12 there. Yes. I reviewed these exhibits.
13 Mr. Examiner, just monitoring and no questions.

14 THE HEARING EXAMINER: Wonderful. So
15 no objections to admission?

16 MS. KESSLER: No, sir.

17 THE HEARING EXAMINER: All right.
18 Thank you. Ms. McLean?

19 MS. MCLEAN: Thank you. In case number
20 24820, both witnesses have been previously qualified
21 as experts in their respective fields. We sent out
22 our notice letter on September 3, 2024. And the
23 notice publication was made September 7, 2024. So I
24 ask that the exhibits be admitted into record in case
25 24820.

1 THE HEARING EXAMINER: And they are so
2 admitted.

3 (24820 Exhibit A through Exhibit C were
4 received into evidence.)

5 THE HEARING EXAMINER: Mr. Lowe, are
6 there any questions for the witnesses in this case?

7 THE TECHNICAL EXAMINER: I have no
8 questions. Thank you.

9 THE HEARING EXAMINER: This case is
10 taken under advisement. I'm now calling Permian
11 Resources case 24821. It's number 31 on our docket.

12 MS. MCLEAN: Mr. Examiner, Jackie
13 McLean with Hinkle Shanor on behalf of Permian
14 Resources in case numbers 24821 and 24822.

15 THE HEARING EXAMINER: Ah, thank you
16 for reminding me. I'm also calling case 24822.

17 Ms. Kessler?

18 MS. KESSLER: Mr. Examiner, Jordan
19 Kessler on behalf of EOG Resources. Once again, just
20 monitoring. I've reviewed the exhibits and no
21 objection and no questions on them.

22 THE HEARING EXAMINER: Perfect. Thank
23 you, Ms. Kessler.

24 Mr. Bruce, are you entered on these
25 cases?

1 MR. BRUCE: Yes, sir, on behalf of
2 Mewbourne Oil Company.

3 THE HEARING EXAMINER: Have you had a
4 chance to review --

5 MR. BRUCE: And we --

6 THE HEARING EXAMINER: Go ahead, sir.

7 MR. BRUCE: I have reviewed everything.
8 I have no objection to the case being presented.

9 THE HEARING EXAMINER: Wonderful.
10 Thank you, Mr. Bruce.

11 Ms. McLean?

12 MS. MCLEAN: Thank you. Mr. Curry has
13 previously testified and been qualified as an expert.
14 Before the Division. We sent our notice letter on
15 September 5th. And we also published on September 14,
16 2024, and I ask that the --

17 THE HEARING EXAMINER: Okay, hold on
18 one second, Ms. McLean. And in this case, what is the
19 good cause for an extension?

20 MS. MCLEAN: The good cause for
21 extension -- let me get my little notes. I'm just
22 breezing through things. So I get to pull that one
23 up.

24 So this extension, good cause exists
25 because Permian Resources has made changes to the

1 development plans. And they'd like to co-develop
2 these units with the offset acreage so they can best
3 prevent waste and protect correlative rights.

4 Additionally, we had sought to pull
5 additional uncommitted interests under these cases as
6 well, but we no longer need that. So that request is
7 being withdrawn.

8 THE HEARING EXAMINER: Is that request
9 in the application?

10 MS. MCLEAN: That's in the application,
11 and we have withdrawn it. We've also stated that in
12 Mr. Curry's testimony.

13 THE HEARING EXAMINER: Okay. So let's
14 get your exhibits admitted into evidence in these two
15 cases. There's been no objections, so your exhibits
16 are admitted in both cases.

17 (24821 Exhibit A through Exhibit C were
18 received into evidence.)

19 (24822 Exhibit A through Exhibit C were
20 received into evidence.)

21 THE HEARING EXAMINER: Mr. Lowe, do you
22 have any questions for the witnesses in this case
23 regarding either the good cause or the withdrawal of
24 the application as to that one point?

25 THE TECHNICAL EXAMINER: I have a

1 question, just a clarification on the withdrawal. Is
2 the withdrawal the amendment? Is that what's going on
3 here?

4 MS. MCLEAN: Yes. So the application
5 sought to pool additional interest under the terms of
6 the prior orders, and now we are withdrawing that
7 request and solely seeking the extension of time to
8 commence drilling the wells.

9 THE TECHNICAL EXAMINER: And the
10 amendment pertains to also the changes of the
11 development plans as well too?

12 MS. MCLEAN: No, no. That's the good
13 cause for the request for extension.

14 THE TECHNICAL EXAMINER: Okay. Okay.
15 And the extension request, this is the first extension
16 request?

17 MS. MCLEAN: That's correct.

18 THE TECHNICAL EXAMINER: Okay. Thank
19 you. Those are my questions.

20 THE HEARING EXAMINER: Thank you,
21 Mr. Lowe.

22 MS. MCLEAN: Thank you.

23 THE HEARING EXAMINER: Ms. McLean,
24 these two cases will be taken under advisement. Thank
25 you.

1 MS. MCLEAN: Thank you.

2 THE HEARING EXAMINER: I'm now calling
3 Permian Resource cases. It looks like there's three
4 of them that are joined, 24823, 24, and 25.

5 MS. MCLEAN: Yes. Jackie McLean with
6 Hinkle Shanor on behalf of Permian Resources.

7 THE HEARING EXAMINER: I don't see any
8 other parties, Ms. McLean. Do you know of any?

9 MS. MCLEAN: I do not know of any in
10 these.

11 THE HEARING EXAMINER: Please proceed.

12 MS. MCLEAN: Thank you. Mr. Curry has
13 been previously admitted to testify as an expert
14 before the Division. We sent out our notice letter.
15 We sent out one letter for these cases on -- sorry --
16 September 11th --

17 THE HEARING EXAMINER: You're saying
18 there's one letter for three cases?

19 MS. MCLEAN: One letter.

20 THE HEARING EXAMINER: Wait. Is that
21 what you're saying?

22 MS. MCLEAN: That's what I'm saying.
23 There's one notice letter because they have the same
24 interest owners. Well, it looks like we sent a
25 separate notice letter, actually, for 24825, and that

1 was also on September 11th.

2 There's one letter in 24823 and 24824,
3 and then another letter for 24825. And then we
4 published in all three of these cases on September 17,
5 2024. So I ask that the exhibits be admitted to the
6 record in case 24823, 24824, and 24825.

7 THE HEARING EXAMINER: And what is the
8 good cause cited?

9 MS. MCLEAN: The good cause for the
10 requested extension is, again, the request to
11 co-develop surrounding acreage because they have new
12 changes in the development.

13 THE HEARING EXAMINER: Like the other
14 two cases, did this case originally ask for something
15 that's been withdrawn?

16 MS. MCLEAN: No. These were just
17 extensions of time.

18 THE HEARING EXAMINER: Okay. Okay.
19 Very good. The exhibits in these three cases are
20 admitted into evidence.

21 (24823 Exhibit A and Exhibit B were
22 received into evidence.)

23 (24824 Exhibit A and Exhibit B were
24 received into evidence.)

25 //

1 (24825 Exhibit A and Exhibit B were
2 received into evidence.)

3 THE HEARING EXAMINER: Mr. Lowe, do you
4 have any questions on these three cases?

5 THE TECHNICAL EXAMINER: I have no
6 questions. Thank you.

7 THE HEARING EXAMINER: Ms. McLean,
8 these three cases are taken under advisement.

9 MS. MCLEAN: Thank you.

10 THE HEARING EXAMINER: Thank you.
11 Moving on to line 36, COG operating, case 24833.

12 MS. MCLEAN: It's me again.

13 THE HEARING EXAMINER: Wow.

14 MS. MCLEAN: Jackie McLean on behalf of
15 COG in 24833.

16 THE HEARING EXAMINER: Thank you,
17 Ms. McLean. Do we have anyone from Beatty Wozniak?

18 MS. MCLEAN: The new FTO [ph] has
19 returned.

20 THE HEARING EXAMINER: It looks like
21 it. Do you know if they objected and are withdrawing
22 the objection?

23 MS. MCLEAN: They did not object.

24 THE HEARING EXAMINER: They did not
25 object. Okay. Well, we don't have anyone from Beatty

1 Wozniak. So please proceed.

2 MS. MCLEAN: Thank you. Both of our
3 land and geology witnesses have been previously
4 qualified as experts before the Division. In this
5 case, we actually sent three notice letters because
6 there's a lot going on here.

7 We have one letter that went out to the
8 working interest owners for the spacing unit that is
9 being pooled. We have another letter that went out to
10 the owners in the offset units regarding the proposed
11 non-standard spacing unit.

12 And then we had a third letter that
13 went out regarding the overlapping spacing units. And
14 all three of those letters were sent out on September
15 12th of 2024. We also published on September 19,
16 2024.

17 THE HEARING EXAMINER: There was a
18 filing on the 30th of September. Do you know what
19 that is?

20 MS. MCLEAN: Let me check. I have the
21 docket up here.

22 THE HEARING EXAMINER: Oh, that was the
23 entry of appearance?

24 MS. MCLEAN: I think that's the entry of
25 appearance. Yes.

1 THE HEARING EXAMINER: So that was an
2 entry of appearance by Miguel Suazo, who's not with us
3 today. We've asked several times. Let me get your
4 exhibit packet here. All right. This one is 107
5 pages. And your witnesses, you said, were both
6 qualified?

7 THE HEARING EXAMINER: That's correct,
8 Mr. Examiner.

9 THE HEARING EXAMINER: Okay. And your
10 letters were sent out on the -- did you say the 12th?

11 MS. MCLEAN: September 12th, correct.

12 THE HEARING EXAMINER: You did say
13 that. And the publication?

14 MS. MCLEAN: On September 19th.

15 THE HEARING EXAMINER: I see that.
16 Okay. Okay. Are there any objections to these
17 exhibits? Not hearing any, they're admitted to
18 evidence.

19 (24833 Exhibit A through Exhibit C were
20 received into evidence.)

21 THE HEARING EXAMINER: Mr. Lowe, do you
22 have any questions for the witnesses in this case?

23 THE TECHNICAL EXAMINER: Mr. Hearing
24 Examiner, I do have a few questions.

25 THE HEARING EXAMINER: Okay. Would it

1 be for Ms. Romero or for Mr. Ray?

2 THE TECHNICAL EXAMINER: Either the
3 landman or the attorney.

4 THE HEARING EXAMINER: Let's go with
5 the landman. Do we have Gianna Romero with us?

6 MS. ROMERO: Yes, sir.

7 THE HEARING EXAMINER: Okay, great.
8 Turn on your camera, please. Perfect. Would you
9 raise your right hand, please? Great.

10 WHEREUPON,

11 GIANNA ROMERO,
12 called as a witness and having been first duly sworn
13 to tell the truth, the whole truth, and nothing but
14 the truth, was examined and testified as follows:

15 THE HEARING EXAMINER: Would you state
16 and spell your name for the record?

17 MS. ROMERO: Gianna Romero --

18 THE HEARING EXAMINER: You can put your
19 hand down.

20 Okay. Gianna Romero, G-I-A-N-N-A,
21 R-O-M-E-R-O.

22 THE HEARING EXAMINER: Okay. Great.
23 And you've been qualified as an expert landman before
24 this Division previously?

25 MS. ROMERO: Yes, I have.

1 THE HEARING EXAMINER: Very good.

2 Mr. Lowe?

3 THE TECHNICAL EXAMINER: Good morning.

4 MS. ROMERO: Good morning.

5 THE TECHNICAL EXAMINER: I just want to
6 get an understanding of what pool and formation that
7 this case is seeking. The compulsory checklist
8 indicates a Bone Spring Formation as a general
9 statement for the pool, and its C-102 is on page 16
10 where it starts.

11 You indicate Roxburg [ph] Bone Spring,
12 and the next pool is Willow Lake Bone Spring
13 southeast. Is there one specific pool that this case
14 is seeking?

15 MS. ROMERO: So we had to do both with
16 how the -- the pools fall. The -- the OCD advised us
17 to compare the C-102s in this way. So section 30 and
18 31 actually fall within the Roxburg [ph] Bone Spring,
19 and then section 19 falls within the Willow Lake Bone
20 Spring. So that's why we had to put both.

21 THE TECHNICAL EXAMINER: Okay. And
22 that's fine. I just wanted to make sure that that was
23 what I read or what I see. Thank you for that
24 clarification. Okay. And if you can go to page 34 of
25 the exhibits. Are you there?

1 MS. ROMERO: Yes.

2 THE TECHNICAL EXAMINER: Okay. That
3 exhibit here, these are all the pools you're wanting
4 to pool?

5 MS. ROMERO: I --

6 MS. MCLEAN: I can share the screen.

7 MS. ROMERO: Yes, all the -- all the
8 ones on that table are -- are being pooled.

9 THE TECHNICAL EXAMINER: That is?

10 MS. ROMERO: Yes, that's correct.

11 THE TECHNICAL EXAMINER: Okay. And
12 this case is seeking compulsory pooling and NSP and
13 overlapping subject matter; correct?

14 MS. ROMERO: Yes.

15 THE TECHNICAL EXAMINER: Okay. Are the
16 overlapping affected parties the same as the
17 compulsory pooling list? Are the compulsory pooling
18 interest owners or parties? I suspect --

19 MS. ROMERO: I -- I believe that
20 there's different parties to each of those overlapping
21 units. But --

22 MS. MCLEAN: And Mr. Lowe, I think for
23 clarification, we sent out three separate letters, and
24 we have charts that list who the notice was given for
25 each one of those. So for the overlapping spacing

1 unit notice, that's on page 62 of the exhibit packet,
2 and it lists all of the entities that were sent
3 notice.

4 THE TECHNICAL EXAMINER: Okay. And you
5 have the same page 35, I think, that indicates your
6 nonstandard --

7 MS. ROMERO: 35 is the overlapping
8 spacing unit.

9 MS. MCLEAN: And 36 is the nonstandard
10 spacing unit, Exhibit A4.

11 THE TECHNICAL EXAMINER: And all the
12 parties were notified and they all verified that they
13 received notice --

14 MS. MCLEAN: Yes.

15 THE TECHNICAL EXAMINER: -- in all the
16 subject matters? Okay. You also did a newspaper
17 publication for this case; correct?

18 MS. MCLEAN: Correct.

19 THE TECHNICAL EXAMINER: Okay. All
20 right. Thank you for the clarification. Those are my
21 questions.

22 MS. MCLEAN: And one more clarification
23 for Mr. Lowe. We did put on the checklist under the
24 pool name and pool code, both of those pools and pool
25 codes, and it sets out which sections have the

1 applicable pool and pool code.

2 THE TECHNICAL EXAMINER: Yeah. I saw
3 that later after all. Thank you.

4 MS. MCLEAN: Thank you.

5 THE HEARING EXAMINER: Thank you,
6 Mr. Lowe.

7 Okay, Ms. McLean, this case will be
8 taken under advisement.

9 MS. MCLEAN: Thank you.

10 THE HEARING EXAMINER: Thank you. I'm
11 moving now to line 37 on our docket. It is Strata
12 Production, 24834.

13 MS. SHAHEEN: Sharon Shaheen, Santa Fe
14 office of Spencer Fane on behalf of the applicant.

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

17 MS. SHAHEEN: Not that I'm aware of.

18 THE HEARING EXAMINER: Okay. Please
19 proceed.

20 MS. SHAHEEN: Both of our witnesses,
21 the landman and the geologist, have previously
22 testified before the division and had their
23 credentials accepted as experts in their respective
24 fields.

25 Mailing occurred on September 13, 2024.

1 Publication occurred on September 19th of 2024. And
2 with that, I'll ask that the exhibits be admitted into
3 the record of this case be taken under advisement.

4 THE HEARING EXAMINER: Thank you,
5 Ms. Shaheen. Are there any objections? Your exhibits
6 are admitted into evidence.

7 (24834 Exhibit A through Exhibit C were
8 received into evidence.)

9 Mr. Lowe, do you have any questions on
10 case 24834?

11 THE TECHNICAL EXAMINER: Yes, I do have
12 a few questions.

13 THE HEARING EXAMINER: Okay. For the
14 landman or the geologist?

15 THE TECHNICAL EXAMINER: The landman.

16 THE HEARING EXAMINER: Landman. Okay.
17 Ms. Shaheen, who is your landman?

18 MS. SHAHEEN: Mitch Krakauskas, and I
19 believe he is on.

20 THE HEARING EXAMINER: Wonderful.
21 Thank you.

22 MR. KRAKAUSKAS: Yes, Mr. Examiner, I'm
23 here.

24 THE HEARING EXAMINER: I see you.
25 Would you state and spell your name for the record?

1 MR. KRAKAUSKAS: Mitch Krakauskas,
2 M-I-T-C-H, last name K-R-A-K-A-U-S-K-A-S.

3 THE HEARING EXAMINER: Thank you.
4 Would you raise your right hand, please?

5 WHEREUPON,

6 MITCH KRAKAUSKAS,
7 called as a witness and having been first duly sworn
8 to tell the truth, the whole truth, and nothing but
9 the truth, was examined and testified as follows:

10 THE HEARING EXAMINER: Great. And
11 you've been qualified as an expert as a land man
12 before this Division?

13 MR. KRAKAUSKAS: Yes, sir.

14 THE HEARING EXAMINER: Thank you, sir.

15 Mr. Lowe?

16 THE TECHNICAL EXAMINER: Good morning,
17 sir.

18 MR. KRAKAUSKAS: Good morning.

19 THE TECHNICAL EXAMINER: I just want to
20 get an understanding on your C-102s for this case.
21 Currently, our C-102s have two pages of information.
22 The C-102s that are submitted for this case only show
23 the first page of information for your request.
24 There's no map or schematic of what your intentions
25 are for these wells. And I saw this for both wells

1 that you're indicating for this case.

2 MS. SHAHEEN: Mr. Examiner, if I may,
3 that is my fault. That is a habit I was in with the
4 old C-102 forms, and I did mistakenly remove those
5 second pages here. So I can refile those by tomorrow
6 if that is acceptable.

7 THE TECHNICAL EXAMINER: Oh, that is
8 fine. That is fine. I just wanted you to understand
9 if it was a mistake or whatever it was. But that is
10 fine with that question. My other question pertains
11 to page 24 of the exhibits. You're only requesting to
12 pool -- actually, it's the same XTO, Owens [ph] LLC,
13 correct?

14 MR. KRAKAUSKAS: XTO and OXY.

15 THE TECHNICAL EXAMINER: OXY. Okay.

16 MR. KRAKAUSKAS: XTO, Owens [ph], and
17 OXY in this case.

18 THE TECHNICAL EXAMINER: Yes, sir.
19 Okay. Yeah, that's all I need to clarify that on what
20 I was seeing. So those are my questions. Thank you,
21 sir.

22 THE HEARING EXAMINER: Thank you,
23 Mr. Lowe.

24 MR. KRAKAUSKAS: Thank you, sir.

25 THE HEARING EXAMINER: Thank you,

1 Mr. Krakauskas.

2 Ms. Shaheen, you said you would refile
3 an amended exhibit packet with a cover letter to
4 explain what you're doing?

5 MS. SHAHEEN: Absolutely.

6 THE HEARING EXAMINER: Including the
7 second pages of -- what are they, two C-102s?

8 MS. SHAHEEN: Yes.

9 THE HEARING EXAMINER: There's two of
10 them. Okay. So then when did you say you need it?

11 MS. SHAHEEN: I can get that done by
12 tomorrow.

13 THE HEARING EXAMINER: Fantastic. So
14 then we'll set a deadline of October 4th, close of
15 business to receive your amended exhibit packet.
16 We'll remove the original to prevent any confusion for
17 the technical reviewers. And once you do that, this
18 case will be taken under advisement.

19 MS. SHAHEEN: Thank you.

20 THE HEARING EXAMINER: Thank you,
21 Ms. Shaheen. We're off the record in that case.

22 I'm now calling number 38 on our
23 docket, Permian Resources 24835. I'm also calling
24 24837, I guess two cases. Entries of appearance,
25 please.

1 MR. RANKIN: Good morning, Mr.
2 Examiner. Adam Rankin, appearing on behalf of the
3 applicant in these cases with the Santa Fe Office of
4 Holland & Hart.

5 THE HEARING EXAMINER: Are there any
6 other parties that you know of who have entered
7 appearances?

8 MR. RANKIN: Not that I know of.

9 THE HEARING EXAMINER: Please proceed.

10 MR. RANKIN: Mr. Examiner, in both of
11 these cases, Permian Resources is seeking a one-year
12 extension to the deadlines under the pooling orders to
13 allow them time to complete the obligations under the
14 subject orders. These are separate spacing units that
15 both target the Purple Sage Wolfcamp pool.

16 They are asking for additional time to
17 complete these wells under the deadlines because they
18 have recently acquired the interest from a prior
19 operator in a number of acres around these spacing
20 units and have been undertaking substantial efforts to
21 develop these acres, the offsetting acreage as well.

22 THE HEARING EXAMINER: So is that the
23 good cause?

24 MR. RANKIN: That's the good cause.
25 Yeah, it's laid out in the testimony of the landman

1 who has previously testified. So we filed the
2 application and the exhibit packets last week.

3 The exhibit packets include Exhibits A
4 through E, and these are identical, arranged the same
5 way for both sets. Exhibit A is the application.

6 (24835 Exhibit A was marked for
7 identification.)

8 (24837 Exhibit A was marked for
9 identification.)

10 Exhibit B is the original pooling order
11 for each case.

12 (24835 Exhibit B was marked for
13 identification.)

14 (24837 Exhibit B was marked for
15 identification.)

16 Exhibit C is the self-affirmed
17 statement of Mr. Colin Christian.

18 (24835 Exhibit C was marked for
19 identification.)

20 (24837 Exhibit C was marked for
21 identification.)

22 He's a landman, has been previously
23 testified before the Division, has credentials
24 accepted as a matter of record. Exhibit D is the
25 self-affirmed statement of notice.

1 (24835 Exhibit D was marked for
2 identification.)

3 (24837 Exhibit D was marked for
4 identification.)

5 And Exhibit E is the affidavit of
6 publication reflecting that we have provided notice to
7 every one of the pool parties subject to the pooling
8 orders in these cases.

9 (24835 Exhibit E was marked for
10 identification.)

11 (24837 Exhibit E was marked for
12 identification.)

13 Nobody has objected. No party has been
14 required to pay their share of costs yet under these
15 pooling orders. This is the first, in both cases, the
16 first request for an extension of time, and for that
17 reason we ask for these orders to be approved.

18 THE HEARING EXAMINER: And when was the
19 letter sent out?

20 The letters were sent out on September
21 13th in both cases.

22 THE HEARING EXAMINER: So it's today,
23 the 20th, then?

24 It is.

25 THE HEARING EXAMINER: Good Lord. And

1 when was it published?

2 The affidavit of publication reflects
3 that it was published -- one was published on
4 September 19th. Sorry, one moment. They both were
5 published on September 19th.

6 THE HEARING EXAMINER: Today's the
7 tenth day.

8 It is the tenth day.

9 THE HEARING EXAMINER: Okay, very good.
10 Are there any objections? Not hearing any, the
11 exhibits in both of these cases are admitted into
12 evidence.

13 (94835 Exhibit A through Exhibit E were
14 received into evidence.)

15 (94837 Exhibit A through Exhibit E were
16 received into evidence.)

17 THE HEARING EXAMINER: Mr. Lowe, do you
18 have questions on cases 24835, 24837?

19 THE TECHNICAL EXAMINER: I have no
20 questions --

21 THE HEARING EXAMINER: Very good.

22 Mr. Rankin, thank you. These cases are
23 taken under advisement.

24 MR. RANKIN: Thank you very much.

25 THE HEARING EXAMINER: All right.

1 Civitas Permian, case number 40 on our docket, 24836,
2 and 24838, which will finish our docket today.

3 MR. RODRIGUEZ: Good afternoon.
4 Michael Rodriguez on behalf of Civitas Permian
5 Operating LLC, and I'm unaware of any other parties.

6 THE HEARING EXAMINER: Thank you.
7 Please proceed.

8 MR. RODRIGUEZ: Thank you. So the
9 witnesses in both of these cases are the same, and
10 they've testified before the Division and qualified as
11 expert witnesses in their respective disciplines.

12 The Notice of Hearing letters were sent
13 out on September 13th. The Notice of Publication was
14 published on September 15th. And with that, I request
15 that the exhibits be admitted into the record and the
16 cases be taken under advisement.

17 THE HEARING EXAMINER: Thank you. Are
18 there any objections? Not hearing any, your exhibits
19 are admitted into evidence.

20 (24836 Exhibit A through Exhibit C were
21 received into evidence.)

22 (24838 Exhibit A through Exhibit C were
23 received into evidence.)

24 THE HEARING EXAMINER: I see you have
25 witnesses who just appeared on screen.

1 MR. RODRIGUEZ: Correct.

2 THE HEARING EXAMINER: Okay. Very
3 good.

4 Mr. Lowe, do you have any questions in
5 case number 24836 or 24838?

6 THE TECHNICAL EXAMINER: I have one
7 question. A few questions, actually.

8 THE HEARING EXAMINER: Okay. For the
9 landman or the geologist?

10 THE TECHNICAL EXAMINER: More than
11 likely, the landman.

12 THE HEARING EXAMINER: Okay. Who is
13 the landman?

14 MR. RODRIGUEZ: I think Chad Matney.

15 THE HEARING EXAMINER: Ah, very good.

16 Mr. Matney, would you state and spell
17 your name for the record, please?

18 MR. MATNEY: Yes, Chad, C-H-A-D, last
19 name, Matney, M-A-T-N-E-Y.

20 THE HEARING EXAMINER: Would you raise
21 your right hand, please?

22 //

23 //

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25 //

1 WHEREUPON,

2 CHAD MATNEY,

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: Thank you. And
7 you are qualified before this Division as a landman?

8 MR. MATNEY: I am.

9 THE HEARING EXAMINER: Thank you, sir.
10 Mr. Lowe?

11 THE TECHNICAL EXAMINER: Just a
12 clarification on your public noticing papers on this
13 case here. You indicated there's two parties that
14 you're trying to pool here; is that correct?

15 MR. MATNEY: There's two parties in one
16 case, and I think there's more than two in the other.

17 THE TECHNICAL EXAMINER: Okay. Well,
18 this pertains to 24836 right now.

19 MR. MATNEY: Yeah, just the two
20 parties.

21 THE TECHNICAL EXAMINER: Yes. On page
22 20 of the exhibits, it shows that the communication
23 with these pooling interests, you did not -- I don't
24 see any information indicating you had a reply
25 communication with the Ohio State University.

1 MR. MATNEY: That is correct. I did
2 not receive any questions or inquiries from them.

3 THE TECHNICAL EXAMINER: Okay. So they
4 never replied back to your attempt?

5 MR. MATNEY: They did not, no.

6 THE TECHNICAL EXAMINER: Okay. And
7 then you already answered my other question. This
8 case is combined to another case; right? Okay.

9 MR. MATNEY: Mm-hmm.

10 THE TECHNICAL EXAMINER: Thank you for
11 that clarification. Those are my questions. Thank
12 you, sir.

13 THE HEARING EXAMINER: Okay. Thank
14 you, Mr. Lowe.

15 Thank you, witnesses, for appearing
16 today. If there's nothing else in this case, we will
17 take it under advisement.

18 MR. RODRIGUEZ: Thank you.

19 THE HEARING EXAMINER: All right.
20 Thank you, Mr. Rodriguez. And we're off the record;
21 we're done with today's docket.

22 (Whereupon, at 11:56 a.m., the
23 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. October 17, 2024



JAMES COGSWELL

Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, SARAH COSTA, 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.

October 17, 2024



SARAH COSTA

&	158:23,25	13-12 147:1	165 9:5,7,9
& 3:5,7,8,10,18 16:6 48:10,19 73:1 79:8,16 87:1 93:17 102:4 113:25 114:2,8 122:4 134:13 169:18 192:4	159:15,23 162:15 184:17 189:20,21,22 191:7 107 182:4 10:45 130:3 10th 18:20,22 91:24 92:11,12 92:19,22	13354 151:14 139/140 7:12 7:14,16 13th 126:1 194:21 196:13 14 72:8,16 105:5 110:2 147:8 170:21 175:15	167 5:9 17 92:4 93:12 95:25 98:20 101:11 162:18 179:4 200:16 201:13 171 9:14,16,18 172 9:23,25 10:5
1	11 86:18 147:7 154:6	14-11 147:11	174 10:10,12,14
1 6:4,21 8:18 30:3,5,6 31:8,9 31:10 37:9 38:1,22 40:14 40:19 44:10,12 44:13,15 45:5 47:7 162:4,6 162:18 164:2 164:11 1,280 102:12 135:1 10 86:17 88:13 88:14 92:4 95:25 135:4 102 143:11 144:8 145:8 153:12 155:23 155:24 160:17 167:15 184:9 190:4 102s 132:12,16 143:14 144:9 151:18 156:5 156:10,13,19 158:15,17,19	115 7:4 32:10 32:20 34:12 37:16 42:5,9 45:19 115s 42:15 11:56 199:22 11th 159:10 161:4 178:16 179:1 12 86:18 146:23 153:11 154:6,7 160:5 167:11 1220 2:8 12th 16:21 17:5 17:17 20:23 21:6,19 49:8 50:15 181:15 182:10,11	140/140 7:15 7:17 142 5:5 147/148 7:22 8:10 148 29:18 35:1 148/148 7:24 8:5,12,14 14th 129:12 15 93:11 137:16 150 29:13,17 31:23 34:25 151 5:7 15th 37:3 44:5 196:14 16 93:12 116:21 184:9 162/164 8:18 8:19 163/164 8:20 8:21 164/164 8:22 8:24	176 10:19,21 11:5,7 179 11:12,14,19 11:21 17th 61:17 89:4 91:25 96:1,2 97:7 98:13,22 99:1,6,22 100:6 18 93:12 180 12:5,7 182 12:12,14,16 183 5:11 188 12:21,23,25 189 5:13 19 101:21 181:15 184:19 19.15.25.8 31:24 19.15.5.9a 31:25 193 13:4,5,7,13 13:14,16

<p>194 13:8,9,17 13:18 196 13:23,25 14:5,10,12,14 198 5:15 19th 52:20 92:10 98:5,7 98:24 99:1 163:23 182:14 188:1 195:4,5 1a 38:23 1b 38:24 1st 35:2 59:11</p>	<p>181:15,16 187:25 188:1 200:16 201:13 2025 24:1,3 20th 17:18,24 19:24 20:5,19 20:24 21:20,24 22:1 23:14 24:25 26:10,10 26:22 27:18,22 82:25 83:5 84:15 85:17 149:4 194:23</p>	<p>54:10 59:13 67:13 69:24 24185 1:14 47:16 50:10 52:7 60:18 67:18 68:14 24457 1:9 15:24 24459 1:9 24460 1:9 24462 1:10 24463 1:10 24528 1:19 113:22 118:9 24541 1:19 114:11 118:8 24585 1:15 70:19 72:17 24586 1:15 70:23 71:3 72:17 24678 1:14 47:18 51:18 54:10 59:13 67:13 24750 1:20 130:7 24754 1:20 7:10 133:22 139:13,17,21 140:3,8,21 24778 1:10 15:24 24779 1:10 15:24</p>	<p>24780 1:11 24781 1:11 24782 1:11 24783 1:11 24784 1:12 24785 1:12 24786 1:12 24787 1:12 24788 1:13 24789 1:13 24790 1:13 24795 1:20 7:20 8:3 146:2 146:5,20 147:21 148:4 148:11,16,21 154:4 159:15 24796 1:20 8:8 146:5,8 147:3 147:23 148:6 148:13,16,23 159:17 248 71:20 24801 1:13 6:3 28:9,18,19 31:10,17 32:12 32:16 33:1 35:5 36:1 39:9 39:12,16,20 40:19 24802 1:14 6:20 7:3 28:10 41:5 44:15 45:9,13,17,20 45:24 46:19</p>
2	<p>21 118:8 21st 76:6,10 77:5 78:1,15 82:25 83:6,7,8 84:25 85:5,13 97:21 98:2,9 98:15 99:22 100:14 101:1 141:9 22 130:5 162:3 22171 80:17 22172 80:18 22336 106:15 110:12 22337a 102:17 22338a 102:17 22339a 102:17 23 133:21 24 46:8 146:2 178:4 190:11 24184 1:14 47:18 51:13</p>		
<p>2 6:5,22 8:19 30:13,14 31:8 31:15,17 37:13 38:1,25 45:6,7 45:9 46:13,14 162:8,10,24 164:2 20 55:9,13 113:20 118:8 170:23 171:5,7 171:9 198:22 2009 137:24 2016 138:15 2021 42:6 2022 102:22 104:4 110:10 2024 2:2 80:25 165:16,17 170:20,21 173:22,23 175:16 179:5</p>			

[24802 - 30th]

47:7 24815 1:21 8:17 161:18 162:6,10 163:3 163:15 164:7 164:11 24817 1:21 9:3 164:24 165:18 165:23 166:1 24818 1:21 9:12 74:13,22 169:11 171:20 171:24 24819 1:21 9:21 10:3 169:11 171:20 172:1 24820 1:22 10:8 172:18 173:20,25 174:3 24821 1:22 10:17 174:11 174:14 176:17 24822 1:22 11:3 174:14,16 176:19 24823 1:22 11:10 178:4 179:2,6,21 24824 1:23 11:17 179:2,6 179:23 24825 1:23 12:3 178:25	179:3,6 180:1 24826 1:15,17 71:3,6 79:5,22 81:15 24827 1:15,17 71:3,7 79:6 81:12 24828 1:16 72:17 75:9 24829 1:16 71:19 72:17 75:10 24833 1:23 12:10 180:11 180:15 182:19 24834 1:23 12:19 187:12 188:7,10 24835 1:24 13:3 191:23 193:6,12,18 194:1,9 195:18 24836 1:24 13:21 14:3 196:1,20 197:5 198:18 24837 1:24 13:12 191:24 193:8,14,20 194:3,11 195:18 24838 1:24 14:8 196:2,22 197:5	24839 1:17 86:19 24840 1:17 24841 1:18 24843 1:16 72:5,18 24844 1:16 72:5,18 24845 1:18 93:13 24846 1:18 24847 1:18 24848 1:19 93:14 24849 1:19 101:22 25 42:3,17 46:11 135:4,4 156:21 178:4 2593 154:16 155:8 26 146:24 147:8 161:18 26th 52:5 56:23 67:16 27 117:7 162:3 164:24 27th 149:7 28 71:21,22 102:24 169:10 28760 201:14 28th 52:9,13,14 52:15 54:4,8,9 54:21	29 25:9,13,14 146:25 147:8 165:16 169:10 29th 80:15 141:17 2a 6:7,24 32:14 32:16 37:15 45:11,13 46:14 2b 6:8,25 32:24 33:1 37:15 45:15,17 2c 6:9 7:4 32:11 32:12 37:16 45:19,20 2d 7:5 37:17 45:22,24 46:14 2nd 16:11,20
3			
3 2:2 6:11 7:6 8:20 26:13 35:23 36:1 38:2,3,5 44:10 46:15,19 47:7 88:13 92:3,4 95:25 163:3 164:3 173:22 30 34:4 36:20 53:14 54:18 55:6,10,21,24 56:2,4,6,7,24 58:7 59:6,10 89:17 172:18 173:10 184:17 30th 163:17 181:18			

[31 - 9]

31 174:11 184:18 31/40 6:4,6 31st 17:1,12 19:10,13 20:8 23:11 49:11 50:7 51:10 53:22 54:10,22 55:1,7 57:1 59:3,9,13,25 67:12,20,24 68:7 69:9 70:8 70:10 111:20 112:10,12 113:2 129:7 32/40 6:7,10 32311 200:17 33 173:8 33/40 6:8 330 163:14 34 184:24 35 186:5,7 35/40 6:17 36 180:11 186:9 36/40 6:12 37 187:11 38 191:22 39/40 6:13,14 6:15 3rd 15:3 87:10 87:11 91:24 92:15 94:15,21 111:16	4	5.9a. 32:6 522h 147:2 523h 147:2 526h 147:11 527h 147:11 560h 147:11 563h 147:2 565h 147:12 571 155:7 571h 147:1 155:6 574h 147:2 576h 147:11 59 15:24 5th 17:18,19 20:10 21:20,25 22:3,6 25:16 25:20 52:17,19 64:7 85:16 87:20 91:18 97:13 98:3,6 98:25 99:4 101:6 175:15	7	
	4 8:21 30:3,5 30:14 39:5 40:14,19 72:16 162:3 163:14 163:15 40 86:19 196:1 40-24 1:9 41 86:19 157:21 414,00 35:4 423,000 35:16 43 75:21 44 75:21 44/47 6:21 45/47 6:23,24 6:25 7:4,5 46/47 7:7 47 155:17 156:6 48 137:18 480 146:22 147:6 4a 6:13 39:8,9 4b 6:14 39:11 39:12 4c 6:15 39:14 39:16 4d 6:16 35:4,5 39:18,20 4th 41:1 191:14		7 71:6 86:4 96:22 145:6 165:17 173:23 715h 163:8 717h 163:8 797 15:24 7th 17:21 23:14 26:15 55:7 58:14 61:19,20 64:7 84:14 90:23 91:16 97:4	
	5		8	
	5 8:22 41:1 72:16 162:3 164:7		8 71:17,19 72:16 8/21 141:6 80 15:24 105:5 81 15:25 819 74:13,22 82 15:25 825h 163:10 827h 163:10 84 51:16,18,19 85 51:25 86 51:16 87505 2:9 8:30 2:3 15:3 8th 90:23	
			6	9
			6 8:23 71:6 79:4 164:7,11 60 15:24 62 15:24 156:6 186:1 63 15:24 66,150 46:4 6773981 2:11 6th 22:6 25:19 25:20	9 71:19 72:16 135:4 170:20 170:22

[90 - advisement]

<p>90 15:25 94835 195:13 94837 195:15 96 159:15,24 96836 168:24 98220 143:6 9th 33:23 34:2 34:4 42:13 43:2 44:3</p>	<p>193:24 access 152:22 accomplished 55:8 account 125:14 138:2 accounted 125:12 accurate 200:9 201:5 achieve 59:24 acquired 80:2 82:4 192:18 acquisition 111:24 acre 102:12 135:1 146:22 147:6 acreage 17:14 21:17,18 51:11 77:13 102:15 105:3 107:1 109:10,12,14 109:16 110:9 122:5,6 126:13 176:2 179:11 192:21 acres 192:19,21 acting 113:10 action 23:3 200:12,16 201:8,12 actual 165:9 actually 21:15 50:22 51:9</p>	<p>52:9 54:23 58:8 103:7 110:23 116:9 126:24 141:12 146:5 168:15 178:25 181:5 184:18 190:12 197:7 adam 3:8 79:15 113:24 134:12 192:2 add 30:11 67:25 92:25 127:8 adding 133:8 addition 116:11 123:4 additional 15:16 121:10 122:15 176:5 177:5 192:16 additionally 176:4 address 37:5,7 37:7 65:24 107:14 127:16 addressed 121:12 127:16 adequately 121:12 140:7 adjudicate 127:19,20,21 adjust 72:15 adjusted 35:13</p>	<p>adjustments 115:2 administrator 41:21 admission 164:2 173:15 admit 29:22,25 30:3 40:14 163:25 admitted 40:17 44:10 47:6 139:7 140:11 140:20 147:18 148:1,15,19 159:24 164:5 164:10 165:17 165:22 171:23 173:24 174:2 176:14,16 178:13 179:5 179:20 182:17 188:2,6 195:11 196:15,19 advance 23:2 54:18 56:7,10 59:8 100:3 advances 58:8 advised 114:22 184:16 advisement 117:20 118:16 127:1 129:21 133:18 148:17 164:21 165:19 169:7 171:21</p>
a			
<p>a&d 138:18 a.m. 2:3 130:3 199:22 a1 7:13 139:15 139:17 a2 167:14,18 a4 186:10 abadie 3:10 48:10 79:8 114:8 ability 85:19 200:10 201:7 able 24:2 49:13 52:12 54:13,23 62:16 84:13 96:13 125:7 152:15,16 153:18 absolutely 191:5 accept 120:2 acceptable 190:6 accepted 136:2 162:13 187:23</p>			

[advisement - apologize]

<p>172:14 174:10 177:24 180:8 187:8 188:3 191:18 195:23 196:16 199:17 affect 119:18 119:19 affected 157:13 185:16 affidavit 7:15 7:16,17 8:19 8:20,21,22 13:9,18 29:12 29:16 31:6 36:3,6,10 37:19 38:9,10 38:23 39:6,23 39:24 43:6 44:18,20,23,24 46:16 52:10 58:14 60:25 64:24 65:12 85:10 112:16 112:17 113:3,7 130:6 139:19 139:25,25 140:2,5 141:16 146:14 162:25 163:6,14 164:3 164:4,4 194:5 195:2 affidavits 38:14 135:7 affirmed 7:21 7:23 8:4,9,11</p>	<p>8:13 9:4,6,8,13 9:15,17,22,24 10:4,9,11,13,18 10:20 11:4,6 11:11,13,18,20 12:4,6,11,13,15 12:20,22,24 13:6,15,22,24 14:4,9,11,13 193:16,25 afternoon 196:3 age 21:14 25:14 ago 67:4 80:17 96:23 106:1 118:2 138:18 138:22 agree 23:19 50:5 63:5 65:7 66:6 77:4 78:1 96:17 106:15 116:15 127:4 160:12,15 agreed 20:2 63:24 114:16 116:21 117:21 agreement 54:1 82:22 83:2 88:16 100:12 ah 51:15 56:16 72:6 94:24 114:3,10 115:20 166:20 174:15 197:15</p>	<p>ahead 31:4 56:1 90:12 175:6 albeit 22:10 allegation 42:15 allegations 33:14 34:11 36:6 alleged 31:22 allocation 114:17 allotted 155:20 allow 17:8 53:24 54:20 62:18,20 147:14 192:13 allowance 53:19 allowing 63:1 102:23 allows 63:3 98:9 alpha 79:5,9 80:18 81:22 82:7 83:16 84:9,12 alpha's 80:3 amend 92:25 amended 16:23 18:10,21 27:24 30:8,24 38:13 40:17,22 45:3 114:21 115:5,8 115:13,16,24</p>	<p>116:5,12 118:17 120:6 124:8 143:18 145:6 161:8 191:3,15 amendment 115:18 177:2 177:10 amount 18:5 24:4 anadarko 138:5 andrew 3:18 73:9 169:17 answer 66:1,19 126:9,10 156:25 157:15 answered 24:23 199:7 answers 60:22 158:11 anticipate 59:24 133:8 anticipating 57:24 anymore 67:8 anyway 60:14 88:11 107:21 api 132:4,9,10 132:25 apis 132:17 apologize 34:1 37:2 46:3 74:22 79:21 141:2</p>
--	---	--	--

[apparently - assume]

<p>apparently 104:1</p> <p>appeal 125:4</p> <p>appealed 125:6</p> <p>appealing 125:4</p> <p>appear 19:13 19:16 29:4 62:18 76:20</p> <p>appearance 16:1 28:11 47:19 72:19 73:23 74:20 75:3 79:6 86:19 93:14 101:22 106:2 130:8 133:23 146:2 172:23 181:23,25 182:2 191:24</p> <p>appearances 134:8 192:7</p> <p>appeared 79:22 87:1 94:19 196:25</p> <p>appearing 73:1 73:5 79:9,16 113:25 134:13 150:22 192:2 199:15</p> <p>appears 102:20</p> <p>applicable 187:1</p> <p>applicant 16:7 48:19 86:21</p>	<p>93:17 99:9 130:11 134:1 187:14 192:3</p> <p>applicants 114:1</p> <p>application 7:12 8:23 13:4 13:13 18:11 49:19 53:3,4 53:15,20 55:17 55:20,21 56:5 56:7,19,24 59:6 60:2,18 67:15 68:22,24 69:2,9 79:24 84:8 89:14 102:14,25 103:7 104:4 105:1,25 106:10 107:3 108:10,12 109:2,22,23 113:13 114:19 114:21 115:5,9 115:14,25 116:6,12 118:17 124:7 125:13,20,22 131:23 133:1 139:11 142:24 143:13 144:3,6 144:7,15 145:7 164:5 176:9,10 176:24 177:4 193:2,5</p>	<p>applications 7:13 16:23 18:22 49:10 51:7 65:3,6 73:25 74:4 75:21 77:21 87:14 88:14,15 89:20 90:13,22 91:6,8,11 92:24 95:11 97:12,24 101:4 114:15 119:1,3 119:6,22 120:6 120:7,24 121:6 122:24,25 123:24 124:4,4 124:8,8,9,22 126:5,12 127:22 139:16 158:16</p> <p>applies 146:20</p> <p>applying 147:4</p> <p>appreciate 17:23 57:13 113:5</p> <p>approach 17:6</p> <p>appropriate 20:5 129:1</p> <p>approval 130:21 147:13</p> <p>approved 132:4,10 194:17</p> <p>approving 53:15</p>	<p>approximately 25:6</p> <p>april 16:11,19 89:4,5</p> <p>area 49:12 123:25 124:1 124:12,15 154:22</p> <p>argue 128:12</p> <p>argument 22:18 119:9 120:1</p> <p>arranged 193:4</p> <p>asked 66:10 81:5 90:3 98:21 99:1,9 107:17 108:21 110:8 120:19 126:9,10 182:3</p> <p>asking 35:11 60:20 67:18 68:20 99:20,21 107:16 152:2 153:9 192:16</p> <p>assessing 77:11</p> <p>asset 138:1,4,8 138:18</p> <p>assets 138:2</p> <p>associate 132:11,17</p> <p>associates 3:18 169:18</p> <p>assume 125:4 140:18 159:20 159:22</p>
--	---	--	--

[assuming - beginning]

<p>assuming 53:25 57:9 64:23 161:4</p> <p>assurance 6:8 6:15,25 32:24 37:16 39:15 45:16</p> <p>attach 125:22</p> <p>attaches 148:9</p> <p>attachments 139:20 140:1</p> <p>attempt 199:4</p> <p>attendees 3:2 4:2</p> <p>attention 15:20 154:14</p> <p>attorney 131:14 156:21 166:5,7 183:3 200:14 201:10</p> <p>audio 200:8 201:3</p> <p>august 16:21 37:3 44:5 80:15,15 90:12 117:7 126:1 141:9,17 149:4 149:7 163:17 165:16</p> <p>authority 25:5</p> <p>automatically 61:2 63:15 64:10 66:4 89:14 98:3,25</p>	<p>availability 24:25 26:17</p> <p>available 20:3 25:4 26:22 84:14 87:18 95:24</p> <p>avant 47:21 49:1,17 52:4 57:22,23 67:14 70:20,22 72:21 73:25 76:5,7 76:14,15 101:21,24 103:4,7 104:1 105:5,12,13,16 105:25 106:3,5 106:12,25 107:10,25 108:17,19 109:1,16 110:23 111:23</p> <p>avant's 104:25 105:24 106:9 111:24</p> <p>avoid 92:18</p> <p>award 119:11</p> <p>awarded 77:12</p> <p>aware 22:21 35:18 87:6 122:3 151:23 161:23 187:17</p>	<p>10:11,20 11:1 11:6,13,20 12:1,6,13,22 13:1,5,14,24 14:1,11 41:16 139:25 140:3 147:25 148:4,6 179:21,23 180:1 193:10 193:12,14</p> <p>b2 7:16 139:19 139:21</p> <p>b6 135:10</p> <p>bachelor's 137:13</p> <p>back 16:11 20:14,15,15,22 21:8,18 22:9,9 23:17,17 24:7 34:24 43:5 58:10 63:12 67:12 71:5 91:1 99:18 102:22 107:21 109:1 117:7 123:22 126:2,3 130:4 199:4</p> <p>background 16:9,14 33:17 137:3 140:6</p> <p>backing 33:10 34:13</p> <p>backtrack 61:21</p>	<p>backwards 97:15</p> <p>bad 61:25 78:10</p> <p>bakken 138:10 138:10</p> <p>balance 23:16</p> <p>ball 58:8</p> <p>barely 154:24</p> <p>base 31:1</p> <p>baseball 88:8</p> <p>based 25:14 26:19,19 56:24 67:15 80:23 81:2 98:23 113:8,9 115:21 116:7,10 119:14 122:12 127:4 128:1,13 160:16</p> <p>bases 137:18</p> <p>basic 18:12</p> <p>basically 64:1 64:23 117:4</p> <p>basin 138:6,8 138:10,13,15 138:16</p> <p>basins 138:11</p> <p>basis 60:24 112:5 128:3</p> <p>beatty 180:17 180:25</p> <p>beginning 121:14,15,21</p>
	b		
	<p>b 3:12 6:1 7:1 7:15,23 8:1,11 9:6,15,24 10:1</p>		

[behalf - bruce]

<p>behalf 16:3 42:1 47:21,25 48:11,19 70:22 72:21 73:1,5 75:9 79:9,12 79:17 86:21 93:17,20 101:24 102:4 114:1,8 134:1 134:13,19 165:1 169:13 169:18,22 172:20 173:2 174:13,19 175:1 178:6 180:14 187:14 192:2 196:4 believe 17:6,16 41:11 51:14 71:3 72:3 80:1 81:12 82:10 84:7 112:13 115:8 124:3 125:25 126:11 126:18 127:15 132:5,24 144:23 151:16 153:19 166:6 167:10 168:9 168:15 185:19 188:19 benches 121:22 beneficial 125:10</p>	<p>bennet 56:22 113:4 bennett 3:16 16:2,3,12,18 17:3 18:14,18 19:1,4,8 20:2 20:25 21:1,3 23:22 25:22,23 25:25 28:4 47:20,21 48:4 48:6 50:20 51:8 52:2,3,15 54:4 57:3,5,9 60:8,11,22 61:15,23 62:5 62:9 63:25 64:2,5,13 66:1 66:7,12 68:5,6 68:7,13,18,21 68:24 70:15,21 70:22,25 72:2 72:20,21 75:25 76:3,15,18,25 77:7,9,16,19,22 78:21 80:9,9 93:19,20 94:3 94:5,8 95:1,4,8 95:13 97:2,7 97:19,20 98:21 99:12 100:17 101:13,14,23 101:24 102:6 104:12,14 105:4 106:16 107:5,9,23,24</p>	<p>108:5,16 110:25 111:2,8 111:11,18,19 111:22 112:15 112:18,21 113:1,14,17 bennett's 20:13 best 126:4 147:15 176:2 200:10 201:6 better 78:13 98:1 100:13 114:18 155:2 beyond 53:22 55:6 122:2 127:14 big 23:16 157:17 bigger 155:1 birthday 55:6 bit 34:25 60:14 80:17 84:2,21 125:11 137:20 blm 57:20 block 162:24 blue 157:5 board 125:23 bone 88:12 102:13 124:23 146:21 147:5 151:14 184:8 184:11,12,18 184:19 boundaries 81:21</p>	<p>box 157:4 brad 10:10 bradfute 3:5,5 7:17 133:24,25 133:25 134:4,6 134:23,24 135:13,22,25 139:6,9 140:12 140:19 141:1,5 141:11,15 142:8 143:10 143:17,19 144:2,5,9,13 145:5,12,21,22 break 128:8 breezing 175:22 brief 50:24 139:8 brine 81:2 bring 21:10 broad 142:25 broken 81:22 brought 20:22 21:4,6,11 50:1 63:7 83:3 108:19 122:20 130:19 bruce 3:11 72:4 75:16,17,18,22 77:7,25 78:1,6 78:9,13,22,23 79:1,3 161:19 161:19,22,23 161:25 162:1</p>
--	---	--	---

[bruce - case]

<p>163:20 164:1 164:20,22 174:24 175:1,5 175:7,10 bryant 41:12 43:10,12 building 2:7 bumped 61:23 burden 89:19 business 29:14 40:25 41:7 45:4 144:11 145:6 170:24 171:1 191:15</p>	<p>159:15,23 160:17 162:15 163:10 165:23 167:15 171:24 172:1 174:3 176:17,19 182:19 184:9 184:17 188:7 189:2,20,21,22 190:4 191:7 193:16,18,20 196:20,22 197:18 c1 141:4,5 calculator 6:17 7:5 35:3 37:17 39:19 45:23 calendar 129:17 171:10 171:11 call 15:15,23 29:7 71:3 72:17 called 1:6 25:11 27:21 49:7 52:6 53:25 60:18 74:18,22 74:24 88:1 114:11 136:22 138:14 142:16 151:5 167:5 183:12 189:7 198:3 calling 28:8 29:2 47:16</p>	<p>71:12 78:25 79:4 101:21 146:8 164:23 169:9 172:17 174:10,16 178:2 191:22 191:23 camera 150:11 166:19 183:8 cancel 100:10 cantin 9:16,25 canyon 151:14 capability 166:19 cards 148:9 care 105:19,20 carlsbad 81:2 81:21 carson 162:9 case 1:9 6:3,20 7:3,10,20 8:3,8 8:17 9:3,12,21 10:3,8,17 11:3 11:10,17 12:3 12:10,19 13:3 13:12,21 14:3 14:8 15:23 18:1 21:10 22:17 24:24 28:9,9,15 29:3 29:8,13 30:20 30:20,21 33:5 41:2,18 44:1 44:11 45:3 46:2 47:6,11</p>	<p>47:16 48:20 49:4,7,9,16 50:10,17 51:18 51:19 52:6 53:3,4 54:2 55:20 57:1 58:18 59:3 60:3,18 61:1,9 61:11 62:23 64:7,25 66:4,9 67:18,19,25 68:14 69:25 70:14,15,15,19 70:23 71:7,17 74:18,19 76:1 77:8 79:4,22 80:2 81:20 82:24 86:5 87:18 93:13 97:14,17 101:21 104:13 106:2,2 107:21 110:18,20 111:17,18 112:9 113:2,19 113:20 114:11 115:14 117:20 118:7 119:25 122:2 123:9 125:2,22 130:4 130:6,15 131:5 132:3,19 133:18,21 134:8,25 136:7 141:3,13,21</p>
c			
<p>c 3:1,10 4:1 7:4 7:17 8:4,13 9:8 9:17 10:4,13 12:15,24 13:6 13:15 14:4,13 15:1 32:10,20 34:12 37:16 42:5,9,15 45:19 132:12 132:16 136:12 140:5,8,22 143:11,14 144:8,9 145:8 148:11,13,21 148:23 149:12 151:18 153:12 155:23,24 156:5,10,13,19 158:15,16,18 158:23,25</p>			

[case - charts]

142:4 143:1,3 143:15 145:3 145:25 146:1 146:19 147:3 148:16 151:13 151:18,19 154:3,17 156:5 159:17,24 160:19,23 161:16 162:1 164:15,20 165:18,18 166:1 168:8,20 169:6,15 171:20 172:17 173:7,10,19,24 174:6,9,11,14 174:16 175:8 175:18 176:22 179:6,14 180:11 181:5 182:22 184:7 184:13 185:12 186:17 187:7 188:3,10 189:20,22 190:1,17 191:18,21 193:11 196:1 197:5 198:13 198:16 199:8,8 199:16 cases 15:15,21 16:9,10,16,16 16:19,20,21	17:4,11 18:1,9 19:9,12 20:9 20:11,14 21:14 21:15 22:15,21 23:1,10,17 25:11,15 27:21 28:8 47:15,17 49:15 51:11 52:11 53:7,17 53:24 57:16 58:6,15 59:19 59:20 60:4,25 61:13,17 62:14 62:21 64:22 67:12 68:3 70:4,13 71:1,6 71:12,23 72:15 72:17 74:15,24 75:4,9,19 76:4 76:4,6,13,14,15 76:20 77:10 78:19 79:21 80:10,13,16,23 81:1,1,9,12 84:1,4,6 85:4 86:16 87:2,8 87:21 92:22,25 93:13,25 94:4 95:17,18 98:14 99:7,15 100:13 100:15,24,24 101:1 105:8,10 114:2,4,9,13 118:15 120:2,8 120:9,14,16,17	120:21 127:3,5 127:19 128:11 128:18 129:21 129:22 134:15 144:16,21 147:12 148:17 148:20 149:12 159:14 165:7 170:5,19,20 171:21,23 172:13,21 174:25 176:5 176:15,16 177:24 178:3 178:15,18 179:4,14,19 180:4,8 191:24 192:3,11 194:8 194:15,21 195:11,18,22 196:9,16 catalyst 23:3 cause 175:19 175:20,24 176:23 177:13 179:8,9 192:23 192:24 caveat 40:17 47:6 65:11 centered 138:8 central 41:11 41:19 156:3 certain 124:11 certainly 20:18 22:16 53:23	59:20 62:13 91:1,12,13 112:24,24 125:8 certificate 200:1 201:1 certified 6:11 7:6 38:5 46:17 116:13 certify 200:4 201:2 cetera 162:23 chad 4:3 5:14 13:23 14:10 197:14,18 198:2 chakalian 2:4 15:5 chance 126:25 173:5 175:4 change 40:3,3 43:18,18,21 58:4 69:1 115:16 123:8 124:6 142:3 changed 69:11 123:3 changes 17:9 68:16,22 69:4 175:25 177:10 179:12 charge 43:24 charles 10:12 charts 185:24
--	---	---	--

[check - competing]

<p>check 20:2 21:21 22:1 69:7 89:20,25 92:8 181:20 checking 21:22 checklist 7:12 8:18 139:12 142:25 143:13 144:6,8,15 162:5 164:2 184:7 186:23 chemistry 137:14 chino 2:7 chopping 125:15 chris 9:16,25 12:14 christian 13:7 13:16 193:17 christy 3:12 28:12 cimarex 48:11 48:12 114:9 119:12 121:13 121:18 122:8 123:15 circumstance 57:11 96:18 97:16 160:18 circumstances 24:15 57:7 63:20 cited 179:8</p>	<p>city 81:21 civil 6:16 7:5 34:20 35:3,13 35:15 37:17 39:19 45:22 46:2 civitas 3:19 86:18,21 88:14 90:12 196:1,4 clarification 131:8,21 143:17 144:14 157:19,20 158:10 177:1 184:24 185:23 186:20,22 198:12 199:11 clarified 143:25 clarifies 143:8 156:18 clarify 97:2 142:23 144:5 151:12 168:5 190:19 clean 81:23 84:2 cleanup 125:11 clear 63:18 121:6 145:14 clearly 126:10 client 20:16 82:2 84:20,20 89:21,24 96:14 99:6 108:8</p>	<p>110:2,8 113:10 132:20 client's 88:25 103:11 111:9 clients 92:8 clinton 3:18 73:9,9,12,17,19 74:7,8,12,16,21 75:1 169:17,17 169:21,25 170:1,10,11,15 close 40:25 45:4 144:11 145:6 163:24 191:14 closed 127:5 coach 88:8 cobble 125:18 code 114:24 115:17 144:3 144:17 145:1 151:14 186:24 187:1 codes 119:15 186:25 cog 47:25 134:6 134:13 180:11 180:15 cogswell 2:10 200:2,18 colin 193:17 collen 162:9 collin 13:7,16 color 23:23</p>	<p>combined 199:8 come 15:20 55:10 96:12 99:18 100:12 104:22,24 123:22 comes 84:3 137:20 commence 177:8 comments 123:11 commitment 25:12 26:10 committed 105:5 communication 33:20 198:22 198:25 companies 107:16 company 41:7 41:22,25 75:19 114:9 175:2 company's 80:4 compare 184:17 compelling 22:18 compete 52:6 competing 16:16 22:21 49:10,16,19,19</p>
--	--	--	---

[competing - contested]

<p>51:1,7,9,19 53:2,3 56:24 60:17 67:14 73:24 74:4 75:21 76:24 77:9,21 79:24 80:25 88:1 90:6,22 91:8 92:24 94:9,21 95:10,21 97:23 99:17 101:4 103:15 114:15 118:25 119:3,6 120:24 121:5,9 127:21 complainant 28:9 complete 156:2 192:13,17 complex 163:9 complexity 125:8 compliance 31:24 32:1,5,8 compliant 32:6 42:4 complied 117:8 comply 117:12 comprised 146:23 147:6 compulsory 7:11 87:14 93:13 113:12 119:11 120:24 123:24 128:5</p>	<p>139:11 184:7 185:12,17,17 computer 135:14,17,20 152:21 160:7 concern 19:24 21:12 22:7,7 22:14 103:12 104:2 107:14 108:14 152:17 concerns 66:20 104:16 106:4,7 111:9,9,15 116:7 concho 47:25 134:7,14 concluded 199:23 condone 122:18 confer 126:2 conference 16:22 17:3,7,8 17:17 19:10,18 20:7 21:9 49:7 49:11 50:7 51:11 52:10 58:16,19,22 59:15,25 61:18 62:23 63:16,22 65:24 66:14 68:8 76:6,10 76:13,19 77:5 78:2,16 82:25 84:19 85:5,9</p>	<p>88:23 90:1 91:2 95:16 97:22 98:4,9 98:10,14 99:20 100:14 101:2 103:22 111:20 112:10 113:3 conferences 61:1 62:15 conferred 116:11 conferring 50:3 confirm 20:8 48:22 50:21 144:21 confirmed 107:10,11 confirming 107:25 172:25 conform 45:4 confused 76:12 89:6 confusing 30:12 60:14 67:3 confusion 61:16 62:1 109:25 123:19 127:13,15 168:6 191:16 connecting 135:14 consequences 122:20</p>	<p>conservation 1:3,6 3:12,13 3:14 15:4 28:13 29:21 consider 26:12 consideration 80:21 considering 1:8 consolidate 60:4 147:14 consolidated 120:8 146:6 constructive 165:10 consult 159:5 consulting 3:5 133:25 cont'd 4:1,2 7:1 7:3 8:1,3 9:1 10:1,3 11:1 12:1 13:1 14:1 14:3 contact 41:20 43:15 132:19 contain 135:7 contains 140:5 154:23 162:14 162:22 163:5 contemplating 65:2 contested 16:15 17:25 18:1,19 18:22 25:10,18 26:23,25 27:22 50:4 52:18</p>
---	---	--	--

[contested - dana]

<p>53:17 54:2 57:6 60:4 61:2 61:12,13 62:21 63:16 68:3 77:10 84:23 87:18 88:21 90:4,24 91:12 91:14,20,23 95:23 96:8 97:14,17 98:6 98:13,16,18,20 99:2,9 100:2 100:10,15 101:11 108:1 116:4 125:2 context 66:13 continuances 66:5 continue 67:19 71:14 85:4 100:23,25 113:1 continued 50:14 58:24 78:15 130:16 continues 122:1 continuing 121:14 contract 21:15 41:11 contraction 116:8 contradictory 105:11</p>	<p>conversations 90:8 converse 66:10 convert 85:9 112:16 cooperated 116:11,12 copies 15:18 copy 139:15 corral 151:13 correct 16:12 19:9 25:17 33:12 39:23 53:5 54:17 55:2 58:3 59:22 64:16 69:8 71:13 75:13 82:10,12 103:19 110:2,8 115:1,7 116:3 116:24 117:1 137:10 146:16 149:9,10 150:25 151:15 158:8,15,23 161:7 172:19 177:17 182:7 182:11 185:10 185:13 186:17 186:18 190:13 197:1 198:14 199:1 corrected 115:23 143:11 144:3 159:15</p>	<p>correcting 114:12 145:7 correction 39:25 correlative 176:3 costa 201:2,15 costs 130:22,22 194:14 counsel 200:11 200:14 201:7 201:10 county 135:5 146:25 147:9 couple 15:15 20:6,10,20 57:3 140:23 148:25 159:7 course 19:12 92:9 127:9 128:11,16 court 125:7,9 cover 30:13,25 88:12 135:3 145:10 161:8 191:3 covers 39:7 cracks 126:20 created 118:22 128:2,2 creates 119:8 123:25 creating 126:15 creation 114:14 121:8 127:6,20</p>	<p>credentials 136:2 162:13 187:23 193:23 cretaceous 138:9 critical 165:6 crosby 10:12 cross 163:6 cured 118:12 curious 52:19 132:1 current 105:1 106:9 115:9 currently 19:9 29:18 102:25 189:21 curriculum 31:9,13 37:10 44:14 curry 9:14,23 10:19 11:5,12 11:19 12:5 175:12 178:12 curry's 176:12 cv 6:4,21 45:5 cx 5:3</p>
			d
			<p>d 5:1 13:8,17 15:1 166:23,24 193:24 194:1,3 197:18 dana 3:4 8:5,14 9:9,18 10:5,14 10:21 11:7,14 11:21 12:7,16</p>

[**darin - different**]

<p>darin 3:10 48:10 79:8 114:8</p> <p>date 2:2 16:17 17:23 18:13 19:25 20:5 23:3 25:10,13 26:6,25 50:4 54:14 56:8,11 59:19,21 60:5 83:1 84:16,23 90:4 91:19 96:22 98:6 99:22,23 111:4 140:25 141:6,9 141:11 149:2,6 149:19 162:17 163:22 165:9</p> <p>dates 17:19 19:21 25:6 27:17 91:22 92:2,6 95:24 99:2 117:11 129:18 165:8</p> <p>day 17:12 20:13 55:21,24 56:2,6,24 58:7 59:10 84:13 89:17 130:17 163:23 170:23 171:1 195:7,8</p> <p>days 34:5 36:20 53:14 54:18 55:7,10,10,12 55:13 56:4,7,9</p>	<p>59:6 159:7 170:24 171:6,7 171:10,11</p> <p>dba 6:5,22 41:24 43:15</p> <p>deadline 63:13 129:8 191:14</p> <p>deadlines 192:12,17</p> <p>deal 121:1 122:22 128:17</p> <p>dealing 114:17 137:25</p> <p>dean 114:22</p> <p>deana 3:16 16:3 47:21 70:22 72:21 93:20 101:24</p> <p>december 52:13,17,19,20 61:24,24 84:23 86:4 87:23 88:17,19 91:15 91:18,23,24 92:2,6,21 95:23 97:13 98:3,4,6,7,13 98:20,22,24,25 99:1,2,4,10 100:6 101:6,11</p> <p>decide 128:4</p> <p>decided 116:17 120:20</p> <p>decision 26:18 26:19 52:25</p>	<p>128:13</p> <p>dedicate 147:1 147:10</p> <p>definitely 112:4 144:10 145:1</p> <p>degree 137:13 137:15</p> <p>delaware 138:15,16</p> <p>delay 22:24,24 22:24 24:2 53:20 99:21 104:2 122:1,8 122:18</p> <p>delays 122:7</p> <p>demonstrated 123:5</p> <p>denied 119:5 127:22,23,24 128:1</p> <p>denying 121:5</p> <p>department 1:2 2:6</p> <p>depend 88:20</p> <p>depending 24:14 85:14</p> <p>depicts 157:8</p> <p>depth 163:12</p> <p>description 6:2 6:19 7:2,9,19 8:2,7,16 9:2,11 9:20 10:2,7,16 11:2,9,16 12:2 12:9,18 13:2 13:11,20 14:2</p>	<p>14:7</p> <p>designed 121:15</p> <p>detailed 68:22</p> <p>determine 49:20 145:2</p> <p>develop 138:1 176:1 179:11 192:21</p> <p>developed 80:20 121:22</p> <p>developing 122:4</p> <p>development 17:10 103:13 104:3 105:14 105:21 106:9 107:2,8,11 118:23 119:16 119:20 121:9 121:10,19 122:16 127:24 135:2 138:3,8 176:1 177:11 179:12</p> <p>devon 137:24 138:22,24</p> <p>difference 20:21 22:10 23:14,16 101:7</p> <p>different 20:17 20:18 29:20 55:24 90:2 105:14,21 107:1,2,12</p>
---	--	--	--

[different - dockets]

<p>119:25 120:13 121:18 137:25 185:20 differently 152:13,25 difficult 87:22 difficulties 81:20 digital 200:8 201:3 diligence 81:23 113:9 directed 116:6 directing 141:25 154:14 154:19,20 167:9 direction 116:10 121:7 122:13 directly 132:22 director 113:11 disagree 23:19 63:6 124:16 disciplines 196:11 discovered 40:4 80:13 81:10 discretion 120:5 discuss 83:22 90:19 97:22 98:9 99:25 128:15</p>	<p>discussed 116:4 discusses 127:6 discussing 108:3 discussion 109:19 111:10 126:4 discussions 18:20 27:15 76:8,8 89:12 89:17,18 90:9 90:25 97:24 99:14 108:15 108:17 115:24 dismiss 23:1 69:10 105:16 107:13 dismissals 19:12 dismissed 16:21 103:9 104:5 106:1 109:2,3 dismissing 69:24 distinguish 144:25 district 125:6,9 dividing 52:21 division 1:3,7 3:12,13,15 15:4 17:17,20 23:9 24:24 25:5 28:8,13 29:21 43:20</p>	<p>56:4 63:1 66:25 67:23 77:11,19 79:15 89:19 91:10 99:19 100:1 106:23,24 107:17 113:24 115:4,10,22 116:6,18 117:19 118:16 119:5,7,8,9 120:13 121:6 122:3,9,13,18 123:25 128:3,4 135:10 136:2 139:5 147:19 148:2 150:24 162:13 163:2 171:15 175:14 178:14 181:4 183:24 187:22 189:12 193:23 196:10 198:7 division's 23:21 69:1 123:9 docket 1:8 6:12 7:7 15:4,16,17 15:19 17:1,21 19:10,14 23:11 25:18 27:22 28:8 47:18 49:17 52:16 53:23,23,25 54:10,13,18,24 57:1 58:20,23</p>	<p>58:24,25 60:19 60:20,24,25 61:3,4,6,8,9,18 61:24 62:14,15 62:22 63:2 64:22,25 65:3 65:6,17,18,19 65:22,24 66:5 66:24,24 71:1 71:6,14 72:8 76:5,21 79:5 83:1,6 84:18 84:25 85:5,15 86:4,18 87:18 88:18,19 90:23 91:6 94:19 95:22 97:13 99:5,23 100:14 101:1,5,6,22 113:2,21 118:8 130:5,16 133:22 146:2 153:6 161:18 164:24 169:10 169:11 172:18 173:6 174:11 181:21 187:11 191:23 196:1,2 199:21 docket's 92:10 docketing 38:4 46:22 dockets 52:21 67:5 85:19</p>
---	---	--	---

<p>document 31:1 36:21 44:5 51:10 140:7 153:19 154:13</p> <p>documents 46:4 132:12</p> <p>doing 29:14 41:7 65:2 100:16 122:1 138:18 161:9 191:4</p> <p>donkey 106:6</p> <p>draw 122:11</p> <p>drawback 100:16</p> <p>drawn 128:14</p> <p>drew 3:23 5:8 9:5 166:11,14 166:23 167:4</p> <p>drill 24:10,12 102:20,23 122:6</p> <p>drilled 132:24</p> <p>drilling 177:8</p> <p>driving 152:7 153:21,23</p> <p>due 18:20 24:2 69:11 81:23 113:9</p> <p>duly 136:22 142:16 151:5 167:5 183:12 189:7 198:3 200:5</p>	<p>dune 57:21</p> <p>dunn 10:10</p> <p>dx 5:3</p> <hr/> <p style="text-align: center;">e</p> <hr/> <p>e 3:1,1 4:1,1 5:1 6:1 7:1 8:1 10:1 11:1 12:1 13:1,9,18 14:1 15:1,1 28:25 41:16 136:12 136:13,13,17 136:17 166:23 183:21 193:4 194:5,9,11 195:13,15 197:19</p> <p>e.g.l. 27:9 47:17 48:16 49:8 57:12,17,17,18 57:25 58:1,4 68:9 69:18 72:4 75:18 76:4,13,20</p> <p>e.g.l.'s 74:1</p> <p>eagle 79:13 82:20,23 84:9 86:13</p> <p>eagle's 83:10</p> <p>earlier 80:13 96:13 104:15 112:6</p> <p>earliest 52:8,12 52:16 87:17,22</p> <p>early 58:12 95:5,15</p>	<p>easier 67:22</p> <p>east 135:4 138:6 146:25 147:7,8 162:4</p> <p>easy 149:21 169:2</p> <p>economic 147:16</p> <p>eddy 135:5 146:25 147:9</p> <p>edge 151:22 155:18 156:6</p> <p>education 137:3,12</p> <p>efes 162:23</p> <p>effect 27:24 33:4 116:19</p> <p>efficiency 63:1</p> <p>effort 49:14</p> <p>efforts 192:20</p> <p>either 25:21 28:15,15 51:16 62:16 63:7 65:16 88:18 91:15 95:1 99:15 119:11 119:11 153:2 176:23 183:2</p> <p>elect 142:3</p> <p>email 37:6 104:15</p> <p>emailed 107:9</p> <p>emails 35:24 36:23</p>	<p>emissions 147:15</p> <p>empathize 22:16</p> <p>employed 200:11,14 201:8,11</p> <p>employee 200:13 201:10</p> <p>encompass 18:10</p> <p>encompassed 123:24</p> <p>encompasses 124:19</p> <p>encroaching 151:21 155:19</p> <p>endeavor 80:19</p> <p>energy 1:2 2:5 15:22 16:4,10 16:19,24 17:10 17:13,22 18:3 21:21,23 22:2 22:20,23 23:25 24:9,16 26:13 48:11 73:5 79:5,9 93:21 94:8 96:19 98:22 99:18 101:3 114:9 137:24 138:22 138:24 165:1</p> <p>engineer 159:6</p> <p>entered 17:5 74:19 106:1</p>
---	---	---	---

[entered - examiner]

<p>134:7 171:18 171:20 172:23 174:24 192:6 enters 63:23 entire 120:3 entirely 111:3,5 entities 186:2 entries 16:1 28:11 47:19 72:19 73:23 75:3 79:6 86:19 93:14 101:22 130:8 133:23 146:2 191:24 entry 181:23,24 182:2 environmental 147:16 eog 3:9 75:9 134:7,19 169:23 173:3 174:19 erica 3:21 5:4 135:8,24,25 136:11 142:15 es 5:3 200:4 escudilla 41:7 41:24 essentially 53:18 107:14 et 162:23 eval 138:19 evaluate 99:17</p>	<p>evaluating 80:3 evaluation 138:19 evd 6:2,19 7:2,9 7:19 8:2,7,16 9:2,11,20 10:2 10:7,16 11:2,9 11:16 12:2,9 12:18 13:2,11 13:20 14:2,7 event 105:12 eventually 109:3 everybody 123:6,9 125:23 evidence 40:20 47:8 117:5 119:10 120:3 120:16 121:10 127:6 128:6 140:20,22 148:20,22,24 159:24 163:25 164:10,12 165:22,24 171:23,25 172:2 174:4 176:14,18,20 179:20,22,24 180:2 182:18 182:20 188:6,8 195:12,14,16 196:19,21,23 evidenced 32:10 35:4</p>	<p>36:22 evidentiary 128:10 exact 21:18 155:23 exactly 20:8 103:11 125:24 examination 109:7 examined 136:24 142:18 151:7 167:7 183:14 189:9 198:5 examiner 2:4 3:14 5:5,7,9,11 5:13,15 15:2,5 15:6,8,10,14 16:3,6,8,13 17:2,6 18:7,16 18:24 19:2,5,7 20:25 21:1 22:8,13 23:4 23:18 24:22,25 25:7,24 26:1,6 26:9,16 27:1,5 27:7,10,12,20 28:1,5,14,21,23 29:1,5,9,11,23 30:4,7,16,19,22 31:3,12,14,21 32:2,7,18,21 33:3,13,16,21 33:24 34:3,7 34:10,15,18,21</p>	<p>34:23 35:7,14 35:17,20 36:5 36:9,13,17,25 37:4,8,12,18,22 37:25 38:8,12 38:16,19,22 39:3,22 40:5,9 40:12,15,21,24 41:4,8,14,17,23 42:7,10,14,18 42:21,24 43:3 43:8,11,14,19 43:23 44:2,8 44:11,17,22 45:2 46:1,5,12 46:21 47:1,4 47:10,13,21,23 48:1,4,7,10,12 48:15,21,25 49:3,22,25 50:9,13,17,19 50:23 51:2,5 51:12,15,17,21 51:24 52:3,14 52:23 53:6,9 53:11 54:3,7 54:15,19,25 55:4,9,14,18 56:1,9,13,16,20 57:4,8 59:1,7 59:12,16,18,23 60:6,8,9,12 61:5,22 62:3 62:11,24 63:6 63:24 64:4,11</p>
--	---	---	---

[examiner - examiner]

64:14,17 65:7	89:6,10,13	119:2,23	146:7,10,12,13
65:10,11,14	90:3,10,14,17	120:10 121:4	146:17 148:18
66:6,11,15,19	90:20 91:4,17	122:17,23	148:25 149:3,5
66:22 67:2,7	91:21 92:1,5	123:10,17,21	149:8,10,15,20
67:11 68:2,5,6	92:12,17,20	124:11,14	149:25 150:2,4
68:11,15,19,23	93:3,7,10,16,18	126:2,8,21	150:6,10,13,15
69:5,13,15,18	93:20,22 94:2	127:9,11,25	150:18,21
69:21,23 70:3	94:6,11,16,20	128:21 129:2,6	151:1,8,11,17
70:6,9,12,18,22	94:24 95:3,7,9	129:10,12,15	152:1,8,12,19
70:24 71:2,8	95:14,25 96:3	129:20,25	153:1,7,10,13
71:11,15,18,21	96:6,21 97:5,8	130:3,9,12,21	153:15,22
71:24 72:6,9	97:18,21 98:11	130:25 131:3,6	154:5,9,12,15
72:14,21,23,25	99:3 100:4,18	131:10,13,18	154:18 155:4,7
73:3,6,11,15,21	100:21 101:15	131:20,25	155:10,13,16
74:3,6,10,14,17	101:19,24	132:7,14 133:3	156:4,9,17
74:23 75:2,5,7	102:1,3,5,9	133:6,10,12,14	157:12,18
75:11,14,17,20	103:18 104:7	133:17,20,24	158:6,9,12,18
75:23 76:3,11	104:10,14	134:3,6,9,11,16	158:20 159:3,8
76:17,22 77:1	105:2 106:11	134:19,21,25	159:12,16,18
77:6,14,18,20	106:18 107:6	135:12,23	159:19,21
77:23 78:3,7	107:15 108:4,8	136:4,14,18,25	160:4,8,10,11
78:12,18,22,24	109:5,9,13	137:8,11,19	160:13,15,20
79:1,2,8,10,12	110:1,6,11,14	138:20 139:2	160:24 161:1,7
79:15,18,23	110:16,21,25	139:10 140:10	161:12,15,19
80:1,5,8,22	111:6,13,21	140:12,13,16	161:21,24
81:4,8,14,17,25	112:7,12,14,19	140:23 141:4,8	162:1 163:20
82:6,9,13,17,19	112:22,25	141:14,18,22	164:9,13,16,18
83:3,8,14,17,20	113:6,15,18,24	141:23,24	164:23 165:2,5
83:23 84:17	114:3,7,8,10	142:2,5,9,12,19	165:20,25
85:3,12,13,18	115:3,7,11,15	142:22 143:7,9	166:2,4,6,8,12
85:21,25 86:2	115:20 116:1,3	143:12,16,20	166:16,20,25
86:8,12,15,23	116:15,25	143:23 144:1,7	167:8,10,12,16
86:25 87:3,7	117:2,18,21,23	144:12,23	167:20,22,25
87:11,13,19	117:25 118:4,6	145:4,13,16,18	168:2,4,17
88:2,5,9,24	118:10,14	145:23,24	169:1,3,9,14,20

[examiner - exhibits]

169:24 170:3,6 170:8,13,16,22 170:25 171:3,7 171:9,12,17,22 172:3,5,7,9,11 172:16,22 173:1,4,9,13,14 173:17 174:1,5 174:7,9,12,15 174:18,22 175:3,6,9,17 176:8,13,21,25 177:9,14,18,20 177:23 178:2,7 178:11,17,20 179:7,13,18 180:3,5,7,10,13 180:16,20,24 181:17,22 182:1,7,8,9,12 182:15,21,23 182:24,25 183:2,4,7,15,18 183:22 184:1,3 184:5,21 185:2 185:9,11,15 186:4,11,15,19 187:2,5,10,15 187:18 188:4 188:11,13,15 188:16,20,22 188:24 189:3 189:10,14,16 189:19 190:2,7 190:15,18,22	190:25 191:6,9 191:13,20 192:2,5,9,10,22 194:18,22,25 195:6,9,17,19 195:21,25 196:6,17,24 197:2,6,8,10,12 197:15,20 198:6,9,11,17 198:21 199:3,6 199:10,13,19 examiners 25:4 85:23 126:3 example 61:16 124:21 127:14 excellent 92:1 93:4 118:14 exception 53:16 54:20 55:19,23 56:14 56:25 57:5 58:6 127:6 exceptional 63:20 exchange 89:23 excuse 30:7 64:8 99:22 100:24 106:9 111:7 139:3 exhibit 6:4,5,7 6:8,9,11,13,14 6:15,16,21,22 6:24,25 7:4,5,6 7:11,13,15,16	7:17,21,23 8:4 8:9,11,13,18,19 8:20,21,22,23 9:4,6,8,13,15 9:17,22,24 10:4,9,11,13,18 10:20 11:4,6 11:11,13,18,20 12:4,6,11,13,15 12:20,22,24 13:4,5,6,8,9,13 13:14,15,17,18 13:22,24 14:4 14:9,11,13 30:6,13,14,14 30:17,24 31:8 31:9,10,15,17 32:12,16 33:1 35:4,5,23 36:1 37:9,13,15,23 38:1,1,2,3,5,9 38:11,13,22,25 39:1,5,9,12,16 39:20 40:18,22 44:12,13,15,18 44:23,25 45:3 45:5,6,7,9,11 45:13,17,20,24 46:13,15,19,25 47:7,7 117:6,9 132:8 135:10 139:10,11,13 139:15,17,19 139:21,25 140:3,5,8,21,22	141:4 142:7,24 143:18 145:7 145:11 147:17 147:21,23,25 148:4,6,11,13 148:21,21,23 148:23 149:12 149:17 151:19 153:8 157:20 158:15 159:22 161:8 162:4,6 162:8,10,19 163:3,14,15 164:7,7,11,11 165:23,23 167:9,11,13,14 167:18 171:24 171:24 172:1,1 174:3,3 176:17 176:17,19,19 179:21,21,23 179:23 180:1,1 182:4,19,19 185:3 186:1,10 188:7,7 191:3 191:15 193:2,3 193:5,6,8,10,12 193:14,16,18 193:20,24 194:1,3,5,9,11 195:13,13,15 195:15 196:20 196:20,22,22 exhibits 9:1 29:17,22,24
---	--	---	--

[exhibits - feldewert]

<p>30:3 31:4,7,8 37:21 38:13,14 38:17 39:4 40:10,14,16,19 44:7,10,20 46:15 47:2,5 92:15 104:18 110:5,5 122:16 130:20 132:6 135:6 139:7,8 139:23 140:19 147:20 148:3 148:15,19 152:4,10,14,21 156:21,22 157:22,25 162:25 164:2 165:17,21 168:20 170:4 171:18,19,23 173:6,12,24 174:20 176:14 176:15 179:5 179:19 182:17 184:25 188:2,5 190:11 193:3 195:11 196:15 196:18 198:22 exigent 57:7,10 existing 69:10 88:13 102:15 103:1,3,9,13,23 104:3 108:11 108:13,24 122:13</p>	<p>exists 175:24 expansion 116:8 expect 78:14 113:8 expedited 53:19 57:13 experience 137:16,21 expert 136:6 139:4 147:19 150:23 175:13 178:13 183:23 189:11 196:11 expertise 137:4 experts 165:8 165:14 171:14 173:21 181:4 187:23 expiration 17:13,25 19:19 19:21 20:21 21:4,7 23:11 23:24 24:21 26:13 expirations 23:21 expire 24:1,8 102:24 103:16 103:16,23 expired 109:24 explain 33:8 104:16 126:23 161:9 191:4</p>	<p>exploitation 138:4 expressed 125:3 expressly 122:15 extended 108:25 extends 81:20 extension 13:4 13:13 24:3 81:5 102:19 107:4 110:17 111:23 156:1 175:19,21,24 177:7,13,15,15 179:10 192:12 194:16 extensions 106:23 179:17 extensive 103:8 extent 34:11,16 108:9 124:17 124:25</p> <hr/> <p style="text-align: center;">f</p> <hr/> <p>facilities 147:14 fact 20:1 26:12 26:20 36:10 62:13 115:8 122:14 123:10 failed 32:9 36:19 42:5 fall 126:19 184:16,18</p>	<p>falls 184:19 famous 88:7 fane 3:17 79:12 130:10 187:14 fantastic 170:8 191:13 far 16:11 29:15 116:16 168:11 168:22 fault 190:3 fe 2:9 48:18 72:25 79:16 86:25 93:16 102:3 113:25 130:10 134:12 187:13 192:3 fedcom 147:1 147:11 feel 88:21 90:2 128:10 feels 57:10 feet 151:24,25 155:17,20,21 156:3,6 163:14 feldewert 16:5 16:6 18:8 19:5 19:6,8 22:17 23:5,6 26:3,5,8 27:4,6,9,11,14 28:3 48:17,18 48:22,24 49:2 49:4,6,23 50:6 50:11,15,16,18 50:20,24 51:4 51:6,14,16,20</p>
--	---	---	--

[feldewert - finegan]

51:23 52:25	102:2,3,6,8,10	64:12 65:2	193:1
53:5,8,10,12	103:19 104:9	66:4 79:19,24	files 54:4 67:14
54:5,12,17,23	104:15 105:6	87:8 89:14	filing 16:23
55:2,5,12,16,24	106:14,19	91:11,15 92:15	34:12 53:2,15
56:2,11,15,17	107:22 108:3,6	92:23,24 93:24	53:19 54:14
56:25 57:10	108:9 109:7,11	95:21 97:12	55:19 63:12,13
58:3 59:4,8,14	109:15 110:4,7	98:24 102:20	90:22 91:8
59:17,22 60:1	110:13,15,19	104:21 105:25	116:5,11
62:4,7,9,12,25	110:22 112:2	107:16 110:20	144:17 145:11
64:1,12,16	112:24	113:8 114:19	145:14 162:18
66:17,18,21,23	feldewert's	121:7 122:15	181:18
67:6,17,22	21:12 22:5	126:22,22	final 17:8 23:6
68:4 69:5,6,14	111:9	128:9,23 133:1	finally 22:4
69:17,20,22	feldwert 3:7	145:6 161:8	115:21
70:1,5,7,11,17	fields 165:15	filed 16:11,19	financial 6:8,15
71:5,10,13,16	173:21 187:24	16:20 17:11	6:25 32:24
71:19,22,25	figure 96:18	20:9 21:15	33:10 34:13
72:3,7,24,25	103:20,24	32:19 33:9,22	37:16 39:14
73:4,24 74:1,5	106:7 159:25	36:21 54:8,8	42:17 45:15
77:3,4 78:20	figured 88:9	54:22 55:16	financially
86:24,25 87:24	file 18:21 30:24	60:2 61:3,17	200:15 201:11
87:25 88:4,7	31:1 32:10	62:21 74:7	find 61:9 106:7
88:11 89:1,5,9	40:17,22 42:5	76:4 79:20,22	108:21 109:5
89:11,16 91:5	45:3 48:1,5,13	80:10,14,16	109:10 113:22
91:13,18 92:13	49:18,21 50:22	84:8 87:9	133:5
92:14,18,23	51:7 52:8,13	88:16 90:12	fine 34:19 36:7
93:2,7,8,15,16	52:16,19,20	94:14 95:11	59:23 78:2
93:24 94:1,13	53:23 54:5,18	97:23 101:3,8	92:19 110:21
94:14,18,23	54:21 55:21	102:6,11 103:7	129:3,3 131:21
95:18,20 96:2	56:5,6,19,23	104:17,18	133:7 144:24
96:5,9,24	58:5,12,13,20	107:3 109:1,23	153:13 168:8
97:10 98:14	58:22,23 59:5	111:17 112:3	171:13 184:22
99:13 100:19	59:9,10 60:17	115:3 122:24	190:8,8,10
100:20,22	61:2,7 62:16	124:5 135:6	finegan 13:25
101:16,17	63:2,22 64:6,7	144:10 158:7	14:12

[finish - general]

<p>finish 196:2 first 19:13,17 30:11 54:24 56:2,18,18 58:20,23 60:24 61:3 62:14,21 62:22 63:2,14 64:22 65:3,19 65:22 66:24 76:20 88:18,23 94:18 100:6 115:16 122:21 136:10,22 137:3 142:16 151:5 153:11 154:15 155:8 156:2 167:5 177:15 183:12 189:7,23 194:15,16 198:3 fit 55:20 fits 61:6,9 64:19 five 46:6,7 151:20,20 fizzled 90:9 flank 154:16 155:9 flaps 162:14 flexibility 62:13 fme's 105:7 folks 123:11</p>	<p>follow 144:14 follows 136:24 142:18 151:7 167:7 183:14 189:9 198:5 foot 155:24 156:15 footage 155:16 force 91:11 97:15 162:2 foregoing 200:3,4 201:4 forget 95:23 forgot 43:9 form 135:1 156:14 formally 29:21 30:3 40:14 formation 135:3 142:25 143:3 146:21 147:5 162:4 163:12 184:6,8 formations 119:7 123:1,2 124:6,10,18,20 125:17 126:13 126:14,16 143:15 former 127:21 forms 190:4 forthcoming 137:20 forward 49:14 60:23 63:3</p>	<p>84:13 91:3 96:16 97:25 118:23 122:5 126:4 149:14 found 138:21 foundation 30:5 31:5 four 16:24,25 31:4 68:3 100:23,24,25 102:16 106:21 116:19 138:18 138:22 151:19 163:7 fragmented 125:16 francis 2:8 franklin 15:22 16:3,10,18,24 17:9,13,22 18:3 21:21,22 22:1,19,23 23:24 24:9,16 26:12 93:20 94:8 96:19 98:21 99:17 101:3 frankly 123:10 freya 3:13 26:21,22 27:23 72:11,15 78:14 83:5 85:1,15 91:22 92:21 112:11 129:17</p>	<p>front 16:9 19:23 111:4 132:8 137:2 142:23 143:24 152:4,14,20 fruitful 76:9 84:22 98:19 fto 180:18 fuller 147:1,11 further 28:2,4 41:1 47:11 67:9 70:4 78:19 86:9 93:5 128:18 129:22 161:10 200:13 201:9 future 78:5 111:14 144:21</p>
g			
<p>g 3:8,11 15:1 41:16 183:20 garcia 119:5 120:20,23 127:2 128:15 gary 138:14 gas 6:6,23 29:15 73:10,20 73:22 74:12 134:14 143:2,5 169:19 gathered 100:22 general 137:6 184:8</p>			

[generally - good]

generally 63:22	24:4 25:5	184:24	142:2 143:10
gentlemen 118:15	54:14 58:21	goes 137:4	143:21 149:13
geological 124:12	60:24 77:16	going 15:15	153:17 177:2
geologist 7:15	84:5 96:18	16:15 19:13,16	181:6
131:12 135:8	122:24 123:7	20:2,8,12,16,20	goldeneye 72:1
137:9 140:1	126:25 140:7	23:15 24:8	72:4 74:2
141:25 147:25	162:21 185:24	25:9,14,19	good 15:2,15
148:2 162:25	gives 34:4 83:1	27:12 28:7	16:2,5 19:6
166:5 187:21	100:6,7,11	29:3 30:2,11	23:8 28:14
188:14 197:9	giving 116:8	31:8 33:19	41:4 47:20,23
geologist's 8:20	123:15	35:23 40:13	47:24 48:8,9
164:3	glad 67:8	41:16 44:9	48:21 49:4
geology 137:6,7	glass 120:25	49:13,18,21	51:25 59:1
137:15 138:3	glean 103:4	50:22 51:17	62:10 66:23
139:5 148:3	go 17:14 21:8	53:2 54:13	68:8 70:21
181:3	22:6 28:7	58:21 60:23	72:20,23,24
getting 18:1	29:24,25 30:11	61:8 63:9,12	73:3 75:15
26:13 57:25	31:4 44:7	63:15,19,21	77:2 79:7,11
110:12 123:11	49:14 51:17	64:23 65:4	79:14 83:4
123:12,13	56:1 63:3	66:25 67:4,13	86:20,23,24
gianna 3:24	64:19 68:17	67:19,20 70:10	93:15,19,22
5:10 12:12	71:16 73:22	72:16 78:9	94:20 99:10
183:5,11,17,20	77:10 84:13	79:24 83:25	101:23 102:2,5
give 15:16	96:12,14 98:17	85:6 87:4,21	104:11 105:4
16:14 23:23	105:8 113:7	89:20,24 96:11	113:23 114:6,7
50:2 84:19	118:13,23	96:19 97:12	117:10 118:13
94:1 96:17	119:23 122:5	103:12,14,20	129:23 130:25
99:10 100:9	126:4 132:15	103:22,24,25	131:4,6,8,9
106:3 128:11	132:18 133:2	104:12 107:25	134:3,11,18
129:3,6 135:13	140:2 146:1	108:12,21	139:3 141:19
139:7	151:2 152:13	114:17 119:24	142:19,21
given 17:25	154:9 155:18	120:25 123:20	146:4,14,18
18:5 21:14	159:22,23	128:8,14,22	149:11 150:2,6
	168:12 172:25	132:16 133:1,9	151:1,11 154:1
	175:6 183:4	135:17 140:18	154:12 155:13

[good - hearing]

<p>160:21 161:9 165:6 166:8 168:22 169:20 169:21,24 170:16 171:12 175:19,20,24 176:23 177:12 179:8,9,19 184:1,3,4 189:16,18 192:1,23,24 194:25 195:9 195:21 196:3 197:3,15 gotten 123:10 grandson's 55:6 grant 128:4 granted 77:17 118:19 granting 113:12 great 112:18 145:4 183:7,9 183:22 189:10 green 148:9 gregory 2:4 15:5 griego 36:4 38:9,25 44:6 46:16 griego's 36:10 36:22 38:3 39:4</p>	<p>ground 168:22 guess 49:18 66:2 98:3 117:12 156:18 168:18 191:24 guessing 156:13 guidance 63:18 98:5</p> <hr/> <p style="text-align: center;">h</p> <hr/> <p>h 3:7 6:1 7:1 8:1 10:1 11:1 12:1 13:1 14:1 136:13,17 189:2 197:18 habit 190:3 hailee 25:1 half 23:15 49:9 49:12 51:11,13 51:22,25 52:4 57:2,19,23,25 58:6 59:21 68:10 146:23 147:7 162:2 halfway 49:17 hall 2:7 hand 151:2 167:1 183:9,19 189:4 197:21 handed 15:18 handle 125:8 hands 136:19 happen 22:24 46:10 81:18 103:24</p>	<p>happened 36:14,18 44:3 91:9 happening 59:3 63:11 103:12 happens 60:17 67:21 happy 20:3 21:8 57:11,13 58:5,6,8 131:15 144:19 hard 78:4 hardship 20:15 hardy 3:4 8:5 8:14 9:9,18 10:5,14,21 11:7,14,21 12:7,16 107:16 hart 3:7,8 16:6 48:19 73:1 79:16 87:1 93:17 102:4 113:25 134:13 192:4 head 59:2 126:24 hear 53:7 78:4 86:5 105:6 131:18 140:17 166:13 heard 22:15 23:19 26:18 55:9,10 77:23 87:20 99:5,15 108:5 121:1</p>	<p>hearing 1:5 2:1 2:4 7:14 15:2,5 15:10,14 16:8 16:13,17 17:2 17:5,6,14,19,23 18:4,7,9,10,13 18:16,20,22,24 19:2,5,7 20:25 21:1,23 22:5,8 22:13 23:3,4 23:18 24:22,24 25:3,4,10,24 26:1,6,9,23,25 27:1,5,7,10,12 27:20,22,24 28:1,5,14,21,23 29:1,5,9,11,12 29:23 30:4,7 30:16,17,19,22 30:23 31:3,12 31:14,21 32:2 32:7,18,21 33:3,13,16,21 33:24 34:3,7 34:10,15,18,21 34:23 35:7,11 35:12,14,17,20 36:5,9,13,17,25 37:4,8,12,18,22 37:25 38:8,12 38:16,19,22 39:3,22 40:5,9 40:12,15,16,21 40:24 41:4,8 41:14,17,23</p>
--	--	---	--

[hearing - hearing]

42:7,10,14,18	69:23 70:3,6,9	95:14,23,25	127:25 128:20
42:21,24 43:3	70:12,18,24	96:3,6,8,21	128:20,21
43:7,8,11,14,19	71:2,8,11,15,18	97:5,8,18,20	129:2,6,12,15
43:23 44:2,8	71:21,24 72:6	98:6,11,13,16	129:20,25
44:11,17,22	72:9,14,23	98:18,20 99:2	130:3,6,12,25
45:2 46:1,5,12	73:3,6,11,15,21	99:3,8,9,11	131:3,10,18
46:21 47:1,4,5	74:3,6,10,14,17	100:2,4,10,15	132:14 133:3
47:10,13,23	74:23 75:2,7	100:18,21	133:10,14,17
48:1,4,7,12,15	75:11,14,20,23	101:10,11,15	133:20 134:3,9
48:21,25 49:3	76:11,17,22	101:19 102:1,5	134:16,21
49:22,25 50:4	77:1,6,11,14,18	102:9 103:18	135:12,23
50:9,13,17,19	77:20,23 78:3	104:7,10 105:2	136:4,14,18,25
50:23 51:2,5	78:7,12,18,22	106:11,18	137:8,11,19
51:12,15,17,21	78:24 79:2,7	107:6,15,22	138:20 139:2
51:24 52:14,23	79:10,18,23	108:1,4,8	139:16 140:10
53:6,9,11 54:3	80:5,8,22 81:4	109:5,9,13	140:13,16,23
54:7,15,19,25	81:8,14,17,25	110:1,6,11,14	141:4,8,14,18
55:4,9,14,18	82:6,9,13,17	110:16,21,25	141:24 142:5,9
56:1,8,9,10,11	83:3,8,14,17,20	111:6,13,21	142:12 143:9
56:13,16,20	83:23 84:13,15	112:7,14,16,16	143:16,20
57:4,8,18 59:1	84:17,24 85:3	112:19,22,25	144:1,12,25
59:7,9,12,13,16	85:9,12,18,25	113:3,6,7,15,18	145:4,13,18,24
59:18,19,20,23	86:2,8,12,15,23	114:3,7,10,13	146:7,10,13,17
60:5,6,9,12	87:3,7,11,13,19	114:16 115:3	148:18,25
61:5,20,22	88:2,5,9,21,24	115:11,15,20	149:5,10,15,20
62:3,11,24	89:6,10,13	116:1,4,15,25	150:2,6,10,13
63:6,24 64:4	90:3,4,10,14,17	117:2,16,18,21	150:15,18,21
64:11,14,17	90:20,24 91:4	117:23,25	151:1,8 152:1
65:7,10,18	91:12,14,17,20	118:6,14 119:2	152:8,12,19
66:6,8,11,15,19	91:21,23 92:1	119:23 120:1	153:1,7,13,15
66:22 67:2,7	92:5,12,17,20	120:10 122:17	153:22 154:5,9
67:11,12 68:2	92:21 93:1,3,7	123:21 124:11	154:12,18
68:3,5,6,11,15	93:10,18,22	124:14 126:2,8	155:10,13
68:19,23 69:5	94:2,6,11,16,20	126:21 127:9	158:12,20
69:13,15,18,21	94:24 95:3,7,9	127:11,16,20	159:3,8,12,18

[hearing - identified]

159:21 160:4,8 160:11,15,20 161:1,7,12,15 161:21,24 163:20 164:9 164:13,18,23 165:2,5,20,25 166:4,8,12,16 166:20,25 167:8,12,16,20 167:22,25 168:2 169:3,9 169:14,20,24 170:3,8,13,16 170:22,25 171:3,7,9,12,17 171:22 172:3,7 172:11,16,22 173:1,4,9,14,17 174:1,5,9,15,22 175:3,6,9,17 176:8,13,21 177:20,23 178:2,7,11,17 178:20 179:7 179:13,18 180:3,7,10,13 180:16,20,24 181:17,22 182:1,7,9,12,15 182:17,21,23 182:25 183:4,7 183:15,18,22 184:1 187:5,10 187:15,18	188:4,13,16,20 188:24 189:3 189:10,14 190:22,25 191:6,9,13,20 192:5,9,22 194:18,22,25 195:6,9,10,17 195:21,25 196:6,12,17,18 196:24 197:2,8 197:12,15,20 198:6,9 199:13 199:19 hearings 22:9,9 22:13 40:2 57:6 64:23 65:12 heck's 108:20 hello 136:16 help 56:21 108:5,7 131:15 156:1 helpful 149:13 152:4 helping 138:1 helps 108:7 hereto 200:15 201:11 hesitated 96:9 hey 49:18 hi 150:12 highly 21:13 125:2	hill 7:24 8:12 147:25 163:1 hinkle 3:3,4 47:25 73:8 164:25 169:12 172:20 174:13 178:6 hmm 34:23 41:14 62:24,24 167:2 199:9 hobbling 78:11 hold 52:24 60:12 66:12 73:11,12,12,12 152:2,2 154:18 154:19 172:22 172:22 175:17 holding 24:14 hole 58:4 69:11 holland 3:7,8 16:6 48:19 73:1 79:16 87:1 93:17 102:4 113:25 134:13 192:4 hook 133:15 hope 23:7 78:13 153:21 hoped 80:20 hopeful 76:8 hopefully 23:1 60:3 67:25 113:3 hoping 63:23 97:10	horizon 24:6 horizontal 147:13 hundred 151:24,25 155:20,21,24 156:3,15 157:13 hunter 162:20 163:18
i			
idea 23:20 ideally 145:1 ideas 107:18 identical 193:4 identification 31:11,18 32:13 32:17 33:2 35:6 36:2 39:10,13,17,21 44:16 45:10,14 45:18,21,25 46:20 139:14 139:18,22 140:4,9 147:22 147:24 148:5,7 148:12,14 162:7,11 163:4 163:16 164:8 193:7,9,13,15 193:19,21 194:2,4,10,12 identified 17:18 57:20 82:5 124:5,9			

[identified - issue]

<p>124:18 identify 104:24 123:2 identifying 122:25 imaging 135:14 immediately 109:2,3 impact 23:21 124:7 impacts 22:8 24:8 impending 91:8 95:7,10 important 22:15 impose 20:15 inactive 6:13 6:24 31:25 37:15 39:7 45:12 46:8,8 inadvertently 130:17 inapplicable 107:7 include 38:14 193:3 included 135:10 139:10 139:20 158:4 including 191:6 inconsistencies 119:17 incorrect 68:25</p>	<p>independent 137:17 index 149:17 indicate 33:18 108:12 184:11 indicated 22:14 32:24 198:13 indicates 102:19 154:16 155:17 184:8 186:5 indicating 143:14 156:22 190:1 198:24 indication 106:4 143:13 156:22 indications 157:24 info 6:8 35:24 information 35:1,23 36:4 38:6 46:18 89:23,24 104:23 108:2 111:23 140:6 144:4,19 145:8 154:23 160:17 168:5 189:21 189:23 198:24 initial 39:24 123:23 143:24 144:25 input 115:22</p>	<p>inquiries 199:2 inquiry 144:25 instruct 30:24 98:13 insufficient 34:13 insurance 42:17 intend 51:7 131:22 intent 155:23 156:15 intention 95:21 intentions 189:24 intents 105:23 interest 24:12 24:17 57:12 80:14 81:10 82:3,5 83:11 84:3,7 96:10 105:3,9,22 106:13,25 110:3 116:17 122:9 125:3 126:12 146:21 147:5 162:15 162:21 177:5 178:24 181:8 185:18 192:18 interested 200:15 201:12 interesting 96:7,11,20</p>	<p>interestingly 103:2 interests 80:3 118:24 176:5 198:23 interference 118:1 interim 115:22 interrupting 111:7 invitation 127:19 involved 19:21 20:9,13 21:17 22:20 25:21 26:3 81:1 83:24 108:14 108:16 110:17 116:9 125:24 involves 20:11 29:13 49:11 irrelevant 107:14 issue 15:21 17:14 18:5 20:21 21:4,7 23:11,24 24:23 57:20 64:21 65:25 86:4 92:21 105:19 115:17,19 116:2,16 120:21 123:18 160:9,16</p>
--	--	--	--

[issued - knowledge]

<p>issued 24:5 42:12 80:25</p> <p>issues 16:15 17:25 20:18 23:20 24:21 26:17,19 77:7 77:9 83:25 115:23 125:12 126:19,19</p> <p>it'd 129:3</p> <p>item 127:10</p> <p>items 125:18</p>	<p>95:17 178:4</p> <p>joint 18:25 82:22 83:2 114:1,19 115:5 115:8,13,24 116:5,12 118:17</p> <p>jones 3:20 135:9,9,22,23 136:5,8,15,16 136:16,21 137:1,6,10,13 137:23 138:24 139:4 145:19</p> <p>jordan 3:9 75:8 134:19 169:22 173:2 174:18</p> <p>july 24:3 33:23 34:2,4 42:12 43:2 44:3</p> <p>june 103:10 104:5</p>	<p>143:21</p> <p>kelley 12:23</p> <p>kessler 3:9 75:5 75:7,8,8,13,15 134:18,19,22 169:22,22 170:6 172:23 172:24 173:2,2 173:5,7,11,16 174:17,18,19 174:23</p> <p>kicked 98:25</p> <p>kind 17:20 23:16 42:7 66:9 90:9,16 163:24 168:14</p> <p>knee 78:10</p> <p>knew 171:3</p> <p>know 15:17 18:9 19:15,20 20:12 21:6,11 22:17 23:12 25:1 27:1,5 33:5 39:1 43:14 46:9 51:6 52:18 53:1,1 58:13 58:15,18,21 59:20 60:1 61:1,11 63:13 63:21,21 64:9 64:15 65:13 67:8 68:20 69:3,8 71:24 80:19,20 81:22</p>	<p>83:9,10 85:22 87:5 88:10,22 89:2 90:2,5 91:2,10 92:7 94:21 96:10,25 97:3 99:6 100:8 101:2 103:14 106:6 106:15 107:16 107:19 108:10 108:17,17,18 108:25 109:16 109:19 110:7,8 110:22,24 111:1,15 112:8 112:20,22 113:9 119:21 120:19 122:17 124:24 125:4,7 130:13 131:16 131:24 134:5 143:2 145:2 146:11 152:9 152:24 153:11 165:2,6 178:8 178:9 180:21 181:18 187:16 192:6,8</p> <p>knowing 60:21 62:16 111:14</p> <p>knowledge 33:19 101:7 105:3 109:18 200:10 201:6</p>
<p>j</p>	<p>j 136:17</p> <p>jackie 47:24 73:7 146:4 164:25 169:12 172:20 174:12 178:5 180:14</p> <p>jaclyn 3:3</p> <p>james 2:10 3:11 15:12 200:2,18</p> <p>january 24:1 99:21</p> <p>jennifer 3:5 133:25</p> <p>jim 75:17 161:19</p> <p>joa 82:24</p> <p>joas 83:16</p> <p>job 2:11</p> <p>join 78:16 132:20</p> <p>joined 47:17 72:12,15 79:6</p>	<p>k</p> <p>k 28:25 136:13 189:2,2,2</p> <p>karns 6:4,21 31:7,9 35:1 37:11,19 39:7 39:23 44:14,20 45:6</p> <p>karns's 36:6 38:23</p> <p>keep 49:15 67:24 70:13 91:2 125:15</p>	

[known - llc]

<p>known 53:18 65:9,9 163:8 koa 157:17 krakauskas 3:25 5:12 12:21 188:18 188:22 189:1,1 189:6,13,18 190:14,16,24 191:1</p>	<p>188:17 192:25 193:22 197:9 197:11,13 198:7 landman's 8:19 139:25 162:8 164:3 landscape 98:2 large 124:17 larger 124:19 larry 28:19,21 29:1,2 late 130:17 lately 107:15 107:19 lay 18:12 leads 53:12 learn 58:6 learned 82:20 lease 17:13,24 19:19,20 20:21 21:4,7 23:11 23:20,23,25 24:8,10,14,20 26:13 leave 51:7 128:22 145:9 led 109:24 leeway 17:8 left 90:19 117:4 120:9 legacy 102:21 105:13,15,15 105:21,22 106:13,14,22</p>	<p>107:13 110:17 110:23 111:23 111:25 legal 3:5 107:20 119:4 122:20 125:12 133:25 lengthier 18:2 lengthy 25:18 65:13 84:5 leonard 3:14 15:6 letter 30:25 69:20 109:17 109:21 117:11 125:21 140:25 141:2,3,6 145:10 148:9 149:2,18 161:8 163:22 165:9 165:15 170:19 173:22 175:14 178:14,15,18 178:19,23,25 179:2,3 181:7 181:9,12 191:3 194:19 letters 104:19 162:22 171:4,5 181:5,14 182:10 185:23 194:20 196:12 light 95:20 likely 25:19 27:16 131:14</p>	<p>197:11 limited 26:16 26:20 line 151:25 155:24 156:3 156:16 180:11 187:11 lines 58:9 72:16 86:17 93:11 118:8 link 24:20 linked 24:13 list 3:2 4:2 6:7 29:22 32:14 65:12 103:2 125:17,17 162:15 185:17 185:24 listed 41:11 83:12 lists 186:2 literally 25:3 126:16 little 16:14 23:23 34:25 78:4,5 80:17 84:20 96:23 97:9 109:24 137:20 175:21 lizard 57:21 llc 3:19 47:22 72:22 79:9 101:25 134:2 134:25 190:12 196:5</p>
l			
<p>l 3:5,9 28:25 41:10 166:24 la 88:1,4 lack 42:16 100:12 103:13 114:17 128:1 lacks 32:23 laid 192:25 lake 184:12,19 land 25:1 90:23 141:25 147:18 147:19 156:20 181:3 189:11 landman 7:16 131:11,14,16 132:20,22 133:5,11 135:7 136:1,8 139:20 142:3,6 150:5 150:7,8,23 163:11 166:5,7 166:9 183:3,5 183:23 187:21 188:14,15,16</p>			

[llj - material]

<p>llj 6:5,22 29:14 29:19</p> <p>llp 3:3,4,7,8</p> <p>located 168:11</p> <p>location 2:5 58:4 68:12,16 69:12 131:23 168:11,22</p> <p>locations 68:13 68:25</p> <p>lodged 66:3 112:6</p> <p>log 153:5</p> <p>logistical 64:3 105:19</p> <p>long 24:4 40:21 128:14 144:2 152:20 158:14 158:24</p> <p>longer 176:6</p> <p>look 16:10 20:4 21:8,18 27:3 61:10 102:14 108:22 110:20 115:4 118:17 127:3 153:18 167:17</p> <p>looked 106:16 108:20,23 117:3,10</p> <p>looking 27:17 91:14 94:3 102:20 103:14 110:4 168:7,19</p>	<p>looks 70:2 86:3 86:17 93:12 106:20,22 130:6 149:6 169:14 178:3 178:24 180:20</p> <p>lord 194:25</p> <p>lose 24:9 63:1</p> <p>lot 80:18 181:6</p> <p>louder 78:5</p> <p>lowe 3:14 15:6 15:7,11 117:22 118:3 131:5,11 132:14,21 133:4 136:7 140:24 141:20 142:12,21 143:9,22 144:6 145:9,15 149:1 149:23 151:10 152:2,3 153:8 153:16 154:13 154:19,21 155:14 158:13 158:17 159:14 159:25 160:8 160:22 164:13 165:25 167:8 167:22 168:2 169:5 172:3 174:5 176:21 177:21 180:3 182:21 184:2 185:22 186:23 187:6 188:9</p>	<p>189:15 190:23 195:17 197:4 198:10 199:14</p> <p>lower 137:18</p> <p style="text-align: center;">m</p> <p>m 3:3,16 28:25 41:16 136:13 136:17 183:21 189:2 197:19</p> <p>made 35:18 40:3,6 136:2 141:6 163:24 173:23 175:25</p> <p>magnum 162:19 163:18</p> <p>mail 6:11 7:6 36:23 38:5 43:5 46:17</p> <p>mailed 141:7</p> <p>mailing 8:21 116:14 163:14 163:17 164:4 165:8 187:25</p> <p>major 137:17</p> <p>majority 96:10 105:8</p> <p>make 20:20 23:15 26:18,19 52:24 63:19 78:9 97:4 125:11 128:13 154:24 155:1 162:16 184:22</p> <p>makes 57:15 67:23 77:5</p>	<p>92:14 96:2 101:6 149:21</p> <p>making 27:18</p> <p>man 141:25 156:20 189:11</p> <p>management 43:18,21</p> <p>map 157:1 189:24</p> <p>marked 31:10 31:17 32:12,16 33:1 35:5 36:1 37:23 38:9,11 39:9,12,16,20 44:15,18,23,24 45:9,13,17,20 45:24 46:19 139:13,17,21 140:3,8 147:21 147:23 148:4,6 148:11,13 162:6,10 163:3 163:15 164:8 193:6,8,12,14 193:18,20 194:1,3,9,11</p> <p>marker 6:6,23 28:20,22 29:1 29:2,14 31:22</p> <p>master's 137:15</p> <p>matador 15:22 90:21</p> <p>material 69:1 125:12 126:19</p>
---	--	---	---

[materially - mitch]

<p>materially 119:18</p> <p>materials 164:3</p> <p>matney 4:3 5:14 13:23 14:10 197:14 197:16,18,19 198:2,8,15,19 199:1,5,9</p> <p>matter 1:5 49:11 61:6 90:16 162:14 185:13 193:24</p> <p>matters 83:22 186:16</p> <p>matthew 3:20 9:7 135:8,22 135:23 136:16 136:21</p> <p>mcclure 114:22</p> <p>mcclure's 116:7</p> <p>mclean 3:3 47:24,25 48:3 63:8,9 64:19 67:9,10 73:7,7 73:13,14 146:4 146:5,9,11,12 146:16,19 149:13,16,23 150:3,9,20 152:11,15 153:2,5,14,16 153:17,21,24 154:1,6,7,22</p>	<p>155:1,6 156:24 158:4,8,14,22 159:23 160:2,6 161:3,6,10,11 164:25,25 165:4,12,13,21 166:9,10,14 167:12,14,23 168:1 169:6,8 169:12,12,16 170:17,18,24 171:2,5,8,11,14 171:19 172:13 172:15,19,20 173:18,19 174:12,13 175:11,12,18 175:20 176:10 177:4,12,17,22 177:23 178:1,5 178:5,8,9,12,19 178:22 179:9 179:16 180:7,9 180:12,14,14 180:17,18,23 181:2,20,24 182:11,14 185:6,22 186:9 186:14,18,22 187:4,7,9</p> <p>mean 19:20 21:5 23:1 36:18,18 52:16 56:17 61:12 68:19,21 77:15</p>	<p>84:24 91:10 108:6,10 120:5 122:21 127:12 132:15 145:21</p> <p>meaning 116:20</p> <p>means 24:9 25:18 52:19 90:15 153:7</p> <p>meant 116:19 171:4</p> <p>mechanical 105:18</p> <p>meeting 168:23</p> <p>megan 41:12 43:9</p> <p>mention 19:18 19:22 76:14 102:15 108:25 109:16 117:14 124:24,25 163:6</p> <p>mentioned 16:23 17:12 89:22 96:22 106:14,20 112:2</p> <p>mess 84:3</p> <p>mewbourne 73:8,14,15,16 93:12,17 105:7 105:8 146:1,20 146:25 147:4 147:10,12 161:17,20</p>	<p>162:2 172:18 172:21 175:2</p> <p>mexico 1:1 2:5 135:5 137:14 137:15 200:20</p> <p>mic 117:24</p> <p>michael 3:7,19 14:5,14 16:6 72:25 86:20,25 93:16 102:3 196:4</p> <p>microphone's 82:18</p> <p>miguel 182:2</p> <p>mike 48:18</p> <p>mile 21:16,16 116:20</p> <p>mind 121:16</p> <p>minerals 1:2 2:5</p> <p>minute 22:25 94:1 135:18</p> <p>minutes 132:19</p> <p>miscommuni... 168:18</p> <p>miscommuni... 168:6</p> <p>missing 6:9</p> <p>mistake 190:9</p> <p>mistakenly 190:4</p> <p>misunderstood 168:19</p> <p>mitch 3:22,25 5:6,12 7:22</p>
---	---	---	--

[mitch - need]

<p>8:10 12:21 147:17 150:9 151:4 188:18 189:1,6 mizel 162:20 163:18 mm 34:23 41:14 62:24,24 167:2 199:9 modrall 3:16 moment 29:10 34:22 37:3 41:12 50:2 52:24 62:6 64:20 82:1 98:12 107:24 113:22 118:2 133:9 135:13 195:4 monday 104:17 104:21,22 112:4,5 144:11 monitoring 25:25 26:2 48:3 74:9 75:12 134:14 134:20 169:23 169:25 170:1 173:13 174:20 month 25:6 52:18 60:17 63:14 65:17,19 67:5 95:11,14 129:7</p>	<p>months 67:4 100:3,7 morning 15:2 16:2,5 19:6,7 28:14 47:20,23 47:24 48:9 70:21 72:20,23 72:24 73:3 79:7,11,14 86:20,23,24 93:15,19,22 101:23 102:2,5 113:23 114:6,7 131:6,8,9 134:3,12,18 142:19,21 146:4,15 151:11 169:20 169:21,24 184:3,4 189:16 189:18 192:1 morningstar 29:20 motion 18:25 92:24 113:10 126:22,23 127:3 128:9,19 128:20,23 mountain 15:22 16:4,10 16:19,24 17:9 17:13,22 18:3 21:21,23 22:2 22:19,23 23:25 24:9,16 26:13</p>	<p>93:21 94:8 96:19 98:22 99:18 101:3 move 41:5 57:15 62:22 64:25 66:4 67:18,23 70:10 96:15 97:25 99:7 113:20 133:21 162:24 165:7 moved 63:15 64:10 65:23 70:7 138:6 moving 86:17 91:3 93:11 130:4 161:17 180:11 187:11 mrc 16:7,20 22:5,20,22,25 23:3 27:9,10 87:1,25 89:7 89:25 90:6 102:4 104:17 105:4 106:1 108:20 109:7 109:20 112:3,8 mrc's 104:16 104:23 105:3 106:7 multiple 123:7 123:10</p>	<p style="text-align: center;">n</p> <p>n 3:1 4:1 5:1 15:1 41:10,16 41:16 136:17 183:20,20 197:19 name 15:4 41:9 43:9 88:6 114:24 135:21 136:11,12 144:24 150:8 166:13,21 183:16 186:24 188:25 189:2 197:17,19 named 103:3 names 136:10 natural 1:2 2:6 79:13 nature 84:6 119:15 124:7 near 111:14 necessarily 57:6 necessary 84:24 119:10 121:11 126:17 need 18:21 37:2 40:22 46:3 61:7 62:13 63:17 66:4 88:16 100:3 101:10 120:25 121:18,20,24 122:14 124:7</p>
--	---	---	--

[need - nov]

<p>128:10 136:5 154:2 158:14 158:22,25 159:15,22 176:6 190:19 191:10 needed 62:18 107:13 158:10 needing 63:16 needs 57:19 64:9 105:16 negotiate 83:2 84:21 100:7,8 negotiating 80:6 101:10 negotiations 85:6 95:10 98:18 neither 100:20 200:11 201:7 never 82:21 199:4 nevertheless 112:8 new 1:1 2:5 18:11 20:9 21:13,14,17 52:10,21 58:13 61:6 62:14 64:22 65:3,6 69:2,3,16,17,25 70:14,15 81:10 82:3 84:9 94:17 98:5 107:3,7,18,18</p>	<p>113:12 117:8 120:2,7,8,17,20 124:1,4,8,19 125:13 126:5 126:11,17 135:5 137:14 137:15 156:14 158:25 179:11 180:18 200:20 newcomer 84:7 84:9 newly 80:13 newspaper 186:16 newspapers 158:1,2 nicholas 6:4,21 31:7 nine 100:11 nm 2:9 non 42:4 102:12 157:1,4 157:7,8 168:14 181:11 nonstandard 146:22 147:6 147:13 186:6,9 north 49:9 51:11,12,22 57:19,23,25 59:21 68:10 154:16 155:8 northeast 147:7</p>	<p>northern 73:10 73:19,21 74:12 169:18 northwest 146:24 nos 1:9 notary 200:19 note 26:10 29:16 69:7 112:1 130:19 notes 50:1,3,12 175:21 notice 7:14,17 8:24 13:8,17 33:22 36:11,19 37:14 38:4,4 45:7 46:16 54:16 55:13,15 61:21 62:17 66:25 69:16,17 91:19 95:22 99:4,5 100:9 104:18 116:2,7 116:8,13,13,14 116:16,18,21 117:9,17 118:12 119:18 122:24 123:7 123:23 124:2 125:13,20,21 125:21 126:11 126:13,17 130:17,18 131:1,17 139:16 140:6,7</p>	<p>140:25 141:1,3 141:6,13 144:14 148:8,9 148:10 149:2 149:11,18,18 157:6,9 158:2 158:5,7 159:16 163:23 164:5 165:9,10,15 170:19,20,23 173:22,23 175:14 178:14 178:23,25 181:5 185:24 186:1,3,13 193:25 194:6 196:12,13 noticed 65:5,19 65:21 88:18,19 notices 6:12 7:7 123:15 157:23 noticing 67:4 198:12 notification 123:18 notifications 123:14 notified 157:5 186:12 notify 43:20 noting 19:9 nov 6:5,11,22 7:6 31:16 33:21,22 35:21 36:7 38:24</p>
---	---	--	---

[nov - october]

<p>40:6 42:12,15 42:19 43:1 44:3 november 17:18,18,19,21 17:24 19:24 20:5,10,19,24 21:20,20,24,24 22:1,3,6,6 23:14,14 25:16 25:19 26:15,22 27:18,21 53:24 53:25 54:24 55:7 58:14 60:20 61:17,19 61:20 64:7,7 76:6,10 77:5 78:1,15 82:25 83:5,5 84:14 84:15,18,25,25 85:5,13,15,16 85:17,21,24 87:20 88:17,18 90:23 91:15 95:15,22 96:13 96:22 97:4,7 97:21 98:2,9 98:15 99:21,22 100:14 101:1 129:13 november's 87:21 npr's 124:21 nsp 131:22 144:18 185:12</p>	<p>nsps 133:1 number 19:11 22:20 23:9 47:16 60:3 65:13 68:1,14 69:25 70:15 71:16 72:7 74:13 79:4 101:21 102:11 103:21,21 113:20 121:25 121:25 124:19 125:22 130:5,7 132:4 133:21 143:5 146:1,19 147:3 153:8,11 154:4 155:5 161:18 163:7 164:24 165:18 166:1 167:13 169:10 172:18 173:8,19 174:11 191:22 192:19 196:1 197:5 numbers 15:23 18:11 74:18,19 74:24 76:1 93:13 106:20 118:7 132:9,10 132:11,25 148:16 168:7 171:20 174:14 numerous 162:12</p>	<p>nutshell 104:6 o o 15:1 41:10 136:17 166:24 183:21,21 oath 142:13 object 109:25 112:9 180:23 180:25 objected 76:23 87:2,17 94:3 94:10 104:8 106:2 180:21 194:13 objecting 104:9 objection 47:5 48:2,5,13,23 50:15 61:14 64:12,25 65:9 65:20,23 66:3 74:7 79:19,20 79:22 94:7 98:20 102:7 104:17 112:3,5 112:23 140:17 174:21 175:8 180:22 objections 23:1 40:16 104:23 104:25 112:11 140:14,15,18 148:19 164:10 165:21 170:7 170:14,15 173:15 176:15</p>	<p>182:16 188:5 195:10 196:18 obligations 192:13 obviously 94:3 occ 125:5,7 occasions 107:17 occur 18:23 occurred 187:25 188:1 occurs 23:2 ocd 30:2 40:13 80:20 120:5 184:16 ocd's 144:16 october 2:2 15:3 17:1,12 19:10,13 23:10 25:8,9,12,14 35:2 41:1 49:11 50:4,7 51:10 52:8,14 52:15 53:22 54:4,8,9,9,21 54:22,25 55:5 55:7 57:1 59:3 59:11,13 67:12 67:19,24 68:7 69:9 70:8,10 90:23 102:22 102:24 103:17 110:9 111:16 111:20 112:10 113:2 129:4,7</p>
---	---	--	--

[october - okay]

145:6 159:10 161:4 191:14 200:16 201:13 october's 87:20 odd 109:24 offer 17:20,21 25:9,13,14 office 25:2 41:21 48:18 72:25 79:16 86:25 93:16 102:4 113:25 130:10 134:12 187:14 192:3 officer 200:2 offset 157:5,10 176:2 181:10 offsetting 192:21 ogc 128:16 oh 22:19 26:1 34:1 51:24 54:15 57:8 60:9 68:19 71:15,18 74:14 76:17 77:18,20 81:14 82:6,9 83:17,20,20 89:10,13,15 95:3 106:15 118:4 139:2,2 141:14 152:8 160:2 171:5 181:22 190:7	ohio 198:25 oil 1:3,6 3:12 3:13,14 6:6,23 15:4 28:13 29:14,20 41:7 41:25 73:10,19 73:21 74:12 93:12 134:14 146:1 161:17 164:24 169:18 172:18 175:2 okay 23:4,18 24:22 26:2,7 27:20 28:1,5 30:19,22 31:14 31:21 33:3,13 33:16 34:3,7 34:15 35:7,17 36:5,9,13,25 37:4,12,25,25 38:12,18 40:9 40:12,24 41:25 42:22 43:3,23 44:2,2 46:12 47:1,4,13 48:7 49:3,25 50:13 50:23 51:25 52:23,23 53:11 56:2,5 59:19 59:23 60:6,11 60:15 64:13 66:15,22 67:11 70:12,19 71:11 72:9,14,16 73:16,16,16	74:3,6,10,24 75:1,2,14,23 76:17 77:1,6 78:3,13,25,25 80:8,22 81:8 81:17 82:9,13 82:14 83:14,25 85:3 86:2,6,16 87:7,13,19 88:24 89:5,10 91:4 93:18,23 94:6,11,16,24 95:9,15 97:18 100:17,18,21 101:19 102:6,9 104:10 106:18 106:18 107:6 111:6,21,21 112:7,25 113:19 117:10 117:14 118:14 118:15 122:25 123:1,4,12 126:21 129:5 129:14,15,20 129:23,25 131:3,25 132:23 133:10 133:12 134:9 134:23,24 135:12 136:4 136:25 137:8 137:11,19 138:20 139:3,3 140:10,13	141:8,18,24 142:5,12 143:7 143:16,19 144:1,9 145:4 145:12 146:13 146:17 148:19 149:5 150:2 151:1,17 152:1 152:8 153:13 153:16,20 154:2,3,3,7,10 154:18 155:13 155:22 156:4,8 156:17 157:18 157:22 158:6,9 158:12 159:13 160:8,11,20,21 161:9,12 163:20 166:4,8 166:10,20,25 167:8,19 168:1 168:4 169:1 171:22 172:11 173:1 175:17 176:13 177:14 177:14,18 179:18,18 180:25 182:9 182:16,16,25 183:7,20,22 184:21,24 185:2,11,15 186:4,16,19 187:7,18 188:13,16
--	---	--	--

[okay - oxy]

<p>190:15,19 191:10 195:9 197:2,8,12 198:17 199:3,6 199:8,13 old 80:23 190:4 oldest 76:1 oldis 3:23 5:8 9:5 166:11,14 166:15,18,23 166:23 167:2,4 167:9,17,19,21 168:13,25 169:5 once 66:2 89:17 118:22 119:8 127:24 128:1 145:10 174:19 191:17 ones 80:12 119:14 185:8 ongoing 17:4 open 91:22 117:4 120:9 145:10 opening 127:18 operated 29:13 operating 3:19 47:22 70:20,23 72:22 82:22 83:2 86:22 101:25 102:21 130:22 133:21 134:2,7,13,25 180:11 196:5</p>	<p>operation 157:4 operator 24:17 29:20 42:3 43:20 102:23 103:5 157:10 157:13 192:19 operators 43:17 77:12 137:17 operatorship 77:10,12,14,24 opinion 119:24 opportunity 122:10 oppose 122:10 opposed 17:23 107:3 opposite 105:9 128:12 optimistic 97:9 97:11 118:19 option 85:10 order 18:1,6,11 19:2 24:5,13 24:19 26:14 27:24 31:1 77:17 92:21 93:1 101:11 106:19 110:12 113:10 115:4 119:11 120:12 120:12,15 121:5 122:13 123:9 127:5,10</p>	<p>128:5 146:20 147:4 193:10 orders 13:5,14 17:5 18:9,10 18:12,14 24:20 80:23,24 81:4 81:6 100:9 102:16,17,22 102:23 103:3 103:13,16,23 104:3 105:16 105:24 106:14 106:17,22 107:7,13,17 108:11,13,18 108:24 109:6 109:10,24 112:2 113:11 177:6 192:12 192:14 194:8 194:15,17 original 13:5 13:14 30:9,10 80:16 81:1 107:7 110:12 119:14 120:2 120:12,12,24 126:12 128:11 145:14 191:16 193:10 originally 16:19 18:19 23:25 31:23 35:14 120:15 156:12 179:14</p>	<p>orthodox 168:11 outcome 200:16 201:12 outline 137:1,3 outpolling 139:24 overekt 130:24 overflow 65:17 overlap 88:11 88:13 overlapped 103:8 overlapping 109:2 181:13 185:13,16,20 185:25 186:7 overview 139:8 owens 190:12 190:16 own 24:11 owned 29:13 106:13 owners 57:12 80:14 81:10 82:3 84:3 116:17 122:9 126:12 157:5 162:15 178:24 181:8,10 185:18 owns 24:17,17 110:2 oxy 71:17 73:1 75:9 76:4,12</p>
--	--	---	---

[oxy - pertaining]

76:20 190:14 190:15,17	particular 44:1	198:15,20	149:21 153:20
p	parties 18:21	200:12,14	154:3,8 160:20
p 3:1,1 4:1,1 15:1	19:16 20:11	201:8,11	171:17 174:22
p.c. 3:10	21:13 23:7,19	partners 79:5,9	183:8
p.m. 41:1	25:10 27:2,8	165:1	perfected 131:1
packet 30:8,9	27:15 28:2	party 61:14	perfectly 100:5
30:25 38:13	50:3 53:18	128:4 161:3	perform 156:13
40:18,22 45:3	54:1 61:13,19	194:13	period 55:13,15
135:11 139:10	62:18,18 66:2	past 21:11 61:3	55:22 56:3,6
143:18 145:7	69:19 78:15	99:13 125:3	56:24 59:10
145:11 158:15	83:1 84:10	pay 194:14	89:17 131:1
163:21 182:4	85:8 86:4 87:5	pbex 75:19	periods 55:25
186:1 191:3,15	89:12 99:14,16	pcr 113:21	permian 3:19
packets 30:17	99:24 100:7,8	pecos 2:7	16:7 79:17
117:6,9 161:8	100:11 101:9	penalties 34:20	80:2 84:6
193:2,3	112:10 114:16	35:13	86:10,18,21
page 153:11	114:18,20,23	penalty 6:16	87:1 89:7
154:5 155:18	116:6,10,21	7:5 35:3,15	91:11 102:4
156:21 157:21	117:8,13	37:17 39:19	113:21 114:2
160:5 162:16	118:23 120:18	45:23 46:2	119:12 122:4,9
162:18 167:11	121:11,24	130:23	123:11,14
184:9,24 186:1	122:14 123:4	pending 142:24	130:5 138:13
186:5 189:23	124:5 125:3	people 123:16	138:14 169:10
190:11 198:21	127:13,18	156:13	169:13 174:10
pages 182:5	129:23 130:13	percent 105:5,5	174:13 175:25
189:21 190:5	134:4 141:12	110:2 157:13	178:3,6 191:23
191:7	146:11 157:15	percentage	192:11 196:1,4
papers 198:12	157:16 161:22	162:21	permitting
part 30:13	162:19 163:18	perfect 53:11	41:21 43:17
61:16 136:3	165:3 169:15	91:21 92:5,17	person 28:16
157:25 162:18	170:4 178:8	93:4 116:6,13	perspective
participate	185:16,18,20	117:17 129:12	80:12
82:24	186:12 187:16	130:18 131:17	pertain 143:24
	192:6 194:7	133:3 135:12	pertaining
	196:5 198:13	141:18 144:12	132:3,13 145:3

[pertains - pooling]

<p>pertains 143:3 156:5 157:21 177:10 190:10 198:18</p> <p>pertinent 138:3</p> <p>petroleum 137:7,8 138:10 139:5 148:1</p> <p>ph 105:8 124:6 130:24 162:14 162:23 163:12 180:18 184:11 184:18 190:12 190:16</p> <p>phone 152:16 152:16 153:19</p> <p>physical 37:7</p> <p>pick 90:25</p> <p>picked 38:6</p> <p>picture 98:1</p> <p>pin 106:6</p> <p>piped 49:17</p> <p>pivot 91:1</p> <p>place 54:13</p> <p>placeholder 98:15</p> <p>places 124:18</p> <p>plan 17:10 105:14 106:9 107:1,8 119:16 119:20 121:15 121:19</p> <p>planned 69:4</p> <p>planning 90:21</p>	<p>plans 80:4 105:21 107:12 107:18 118:24 121:9,11 122:16 123:8 127:24 176:1 177:11</p> <p>playing 106:6</p> <p>pleadings 128:13</p> <p>please 16:1 28:11 29:6 42:1 47:19 72:11,15,19 79:6,15 85:4 86:19 93:14 100:23,25 101:22 104:16 113:1,24 127:11 130:8 133:23 136:9 136:19 145:10 146:3,18 150:11 153:24 161:25 167:1 178:11 181:1 183:8,9 187:18 189:4 191:25 192:9 196:7 197:17,21</p> <p>plenty 159:13 161:6</p> <p>point 19:15 20:4 22:5 36:15 53:13</p>	<p>62:10 65:12 66:23 83:4,15 85:11 90:18,25 97:23 100:1,4 103:5 127:13 144:14 154:16 155:8 156:2 176:24</p> <p>points 151:21 168:12</p> <p>policy 52:10,21 53:13,16 55:22 56:4 58:13 61:6 69:1</p> <p>pool 114:15,19 114:22,23,24 115:17,18 116:20 118:18 118:19,22,24 119:9,15 120:21 121:7,8 122:20,25 123:6,8 124:1 124:6,19 126:16 127:21 128:1,2 143:3 143:5,5,14 144:3,17,24 145:1 151:13 151:14,14 162:2 168:23 177:5 184:6,9 184:12,13 185:4 186:24 186:24,24</p>	<p>187:1,1 190:12 192:15 194:7 198:14</p> <p>pooled 82:8 110:9 162:19 163:18 181:9 185:8</p> <p>pooling 7:11 8:18 13:5,14 24:13,18,20 55:17,19,21 56:5,6,19 59:6 60:2 77:17,21 80:13 87:14 88:15 89:19 90:12 93:13 97:12 102:16 102:23 103:3,7 103:16,23 104:4 105:1 106:10 108:11 108:13,18,24 109:23 113:12 118:24,25 119:3,6,11,22 120:24 121:5 123:24 125:13 126:5 128:5 130:23 139:11 144:15 146:20 147:4 162:4 185:12,17,17 192:12 193:10 194:7,15 198:23</p>
---	--	--	---

[poolings - proposals]

<p>poolings 82:20 pools 116:8,9 119:15 125:17 184:16 185:3 186:24 pose 27:19 position 87:24 105:7 121:14 121:21 possibility 84:15 possible 17:15 18:4 85:8 87:20 posted 15:17 potential 17:18 25:10 potentially 17:21 20:17 119:17 powder 138:8 pr's 124:22 practice 65:5 pre 17:5 18:8 18:10 27:24 92:21,25 101:10 135:6 preceding 38:11 44:20 precluded 61:20 prefer 44:22 84:12 92:10,11 preference 84:17 90:1</p>	<p>120:23 preparation 35:10 prepare 155:22 prepared 201:3 presentation 47:14 presented 118:12 151:18 168:7 175:8 presenting 146:14 presently 139:1 presumably 53:18 60:3 101:2 pretty 83:21 143:23 165:11 prevent 147:15 176:3 191:16 previous 113:11 120:8 previously 21:4 21:6 135:9 136:1 147:18 163:1 165:8,14 171:15 173:20 175:13 178:13 181:3 183:24 187:21 193:1 193:22 primarily 69:10 primary 99:12</p>	<p>printed 15:18 prior 85:8 111:24 177:6 192:18 200:5 proactively 83:21 probably 50:21 63:10 69:10 122:3 problem 27:13 27:19 114:23 144:20 problems 149:11 procedurally 36:18 procedure 144:21 proceed 15:7 29:3 42:2 49:5 68:1 76:2 81:24 84:4 87:15 95:19 96:13 97:12 111:18 118:20 119:10 146:18 161:25 178:11 181:1 187:19 192:9 196:7 proceeding 29:12 43:6 89:18 199:23 201:4 proceedings 118:22 200:3,5</p>	<p>200:6,9 201:6 process 18:2 68:17 122:1,11 production 6:7 6:9 15:22 32:10,20,21 33:9 34:12 42:5,9,10 187:12 productions 162:20 productive 27:15 90:8 prohibition 24:19 projects 137:25 138:7,19 prompting 96:16 proper 46:9 138:3 144:3,21 152:21 properly 138:2 168:10 proposal 49:19 51:1 52:6 53:1 53:14 56:19 67:15 82:21 89:15 109:17 109:21 141:3 proposals 51:9 52:4,5 56:3,22 57:24,25 58:2 69:3 80:3 88:25 89:8</p>
--	--	---	---

[proposals - quite]

<p>90:6 94:9,22 95:10,21 96:25 99:17 103:15 121:10 122:15 123:2 propose 57:19 proposed 7:13 8:23 68:9 82:21 105:13 113:10 139:16 162:22 164:5 181:10 proposing 118:23 125:19 protect 176:3 provide 30:5 31:5 62:17 116:13 144:19 144:20 152:10 156:24 157:6 provided 66:25 126:11,20 140:7 145:9 155:25 157:9 158:1 194:6 providing 123:5 148:2 public 66:25 158:1,2 198:12 200:19 publication 8:22 13:9,18 116:14 117:11 141:12,16 148:10 149:6</p>	<p>149:17 158:1,5 163:22 164:4 165:10,16 170:20 171:2 173:23 182:13 186:17 188:1 194:6 195:2 196:13 publish 141:10 141:15 published 130:17 175:15 179:4 181:15 195:1,3,3,5 196:14 pull 20:4 36:16 41:13 152:15 153:2,24 175:22 176:4 pulled 153:25 purely 62:15 purple 143:5 163:13 192:15 purpose 1:7 50:21 117:16 purposes 105:23 put 36:11,19 49:10 50:3,14 51:10 54:9 60:19,19 61:5 65:17 80:11 84:18 99:4 100:13 126:12 129:17 145:10</p>	<p>149:16,18 160:19 183:18 184:20 186:23 puts 33:21 putting 64:22 65:6</p> <hr/> <p style="text-align: center;">q</p> <hr/> <p>qualification 137:12 qualified 136:5 137:5 139:4 150:23 163:1 165:7,14 171:16 173:20 175:13 181:4 182:6 183:23 189:11 196:10 198:7 200:7 quarter 146:24 147:7 155:19 question 24:7 24:23 52:9,12 58:11,18 59:1 60:16,21,23,23 64:5 66:2,8,10 66:13 73:22 105:4 118:18 119:4 120:11 123:19 125:1 126:9 142:23 143:1,8,25 151:12 155:14 156:18,20 157:21 168:3 177:1 190:10</p>	<p>190:10 197:7 199:7 questions 108:14 117:19 118:7,11 131:5 131:7,11,19 132:22 133:4,7 133:11 136:7 140:24 141:20 141:23 142:1 142:24 143:24 145:2 149:1,23 150:1 151:10 152:3 153:9 160:25 164:14 164:17 166:1,3 170:7,12 172:4 172:6,8,10 173:13 174:6,8 174:21 176:22 177:19 180:4,6 182:22,24 186:21 188:9 188:12 190:20 195:18,20 197:4,7 199:2 199:11 quick 19:23 112:1 169:2 quickly 18:4 172:25 quite 30:12</p>
---	---	---	---

[r - refiling]

r	140:15,17	199:2	121:8 123:5
r 3:1,18,18 4:1	192:1,2,8,10,24	received 40:20	128:10 130:1,2
15:1 28:25,25	195:22,24	47:8 82:21	130:4 136:3,10
28:25,25 41:16	rankin's 84:20	102:22 106:14	145:9,14
136:12,13	rather 23:17	106:22,23	148:16 161:16
166:23 169:18	ray 183:1	112:2 140:22	162:14 164:6
183:21,21	rcx 5:3	148:22,24	165:18 166:22
189:2	rdx 5:3	164:12 165:24	173:24 179:6
r22336a 102:17	reach 61:13,19	171:25 172:2	183:16 188:3
raise 136:19	88:16	174:4 176:18	188:25 191:21
151:2 167:1	reached 54:1	176:20 179:22	193:24 196:15
183:9 189:4	reaching 83:18	179:24 180:2	197:17 199:20
197:20	84:10	182:20 186:13	200:9 201:5
raised 22:7	read 19:23	188:8 195:14	recorded 84:7
raises 62:10	114:2 120:11	195:16 196:21	200:6
ran 141:16	122:4 184:23	196:23	recording
170:21	ready 15:7,12	receiving 35:21	200:8 201:4
range 135:4	96:14	recent 22:17	records 120:1
146:25 147:8	real 19:23	recently 20:23	reduce 147:15
rankin 3:8	50:21	22:8 57:20	reduced 200:7
79:14,15,18,20	really 19:15	80:2 82:20	reese 3:18
79:25 80:7	49:20 65:14	95:2 108:21	169:18
82:2,4,7,10	106:8 145:1	111:3 192:18	reevaluation
86:7,10 113:23	reason 19:11	recess 47:15	57:22
113:24 114:5	65:2 99:8,10	70:19 132:18	referenced
115:6,7,13,17	99:12,14	145:25 152:13	139:23,24
115:21 116:1,3	120:10 194:17	reclamation	references
116:25 117:1	reasons 20:6	46:10	132:9
117:15 119:24	62:17 102:11	recollection	refile 104:5
120:18 121:1,3	121:23	126:6	122:10 124:8
121:4 122:23	recall 49:6 50:7	reconnaissance	190:5 191:2
124:3,13 127:4	110:19	138:12	refiled 16:21
128:12 129:9	receipts 148:10	record 35:21	23:10 70:2
129:10,14	receive 117:4	86:16 113:19	refiling 19:12
134:11,12,17	141:12 191:15	117:4 120:9	69:24

[reflect - resources]

<p>reflect 29:17 reflecting 194:6 reflects 195:2 regarding 60:16 119:21 176:23 181:10 181:13 regular 15:3 28:7 regularly 99:23 regulation 33:7 59:5 regulations 32:3 rehash 120:3 rein 127:17 reissuing 27:23 related 38:20 70:23 71:1,7,9 71:23 147:19 148:3 200:11 201:7 relative 200:13 201:10 relatively 24:6 84:9 94:17 111:2 released 46:9 releasing 151:23 relies 44:24 remark 38:13 remember 89:16 114:14</p>	<p>114:25 120:18 reminder 129:18 reminding 174:16 remove 130:21 145:14 190:4 191:16 reopen 120:6 120:19 128:10 reopened 120:2 120:16 reopening 80:12 127:3 repeatedly 123:6 replacing 152:24 replied 199:4 reply 198:24 report 6:7,13 6:15,24,25 7:4 34:13 37:15,16 37:17 39:8,15 45:12,16,19 46:8 reported 2:10 reporter 15:13 reports 6:10 32:10,20,22 33:9 42:5,8,9 42:11 represent 110:5</p>	<p>representation 81:12 representing 48:16 73:8,13 74:11 75:18 161:20 repropose 122:11 request 20:23 40:13 44:9 46:9 87:17 96:16 97:11 104:23 130:21 176:6,8 177:7 177:13,15,16 179:10 189:23 194:16 196:14 requested 111:24 130:20 151:22 179:10 requesting 46:11 190:11 requests 132:13 require 25:6 69:2,16 124:1 124:4 required 32:19 36:24 59:5 116:17 121:22 140:1 144:17 194:14 requirements 107:20 168:23</p>	<p>requires 43:20 requiring 115:4 research 113:8 133:2 reserve 133:4 reserved 100:15 reserves 102:21 reservoir 138:19 resolution 61:13,19 64:8 resolutions 63:4 resolve 85:8 86:4 112:11,15 resolved 27:16 111:10,16 resolving 90:16 resource 178:3 resources 1:2 2:6 3:9 47:17 75:18 79:13,17 80:2 84:6 113:21 114:2 122:4 130:5 134:7 138:6,17 162:20 163:19 169:10,13,23 173:3 174:11 174:14,19 175:25 178:6 191:23 192:11</p>
--	--	--	--

[respect - rodriguez]

<p>respect 57:21 respective 165:15 173:21 187:23 196:11 respond 34:5,8 36:19 104:22 responded 33:14 43:12 respondent 28:15,17 29:14 38:7 41:5,11 42:1 respondents 41:18 responding 160:3 response 21:2 43:5 44:4 129:9 133:13 rest 129:7 165:11 restart 135:16 restarting 135:19 restrictions 81:2 restrictive 116:18 resubmit 143:11 result 115:23 resulted 116:5 resume 135:10 135:11 137:2 138:21</p>	<p>retrieval 120:9 return 157:24 158:2 returned 43:5 180:19 reverb 79:21 review 35:2 65:11 125:8,25 151:18 173:5 175:4 reviewed 35:1 35:10 126:7 163:22 170:4 173:12 174:20 175:7 reviewers 191:17 revise 156:10 158:15 revised 57:25 68:9 117:7 130:20 144:15 155:25 160:19 revival 127:23 revive 127:24 right 15:14 16:13 19:3 31:3 40:10 41:23 45:5 50:14 54:16 56:20 60:7 61:15,22 62:23 63:23 66:10 67:6 70:18 72:1 78:7,18</p>	<p>79:2 80:23 81:9 82:14 85:1,19,20 91:17 92:20 93:3 95:13 97:5 104:21 107:9 112:8,8 113:1,15,18 115:6 116:23 117:2 118:6 124:13 126:24 133:14,20 136:19 145:5 145:18,24,25 149:7,11 150:17 151:2 152:9,24 154:1 154:12 157:19 158:20 159:18 161:1,10,24 162:17 164:18 165:5 166:21 167:1 168:24 170:3 172:12 173:17 182:4 183:9 186:20 189:4 195:25 197:21 198:18 199:8,19 rights 176:3 ripe 91:20 risk 24:18 130:23 river 138:8</p>	<p>ro 105:8 robb 3:22 5:6 7:22 8:10 147:17 150:9 150:10,12,14 150:16,17,19 150:25 151:4,9 151:12,16,24 152:1,3,6,14,18 152:19,22 153:2,17,20,25 154:10,11,24 155:3,10,12,22 156:8,11 157:15 158:24 159:1,5,11,25 160:11,16,18 161:13,14 robb's 154:14 rock 133:21 134:1,25 138:17,23,25 rock's 135:6,7 135:8 rockies 138:7 rodriguez 3:19 14:5,14 86:20 86:21 87:5,6,9 87:12,16,22 89:3,22 90:2,5 90:7,11,15,18 90:21 92:7,9 93:5,6 196:3,4 196:8 197:1,14 199:18,20</p>
---	--	--	---

[roger - second]

<p>roger 41:6,22 41:24 43:15 roger's 41:9 romero 3:24 5:10 12:12 132:5 183:1,5 183:6,11,17,17 183:20,25 184:4,15 185:1 185:5,7,10,14 185:19 186:7 roxburg 184:11 184:18 rule 31:25 32:4 32:6 36:24 43:20 54:18 58:7 157:5 ruled 49:16 rules 42:4 55:13 117:12 ruling 49:16 run 52:11 91:5 rush 99:15 rusa 88:1,4 ryan 9:14,23 10:19 11:5,12 11:19 12:5</p>	<p>41:10 136:13 136:17 166:24 189:2,2 safe 141:16 safer 119:21 sage 163:13 192:15 sagebrush 57:21 sample 140:25 141:1,3 149:2 samson 138:6 sand 163:8,9 sands 124:25 138:9 santa 2:9 48:18 72:25 79:16 86:25 93:16 102:3 113:25 130:10 134:12 187:13 192:3 sara 36:4 44:6 46:16 sarah 201:2,15 satisfy 99:4 savage 3:10 48:9,10,14 79:7,8 80:10 80:11,24 81:6 81:11,15,19 82:12 83:10,12 83:15,18,21 84:1,5 85:4,7 86:3,6 114:6,8 114:25 115:1</p>	<p>116:23,24 118:21 119:13 120:4,11 122:19 123:22 124:16,17 126:18 127:8 127:10,12 128:19,24,25 129:5,24 saved 152:23 saw 103:6 132:7 157:24 187:2 189:25 saying 33:11 41:18 42:25 54:6,20 61:25 61:25 63:4,25 64:1 72:12 104:20 123:21 123:23 126:24 178:17,21,22 says 100:9 138:22 157:3 scenario 159:17,20 schedule 20:14 25:5 98:23 scheduled 20:11 22:10 26:25 99:23 scheduling 15:21 schematic 189:24</p>	<p>scheme 18:12 107:2 schill 3:10 48:10 79:8 114:8 scope 127:14 127:17 scott 12:23 scratch 119:21 121:25 screen 29:24 142:6 150:7 153:3,18 154:2 154:21 160:3,7 166:17 167:24 185:6 196:25 scroll 31:19 32:14 33:4 search 109:12 109:13,15 second 29:8 39:23 56:6,15 58:23,24 60:13 60:20,25 61:2 62:14 63:15 64:25 65:6,23 66:5 67:25 84:24 88:19 114:11 115:8 115:12,13,16 115:18,24 116:5,12 118:17 155:18 175:18 190:5 191:7</p>
<p>s</p>			
<p>s 3:1,4 4:1 6:1 7:1 8:1,5,14 9:9,18 10:1,5 10:14,21 11:1 11:7,14,21 12:1,7,16 13:1 14:1 15:1</p>			

[secondly - services]

<p>secondly 19:17 20:10 23:13 section 88:14 146:23,24 147:7,8 155:20 156:3 162:3,3 163:6 184:17 184:19 sections 88:13 96:11 116:19 116:21 135:4 186:25 see 20:3,19 21:10,19 26:14 39:22 40:9 49:22 50:21 51:24 53:21 55:4 64:21 66:11 67:3,14 67:21 68:23 69:13 71:2 72:9 79:23 85:6 90:10,14 90:17,20 95:11 96:11,20 99:25 100:2,4,16 101:9 102:10 102:11,18 107:25 117:11 118:20 120:5,7 121:20 129:21 132:8,20 133:4 139:2,3 149:4 152:16,21,25 153:3,4 154:3</p>	<p>154:10,21 155:11 157:3 160:9 162:16 163:21 178:7 182:15 184:23 188:24 196:24 198:24 seeing 190:20 seek 30:2 seeking 137:4 140:11 163:25 168:24 171:18 177:7 184:7,14 185:12 192:11 seeks 135:1 146:25 147:12 162:2 seem 23:2 24:3 seemed 97:8 105:18 127:12 seems 21:13 53:21 62:19,25 90:9,19 100:5 100:5 103:21 104:24 105:10 111:7,8 118:13 168:22 seen 69:3 107:16,20 121:25 168:21 self 7:21,23 8:4 8:9,11,13 9:4,6 9:8,13,15,17,22 9:24 10:4,9,11 10:13,18,20</p>	<p>11:4,6,11,13,18 11:20 12:4,6 12:11,13,15,20 12:22,24 13:6 13:15,22,24 14:4,9,11,13 193:16,25 send 49:23 52:4 56:3 58:8 sender 43:6 157:24 158:2 sending 94:9 99:18 103:15 sense 57:15 63:19 67:23 77:5 92:14 96:2 168:20 sent 33:25 34:2 34:4 35:2,8 36:23 37:3 38:4 41:20 43:1 44:3,5,6 46:17,22 51:1 51:9 52:1,5 56:21,22 58:1 67:15 69:20 83:16 88:25 89:7,11 90:6 94:10,25 95:4 95:5 96:24,25 97:1,3 104:18 109:8 157:23 165:15 170:19 173:21 175:14 178:14,15,24</p>	<p>181:5,14 182:10 185:23 186:2 194:19 194:20 196:12 separate 121:22 178:25 185:23 192:14 september 17:5 17:17 18:20,22 19:18 20:23 21:5,19 49:8 50:14 52:5 56:23 67:16 87:10,11 94:15 94:21 102:12 104:6 111:17 163:23 165:16 170:19,21,22 173:22,23 175:15,15 178:16 179:1,4 181:14,15,18 182:11,14 187:25 188:1 194:20 195:4,5 196:13,14 sequester 125:11 series 18:9 serious 23:12 server 152:23 serves 122:8 service 46:10 services 3:6 134:1 138:1</p>
--	---	---	---

[set - sorry]

<p>set 16:25 17:12 18:19 23:25 27:21 54:1,11 57:23 58:14,15 58:18,22 60:24 60:25 65:16 68:3 76:6,13 76:16 82:24 84:13,23 85:14 85:19 88:21 90:24 91:6,12 95:16,22,23 96:7 97:15 98:3,4,6,12,14 99:8 100:2,3 108:1 112:9 128:19,20 191:14</p> <p>setbacks 163:13</p> <p>sets 121:5 186:25 193:5</p> <p>setting 98:8</p> <p>settlement 100:12</p> <p>settlements 163:12</p> <p>several 17:4 71:1 107:17 182:3</p> <p>severed 81:22</p> <p>shaheen 3:17 12:25 79:11,12 82:1,15,16,19 83:24 86:13</p>	<p>130:9,10,13,15 131:2,7,9,15,24 132:16,18,23 133:5,15,16,19 187:13,13,17 187:20 188:5 188:17,18 190:2 191:2,5 191:8,11,19,21</p> <p>shaheen's 84:20</p> <p>shale 138:10</p> <p>shane 13:25 14:12</p> <p>shanor 3:3,4 47:25 73:8 165:1 169:13 172:20 174:13 178:6</p> <p>share 29:24 153:18 154:2 167:23 185:6 194:14</p> <p>sharing 142:6 154:22 160:7</p> <p>sharon 3:17 12:25 79:12 130:10 187:13</p> <p>shewmaker 3:21 5:4 135:8 135:24,25 136:10,11,12 136:12 142:10 142:11,15,20 142:21 143:4</p>	<p>145:8,19,20</p> <p>shoehorn 26:15</p> <p>shops 137:18</p> <p>short 24:6</p> <p>shortly 133:1</p> <p>show 31:4 46:16 144:3 159:25 189:22</p> <p>showed 38:6</p> <p>showing 46:22 145:11 156:6</p> <p>shown 22:23</p> <p>shows 46:8 155:19 198:22</p> <p>sic 154:21</p> <p>sick 60:13 78:8 78:9</p> <p>sicknesses 63:11</p> <p>side 168:5</p> <p>sidebar 50:25</p> <p>sides 26:18</p> <p>sign 113:11</p> <p>signature 200:17 201:14</p> <p>silence 135:18</p> <p>similar 22:7</p> <p>single 30:24 121:16</p> <p>sir 15:8 74:5,8 74:16 87:12 93:2 102:8 114:5 118:5 166:2,17 167:21 172:12</p>	<p>172:25 173:16 175:1,6 183:6 189:13,14,17 190:18,21,24 198:9 199:12</p> <p>sister 75:18</p> <p>situation 52:22 91:5 106:5</p> <p>situations 30:23</p> <p>six 74:18,24,25 75:4,19 78:16</p> <p>skills 200:10 201:6</p> <p>slayton 41:6,22 41:24 43:15</p> <p>slow 73:23</p> <p>slowly 31:20 60:13</p> <p>small 138:14</p> <p>smaller 137:17</p> <p>solely 177:7</p> <p>somewhat 120:13</p> <p>soon 17:15 64:24 78:13 96:8 105:20 120:25</p> <p>sorry 31:4 52:15 56:17 58:10 74:21 78:12,25 117:25 135:17 150:12 160:2 166:12 169:2</p>
--	--	---	---

[sorry - status]

<p>172:9 178:15 195:4 sort 52:25 63:18 79:24 105:18 sought 176:4 177:5 sounds 66:2 83:24 111:14 112:14 125:15 132:15 source 121:16 south 2:8 49:12 51:25 52:4 57:2 58:6 135:4 146:24 147:8 151:14 162:2,3 southeast 162:3 184:13 southern 151:22 155:17 155:19 156:1,6 space 138:19 151:22 spaced 151:25 spacing 21:15 69:11 102:13 102:16 103:1,9 135:2,3 146:22 147:6,13 156:7 157:1,7,9,11 181:8,11,13 185:25 186:8 186:10 192:14</p>	<p>192:19 speak 78:5 128:3,16 special 65:16 65:18 85:15 114:15,19,22 116:20 118:18 119:8 120:21 121:7,8 122:20 123:8 124:1 126:16 127:7 128:1,2 specific 80:12 138:5 144:24 159:4 184:13 specifically 137:7 138:2 143:2,14 spell 28:23 41:8 136:9 166:21 183:16 188:25 197:16 spelling 41:15 spencer 3:17 79:12 130:10 187:14 sperling 3:16 spill 25:19 spoke 40:18 120:19 spoken 42:1 99:6 120:22 spring 88:12 102:13 124:23 146:21 147:5</p>	<p>151:14 184:8 184:11,12,18 184:20 spur 164:23 165:1 st 2:8 stage 143:5 stance 105:10 stand 47:2 99:25 102:16 121:9 standard 92:10 102:12 129:11 135:1 157:1,4 157:7,9 168:14 181:11 standing 115:9 stands 113:21 start 72:10 75:25 119:21 121:24 143:17 started 137:23 138:14,17,21 138:25 starting 139:24 starts 184:10 startup 138:14 state 1:1 25:1 136:9 137:14 137:15 144:16 163:11 166:21 183:15 188:25 197:16 198:25 200:20</p>	<p>stated 176:11 statement 7:21 7:23 8:4,9,11 8:13 9:4,6,8,13 9:15,17,22,24 10:4,9,11,13,18 10:20 11:4,6 11:11,13,18,20 12:4,6,11,13,15 12:20,22,24 13:6,8,15,17,22 13:24 14:4,9 14:11,13 36:22 44:5 142:25 162:8 184:9 193:17,25 states 143:1 status 16:22 17:3,7,8,17 19:10,17 20:7 21:9 49:7,11 49:20 50:7 51:10 52:10 58:16,19,22 59:14,24 61:1 61:18 62:15,23 63:16,21 65:24 66:13 68:8 69:8 76:6,9,13 76:18 77:5 78:2,15 82:25 84:19 85:5,9 88:23 89:25 90:1 91:1 95:16 97:22,22</p>
--	--	--	--

[status - talking]

<p>98:4,8,10,10,14 99:20 100:14 101:1 103:22 111:20 112:10 113:2 157:24 158:3 step 58:10 71:5 steps 97:23 98:10 stevens 114:2 122:4 stop 142:6 straight 49:9 strata 187:11 strenuously 122:10 strongly 132:11 structure 163:5 suazo 182:2 sub 31:8 38:17 44:24 subject 185:13 186:16 192:14 194:7 submission 117:3 submit 29:16 131:22 132:16 144:2 submitted 30:14 87:25 189:22 submitting 118:25 132:12</p>	<p>subparts 38:2 38:25 subsequent 46:15 subsequently 16:20 substantial 20:15 192:20 succeeded 106:25 successor 103:5 105:13,15,22 106:13 suddenly 103:4 sufficient 32:23 33:10 42:16 133:7 suggest 63:17 97:21 132:11 suggesting 68:16 supersede 68:14 supervision 130:22 supplemental 29:16 30:12,13 39:6 supply 121:16 support 31:7 36:3 supported 39:6 46:15,25 supports 36:6 36:10 39:1</p>	<p>suppose 67:23 88:16 98:5 supposed 17:7 sure 21:5 27:18 54:12 62:11 64:4 68:21 94:2 103:11 108:19,23 111:3,5,6 112:4 113:21 125:11 132:25 162:16 184:22 surface 57:20 58:4 69:11 124:14 147:14 147:15 surprised 105:6 surrounding 157:6 179:11 suspect 33:6 65:21 96:12 185:18 swear 136:6 switch 46:4 sworn 135:19 136:22 142:16 151:5 166:9 167:5 183:12 189:7 198:3 200:5 system 41:21 43:17 135:15 138:11</p>	<p style="text-align: center;">t</p> <p>t 3:17 6:1 7:1 8:1 10:1 11:1 12:1,25 13:1 14:1 41:10,16 136:17,17 189:2 197:19 table 114:17 185:8 tail 106:6 take 18:5 20:12 58:10 80:20 105:19,20 117:20 128:8 133:17 144:2 151:21 152:20 167:17 168:11 199:17 taken 118:16 121:14,21 127:1 129:21 148:17 164:20 165:19 169:6 171:21 172:14 174:10 177:24 180:8 187:8 188:3 191:18 195:23 196:16 200:3,12 201:9 takes 24:5 talk 16:16 127:2 139:6 talking 23:13 23:24 50:9 55:15 56:14,25</p>
--	--	---	--

[talking - thank]

<p>126:14,15 tap 133:21 134:1,25 135:6 135:7,8 138:17 138:23,25 target 124:5 192:15 targeted 123:3 124:22,23 targeting 124:9 tbds 123:3 team 26:12 138:1 teams 138:1 technical 3:14 5:5,7,9,11,13 5:15 15:6,8 24:25 25:4,7 26:11,16 65:11 65:14 85:13,21 85:23 112:12 114:7 118:4,10 126:3 130:20 131:6,13,20,25 132:7 133:6,12 137:25 141:22 142:2,19,22 143:7,12,23 144:7,23 145:16 149:3,8 149:25 150:4 151:11,17 153:10 154:15 155:4,7,16 156:4,9,17</p>	<p>157:12,18 158:6,9,18 159:16,19 160:10,13,24 164:16 166:2,6 167:10 168:4 168:17 169:1 172:5,9 174:7 176:25 177:9 177:14,18 180:5 182:23 183:2 184:3,5 184:21 185:2,9 185:11,15 186:4,11,15,19 187:2 188:11 188:15 189:16 189:19 190:7 190:15,18 191:17 195:19 197:6,10 198:11,17,21 199:3,6,10 technically 52:17 tell 136:23 142:17 151:6 167:6 183:13 189:8 198:4 ten 81:13,16 100:8 170:24 170:25 tends 155:4 tentatively 20:1 21:25</p>	<p>tenth 163:23 195:7,8 term 77:24 terms 21:12 24:14 123:17 177:5 testified 135:9 136:1,24 142:18 151:7 162:12 167:7 171:15 175:13 183:14 187:22 189:9 193:1,23 196:10 198:5 testify 147:18 148:1 178:13 testifying 44:21 200:5 testimony 147:17 148:3,8 156:25 176:12 192:25 texas 138:6 texted 107:10 thank 15:10 16:18 21:3 23:22 24:23 28:3,5 43:11 44:8 47:14 52:3 66:15 70:3,5,6,17,19 73:6 75:1,15 76:3,23 78:8 78:19,20,21,24 79:3,10 82:16</p>	<p>82:19 85:7 86:7,8,11,12,14 86:15 87:3 93:6,8,10,18,23 94:11 97:20 101:14,15,17 101:19 102:1 104:14 113:4 113:16,17,19 114:11 115:12 118:6,15 121:4 129:5,24 130:9 133:16,18,19 134:16,21,24 136:14 139:9 140:13,16 141:5 142:8,9 145:17,19,22 145:25 146:9 146:19 149:22 150:14,15,19 150:20 151:8 157:19 158:10 158:12,21 160:2 161:12 161:14 164:21 164:22 165:13 165:20 167:16 167:25 169:3,5 169:7,8 170:2 170:4,9,18 172:6,11,13,15 173:4,18,19 174:8,15,22 175:10,12</p>
--	---	---	---

[thank - told]

<p>177:18,20,22 177:24 178:1 178:12 180:6,9 180:10,16 181:2 184:23 186:20 187:3,4 187:5,9,10,15 188:4,21 189:3 189:14 190:20 190:22,24,25 191:19,20 195:22,24 196:6,8,17 198:6,9 199:10 199:11,13,15 199:18,20 thanksgiving 92:16 that'd 149:20 theoretically 58:19 thing 19:17 23:6 61:25 63:11,25 103:6 120:3 128:15 things 18:12 23:7,8,16 50:1 57:3 63:14 98:17 99:25 175:22 think 21:25 22:4,12 23:8 52:24 53:22 57:15 58:5,7 60:22 61:7,15</p>	<p>62:1,3,9 63:4 63:10,25 64:17 64:18 68:18 69:1 77:4 85:23 89:23 91:19 92:9,11 96:1,3 97:3,6 98:8,11 99:10 99:22 101:6 112:11 113:22 114:22 115:18 115:22 117:7 117:19 119:20 119:24 120:4 122:12 123:18 125:7,10,13 128:7,17,21,22 129:10 132:1 132:16,25 135:16 142:23 144:10 153:1,2 156:12,24 158:25 160:4 162:15 163:24 168:13,15 172:23,24 181:24 185:22 186:5 197:14 198:16 thinking 58:9 60:10,13 98:23 third 124:23 181:12 thirty 55:12 56:9</p>	<p>thompson 25:1 thought 49:13 55:14,18 70:9 74:21 100:21 103:20 117:3 131:16 threat 91:7 three 20:11 21:16 23:17 25:3,6,8 47:2,5 70:13 74:4 77:12 80:17,23 92:2,22 100:23 100:24 128:25 151:19 178:3 178:18 179:4 179:19 180:4,8 181:5,14 185:23 thursday 2:2 63:14 tick 154:15 155:8 156:2 time 2:3 15:17 18:5 22:11 24:4,5 40:6 56:7 62:21 67:13,25 69:24 70:14 76:20 79:25 83:1 84:8,19,21 93:9 94:19 96:17 99:17,24 101:18 102:19 106:1,3 117:14</p>	<p>118:16 127:1 127:19 128:11 128:17,23,23 134:15 136:7 142:3 158:22 159:9,13 161:5 177:7 179:17 192:13,16 194:16 timeline 57:13 timely 148:10 149:21 158:7 times 61:12 123:7 162:12 182:3 today 15:6 40:7 40:23,24 47:18 52:6 58:7 66:7 66:9 76:14,19 76:21 78:10 100:3 104:24 106:8 107:11 135:11 163:23 182:3 194:22 196:2 199:16 today's 15:16 71:1 76:5 195:6 199:21 together 49:15 53:7 67:20,24 70:13 72:12 78:16 114:18 125:18 told 27:17 96:15 120:18</p>
--	---	--	---

[told - typewriting]

<p>122:15 123:13 tomorrow 40:25 45:4 190:5 191:12 tony 88:1,4 took 81:11 110:23 totally 63:5 toward 90:11 towards 137:12 151:21 155:19 168:14 township 135:4 146:24 147:8 tracking 6:12 7:7 35:23,24 38:6 46:18 tract 24:12,17 tracts 81:21 157:6,14 trailing 17:21 25:17 27:22 65:18 transcriber 201:1 transcript 19:22 126:1 201:3,5 transcriptionist 200:8 transcripts 21:9,19 transfer 35:12 transferred 29:19 33:18</p>	<p>34:25 36:16 40:1 transfers 6:14 39:11 40:6 traveling 85:23 trevino 3:12 28:12,12,17,19 28:22,25 29:5 29:7,11 30:2,6 30:8,10,18,21 31:2,6,13,15,19 31:23 32:4,9 32:20,23 33:12 33:15,17,23 34:1,6,9,14,17 34:20,22,24 35:9,16,19,22 36:8,12,15,21 37:2,6,10,14,20 37:24 38:3,10 38:15,18,21 39:2,5,11,14,18 39:25 40:8,11 40:13,23 41:3 41:6,10,15,19 42:3,9,12,16,20 42:23 43:1,4 43:10,13,16,22 43:25 44:4,9 44:13,19 45:1 45:7,11,15,19 45:22 46:3,7 46:14,24 47:3 47:9,12</p>	<p>triggered 57:22 trouble 135:13 true 200:9 201:5 trust 21:5 truth 136:23,23 136:24 142:17 142:17,18 151:6,6,7 167:6,6,7 183:13,13,14 189:8,8,9 198:4,4,5 try 20:14 23:8 31:19 49:14 57:15 108:2,21 152:18 trying 59:2 76:19 80:19 81:23 84:2 96:18 106:6 152:25 168:5 198:14 tschantz 3:13 26:24 27:3,25 64:6,9,20,21 65:1,8,22 66:3 72:13 78:17 83:7 85:2,16 85:22 86:1 91:24 92:4 112:13 117:23 129:19 turn 18:8 77:7 117:12 140:24</p>	<p>141:2 149:1 150:11 166:16 183:8 turned 116:2 118:1 159:7 twenty 46:6,7 twisted 78:10 two 21:16 23:9 25:17,18 26:11 28:8 29:19 30:16 35:12 41:18 47:17 49:15 55:24 67:4 71:12 74:15 75:9 85:4 86:16 87:21 100:7,23 103:21 118:15 119:15,15 120:17 121:23 122:1 129:11 151:19 162:19 163:9,18 172:13 176:14 177:24 179:14 189:21 191:7,9 191:24 198:13 198:15,16,19 tyler 7:24 8:12 147:25 162:25 type 33:19 42:21 types 125:17 typewriting 200:7</p>
---	---	--	--

[typical - violation]

<p>typical 139:20 140:6</p> <p>typically 15:18 40:2 125:21 159:6</p>	<p>194:14 195:23 196:16 199:17</p> <p>underlying 58:17 146:22 147:5</p>	<p>unfortunately 152:3</p> <p>unit 21:15 69:11 102:13 135:2,3 146:23 147:1,6,10,13 151:22 156:7 157:2,4,7,9 162:21 163:7 181:8,11 186:1 186:8,10</p> <p>units 16:24 102:16 103:1,9 157:11,16 176:2 181:10 181:13 185:21 192:14,20</p> <p>university 137:14,16 198:25</p> <p>unmute 150:11</p> <p>unreasonable 53:20</p> <p>update 29:17 35:9 40:1 68:9</p> <p>updated 6:13 6:16 30:14 35:3 39:7,18 156:14,19</p> <p>updates 123:6 125:16</p> <p>upper 163:9</p> <p>usa 73:1</p> <p>using 32:2 33:7</p>	<p>usual 60:14 162:14 163:5</p> <p>usually 96:7,17 132:9</p>
<p>u</p>	<p>understand 22:7 23:20 33:5,6 51:21 55:22 56:21 59:12 62:20 76:22 77:24 82:14 84:12,14 89:3 92:8 104:11 106:12 118:11,21 119:4 121:17 124:22 126:1 151:13 190:8</p> <p>understanding 25:16 27:14 50:25 57:17 58:1 63:10,12 69:6 76:7 83:16 95:6 117:16 119:19 125:24 131:22 132:2 150:22 184:6 189:20</p> <p>understood 22:14 31:2 45:1 47:9</p> <p>undertaking 192:20</p> <p>unfair 104:24</p>	<p>v</p>	<p>vacate 98:18 101:10 107:17 113:11</p> <p>vacated 18:15 18:17,19 19:3</p> <p>valid 26:17 81:5,7</p> <p>van 9:7</p> <p>variety 137:18 137:24 138:7,9</p> <p>various 124:18 125:17,18</p> <p>ventures 6:5,22 29:14,19</p> <p>verified 186:12</p> <p>verify 149:21</p> <p>versus 21:20 52:10</p> <p>videoconfere... 3:15,20,21,22 3:23,24,25 4:3</p> <p>view 122:8 151:20 153:4</p> <p>viewed 127:18 168:19</p> <p>violate 31:22</p> <p>violated 31:24 33:6</p> <p>violation 37:14 38:4 43:24</p>

[violation - wolfbone]

<p>45:8 46:17 violations 42:18,22 virtually 28:16 132:21 virtue 102:18 visually 157:8 vitae 31:9,13 37:10 44:14 voluntarily 82:23</p>	<p>189:19 wanted 21:24 22:2 26:15 117:13 118:11 131:21 144:6 144:13,20 184:22 190:8 wanting 185:3 wants 17:14 56:4 122:5 128:16 waste 147:16 176:3 water 120:25 way 24:11 55:20 61:10 64:18 90:8 91:2 97:24 99:24 104:22 152:9 184:17 193:5 we've 15:18 17:4 20:7 21:9 60:18 98:19 103:23 115:23 120:14 123:7 123:13 176:11 182:3 website 144:16 week 22:12 23:15 85:24 92:16 94:10 95:5,5 104:15 159:2,4,9 193:2</p>	<p>week's 100:9 weeks 20:20 26:11 100:8,11 128:25 129:11 wells 29:13,18 29:19 31:24 32:1,5 33:18 34:25 35:12 36:16 40:1 42:4,17 46:6,7 46:11 57:19 68:25 88:1 102:20 103:2 105:13 132:3 132:24 133:9 147:2,12 151:20,20 163:7,8,9,10,13 168:10 177:8 189:25,25 192:17 wendell 2:7 went 38:1 90:12 126:2 127:14 156:15 163:17 181:7,9 181:13 west 146:23 whichever 82:25 wie 9:7 willing 26:11 107:12 williston 138:10</p>	<p>willow 184:12 184:19 withdraw 22:25 112:23 withdrawal 176:23 177:1,2 withdrawing 177:6 180:21 withdrawn 176:7,11 179:15 withdraws 61:14 witness 3:20,21 3:22,23,24,25 4:3 5:3 135:19 151:5 152:10 167:5 183:12 189:7 198:3 200:4 witness's 135:21 witnesses 20:3 20:17 136:6,22 142:16 149:24 164:14 165:7 165:14 172:4 173:20 174:6 176:22 181:3 182:5,22 187:20 196:9 196:11,25 199:15 wolfbone 124:6</p>
<p>w</p>			
<p>w 136:13,17 166:23 wait 56:4 66:8 67:21 172:7 173:7 178:20 waiting 17:24 48:17 53:14 89:24 156:19 want 16:14 19:23 21:23 22:24 33:4 48:22 49:4 53:6 65:5 76:2 84:4 87:14 88:21,22 89:19 91:12 95:19 96:7,15 97:16 108:1 111:4,17 120:19,20 132:2 133:11 143:10 154:5 156:10 157:20 167:23 184:5</p>			

[wolfcamp - zones]

<p>wolfcamp 16:24 21:14 88:12 124:23 124:25 135:2 143:1,5 162:4 163:8,9,10,12 163:13 192:15 wonderful 75:24 129:16 161:2 164:19 173:14 175:9 188:20 wondering 52:1,21 105:7 word 91:7 100:13 114:18 wording 120:12 127:5 words 32:2 88:3 work 20:20 23:7,8,21 27:18,23 38:17 52:22 64:18 80:19 81:3 95:11 96:22 129:13 137:21 138:12 worked 62:2 137:24 138:13 138:16 working 57:12 80:13 81:23 84:10 97:15 126:12 138:15</p>	<p>138:25 157:13 181:8 worries 75:3 150:13,18 worry 61:8 worth 22:19 worthwhile 51:8 wow 180:13 wozniak 180:17 181:1 wrap 59:2 126:24 wray 12:14 wrinkle 57:16 write 92:2 wrong 156:15 168:20</p>	<p>89:3 101:20 104:9 109:11 109:15 110:6 115:18 117:18 133:6 137:23 152:11,18 155:3,3,8 156:8,11 160:6 168:15,17,17 187:2 190:19 192:25 198:19 year 80:23 89:1 103:18,19 111:4 122:2 192:11 years 80:17 137:16 138:18 138:22 yellow 157:3 yesterday 15:17 29:17 30:15 109:8 112:3</p>
	x	
	<p>x 5:1 6:1 7:1 8:1 10:1 11:1 12:1 13:1 14:1 xto 73:5 190:12 190:14,16 xy 124:24</p>	
	y	
	<p>y 28:25 41:10 41:16 163:8 197:19 y'all 158:25 yeah 19:6 27:6 27:11 55:6 69:14,22,22 70:2,17 82:4</p>	
		z
		<p>zones 123:1</p>