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

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

Case Nos. 23782, 23783, 23784,  
23785, 23853, 23854, 23855,  
23856, 23857, 23858, 23859,  
23860, 23861, 23862, 23863,  
23864, 23865, 23866, 23867,  
24233, 24234, 24235, 24236,  
24237, 24238, 24239, 24240,  
24241, 24242, 24243, 24244,  
24257, 24258, 24245, 24246,  
24247, 24248, 24249, 24256,  
23872, 24093, 23944, 23945,  
24074, 24075, 24076, 24101,  
24102, 24154, 24155, 24164,  
24165, 24166, 24167, 24184,  
24185, 24187, 24195, 24196,  
24197, 24207, 24198, 24199,  
24205, 24206, 24133, 24156,

1 24157, 24158, 24169, 24170,  
2 24171, 24174, 24175, 24176,  
3 24177, 24181, 24186, 24189,  
4 24190, 24191, 24192, 24193,  
5 and 24194.

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HEARING

8

DATE: Thursday, March 7, 2024

9

TIME: 8:15 a.m.

10

LOCATION: Pecos Hall Hearing Room

11

Wendell Chino Building

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1220 South St. Francis Drive, 1st Floor

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Santa Fe, New Mexico 87505

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REPORTED BY: James Cogswell

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JOB NO.: 6477875

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A P P E A R A N C E S

ON BEHALF OF MRC PERMIAN COMPANY; COG OPERATING, LLC;  
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ON BEHALF OF MARATHON OIL PERMIAN, LLC; FRANKLIN  
MOUNTAIN ENERGY 3, LLC; AVANT OPERATING, LLC; DURANGO  
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A P P E A R A N C E S (Cont'd)

ON BEHALF OF SPUR ENERGY PARTNERS; COG OPERATING, LLC;  
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A P P E A R A N C E S (Cont'd)

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

ON BEHALF OF E.G.L. RESOURCES, INC. AND MEWBOURNE OIL  
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A P P E A R A N C E S (Cont'd)  
ON BEHALF OF MRC DELAWARE RESOURCES, INC. AND  
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ALSO PRESENT:

Gregory A. Chakalian, Hearing Examiner, Oil  
Conservation District (by videoconference)  
Dean McClure, Technical Examiner, Oil  
Conservation District (by videoconference)

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

ALSO PRESENT (Cont'd):

Sheila Apodaca, Law Clerk, Oil Conservation  
Division

John Shoberg, Witness (via videoconference)

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I N D E X

WITNESS: DX CX RDX RCX  
JOHN SHOBERG  
By Mr. McClure 93

E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Case 24133:		
Exhibit A	Compulsory Pooling Application Checklist	61/61
Exhibit B	Application for Compulsory Pooling	61/61
Exhibit C	Self-Affirmed Statement of Nick Weeks, Landman	61/61
Exhibit D	Self-Affirmed Statement of Andrew Parker, Geologist	61/61
Exhibit E	Self-Affirmed Statement of Notice	61/61
Exhibit F	Affidavit of Publication	61/61
Case 24156:		
Exhibit A	Affidavit of Jake Bebermeyer, Landman	65/65
Exhibit B	Affidavit of Benjamin Holliday	65/65

E X H I B I T S (Cont'd)		
NO.	DESCRIPTION	ID/EVD
Case 24157:		
Exhibit A	Application to Add Record Title Owners to Order	69/69
Exhibit B	Order R-22854	69/69
Exhibit C	Self-Affirmed Statement of Thomas Sloan, Landman	69/69
Exhibit D	Self-Affirmed Statement of Notice	69/69
Exhibit E	Affidavit of Publication	69/69
Case 24158:		
Exhibit A	Application to Add Record Title Owners to Order	70/70
Exhibit B	Order R-22855	70/70
Exhibit C	Self-Affirmed Statement of Thomas Sloan, Landman	70/70
Exhibit D	Self-Affirmed Statement of Notice	70/70
Exhibit E	Affidavit of Publication	70/70
Case 24169:		
Exhibit A	Self-Affirmed Statement of Taylor Warren	72/74

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case 24169 (Cont'd):		
4	Exhibit B	Self-Affirmed Statement of	
5		Shane Seals	72/74
6	Exhibit C	Self-Affirmed Statement of	
7		Dana S. Hardy	72/74
8			
9	Case 24170:		
10	Exhibit A	Self-Affirmed Statement of	
11		Taylor Warren	75/75
12	Exhibit B	Self-Affirmed Statement of	
13		Shane Seals	75/75
14	Exhibit C	Self-Affirmed Statement of	
15		Dana S. Hardy	75/75
16			
17	Case 24171:		
18	Exhibit A	Self-Affirmed Statement of	
19		Taylor Warren	77/77
20	Exhibit B	Self-Affirmed Statement of	
21		Shane Seals	77/77
22	Exhibit C	Self-Affirmed Statement of	
23		Dana S. Hardy	77/77
24			
25			

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case 24174:		
4	Exhibit A	Self-Affirmed Statement of	
5		Ariana Rodrigues	80/81
6	Exhibit B	Self-Affirmed Statement of	
7		Charles Crosby	80/81
8	Exhibit C	Self-Affirmed Statement of	
9		Dana S. Hardy	80/81
10			
11	Case 24175:		
12	Exhibit A	Self-Affirmed Statement of	
13		Ariana Rodrigues	80/83
14	Exhibit B	Self-Affirmed Statement of	
15		Charles Crosby	80/83
16	Exhibit C	Self-Affirmed Statement of	
17		Dana S. Hardy	80/83
18			
19	Case 24176:		
20	Exhibit A	Self-Affirmed Statement of	
21		Ariana Rodrigues	86/86
22	Exhibit B	Self-Affirmed Statement of	
23		Charles Crosby	86/86
24	Exhibit C	Self-Affirmed Statement of	
25		Dana S. Hardy	86/86

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case 24177:		
4	Exhibit A	Self-Affirmed Statement of	
5		Ariana Rodrigues	86/88
6	Exhibit B	Self-Affirmed Statement of	
7		Charles Crosby	86/88
8	Exhibit C	Self-Affirmed Statement of	
9		Dana S. Hardy	86/88
10			
11	Case 24181:		
12	Exhibit A	Self-Affirmed Statement of	
13		John Shoberg	91/91
14	Exhibit B	Self-Affirmed Statement of	
15		Helder Alvarez	91/91
16	Exhibit C	Self-Affirmed Statement of	
17		Dana S. Hardy	91/91
18			
19	Case 24186:		
20	Exhibit A	Compulsory Pooling Checklist	97/97
21	Exhibit B	Affidavit of Ryan Gyllenband,	
22		Land Professional	97/97
23	Exhibit C	Self-Affirmed Statement of	
24		Elizabeth Scully, Geologist	97/97
25			

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case 24186 (Cont'd):		
4	Exhibit D	Declaration of Deana M.	
5		Bennett	97/97
6			
7	Case 24189:		
8	Exhibit 1	Pooling Checklist	101/101
9	Exhibit 2	Self-Affirmed Statement of	
10		Carson Cullen, Landman	101/101
11	Exhibit 3	Affidavit of Tyler Hill,	
12		Geologist	101/101
13	Exhibit 4	Affidavit of Mailing	101/101
14	Exhibit 5	Affidavit of Publication	101/101
15	Exhibit 6	Application and Proposed	
16		Notice	101/101
17			
18	Case 24190:		
19	Exhibit 1	Pooling Checklist	101/109
20	Exhibit 2	Self-Affirmed Statement of	
21		Carson Cullen, Landman	101/109
22	Exhibit 3	Affidavit of Tyler Hill,	
23		Geologist	101/109
24	Exhibit 4	Affidavit of Mailing	101/109
25	Exhibit 5	Affidavit of Publication	101/109

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Case 24190 (Cont'd:		
4	Exhibit 6	Application and Proposed	
5		Notice	101/109
6			
7	Case 24191:		
8	Exhibit A	Self-Affirmed Statement of	
9		Aaron Young, Landman	111/111
10	Exhibit B	Self-Affirmed Statement of	
11		Josh O'Brien, Geologist	111/111
12	Exhibit C	Self-Affirmed Statement of	
13		Notice	111/111
14	Exhibit D	Affidavit of Publication	111/111
15			
16	Case 24192:		
17	Exhibit A	Self-Affirmed Statement of	
18		Aaron Young, Landman	111/112
19	Exhibit B	Self-Affirmed Statement of	
20		Josh O'Brien, Geologist	111/112
21	Exhibit C	Self-Affirmed Statement of	
22		Notice	111/112
23	Exhibit D	Affidavit of Publication	111/112
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E X H I B I T S (Cont'd)

NO.	DESCRIPTION	ID/EVD
Case 24193:		
Exhibit A	Self-Affirmed Statement of Aaron Young, Landman	111/112
Exhibit B	Self-Affirmed Statement of Josh O'Brien, Geologist	111/112
Exhibit C	Self-Affirmed Statement of Notice	111/112
Exhibit D	Affidavit of Publication	111/112
Case 24194:		
Exhibit A	Self-Affirmed Statement of Aaron Young, Landman	111/112
Exhibit B	Self-Affirmed Statement of Josh O'Brien, Geologist	111/112
Exhibit C	Self-Affirmed Statement of Notice	111/112
Exhibit D	Affidavit of Publication	111/112

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P R O C E E D I N G S

MR. CHAKALIAN: It is 8:15 on March 7, 2024. These are the hearings of the Oil Conservation Division. I am sick, so I'm staying in my office to not spread this crud anywhere else. Let us begin with Cases 23782, 83, 84, and 85. We are here for a status conference. Entries of appearance, please.

MS. BENNETT: Good morning, Mr. Examiner. This is Deana Bennett from Modrall Sperling, and I'm in these cases on behalf of Marathon Oil Permian, LLC.

MR. CHAKALIAN: Good morning. Are there any other parties, Ms. Bennett?

MS. BENNETT: Yes. Actually, MRC is the applicant in these cases, and they're represented by Holland & Hart. And then there's also ConocoPhillips, represented by Hinkle Shanor in these cases.

MS. RYAN: Good morning. This is Beth Ryan on behalf of ConocoPhillips. Hinkle is supposed to be representing us today, but I don't see them there yet. So I will just enter appearance individually.

MR. CHAKALIAN: Thank you, Ms. Ryan. I

1 thought I saw Mr. Feldewert a little while ago.

2 MS. RYAN: Wonder if they can't hear us  
3 in the room?

4 MS. BENNETT: Yeah, I see him sitting  
5 at the desk, but I can't hear him -- sitting at the  
6 counsel tables in the conference room in Pecos Hall.

7 MR. CHAKALIAN: I see too, yes.

8 MS. RYAN: I think we are having  
9 technical difficulties.

10 MR. CHAKALIAN: Okay. I'll wait for  
11 Sheila to be able to turn on the microphone.

12 MS. BENNETT: I'm sorry to hear that  
13 you're sick, Mr. Examiner. It's been going around,  
14 that's for sure.

15 MR. CHAKALIAN: Well, I made it four  
16 years without catching this crud and finally got it.

17 MS. BENNETT: Oh, no. I'm sorry to  
18 hear that.

19 MS. APODACA: Did this work? Can  
20 everybody hear now on the Webex?

21 MR. CHAKALIAN: Yes, I can hear you,  
22 Sheila.

23 MS. APODACA: Okay. Very good.

24 MR. FELDEWERT: Can you hear me?

25 MR. CHAKALIAN: I can.

1 MS. MCLEAN: And can you hear me?

2 MR. CHAKALIAN: I can.

3 MR. FELDEWERT: We can start over.

4 MS. MCLEAN: I was, like, we're here.

5 MR. CHAKALIAN: That's great. So,

6 Mr. Feldewert, I called 23782, 83, 84, and 85?

7 MR. FELDEWERT: Yes. Michael Feldewert  
8 with Holland & Hart for MRC Permian, the applicant.

9 MR. CHAKALIAN: Okay. Very good. And  
10 we have the other parties entered in appearance. So,  
11 Mr. Feldewert, how do you want to proceed with these  
12 cases?

13 MR. FELDEWERT: Well, we're ready to  
14 proceed as soon as possible. I know Marathon has  
15 maintained an objection. ConocoPhillips has withdrawn  
16 their competing well proposals. I don't get the  
17 impression that Marathon is filing competing  
18 applications, so I think we can have a contested case  
19 I guess it would be. And if that's the case, I would  
20 request, given schedules, a contested hearing in June.

21 MR. CHAKALIAN: In June. Okay. Thank  
22 you, Mr. Feldewert.

23 Ms. Bennett?

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

25 It's my understanding that Marathon and MRC are in

1 discussions about this development. And what I was  
2 going to originally ask for was a status conference in  
3 May rather than going to a contested hearing.

4 But if the contested hearing wouldn't  
5 be set until June, then that would give the parties  
6 time to continue their negotiations and hopefully come  
7 to an understanding one way or the other before June.  
8 So with that, I think we'd be okay with a contested  
9 hearing, as long as it's in June, to give the parties  
10 enough time to continue their discussions.

11 MR. CHAKALIAN: So, Ms. Bennett, are  
12 you filing competing applications or not?

13 MS. BENNETT: Not at this time.

14 MR. CHAKALIAN: Okay. We will set a  
15 contested hearing for June, and if the parties come to  
16 an agreement before that, then we can have a hearing  
17 by affidavit, Mr. Feldewert.

18 So, Sheila, can you draft a prehearing  
19 order for these four cases?

20 MS. APODACA: Yes. And I'm sorry if  
21 you said the date, I missed it. What date are --

22 MR. CHAKALIAN: We didn't say a date.  
23 We haven't gotten that far yet, so I'm glad you  
24 brought that up.

25 MS. APODACA: Okay.

1 MR. CHAKALIAN: So, Ms. Bennett, you  
2 know from my -- well, and Mr. Feldewert, you know my  
3 preference is not to put contested hearings at the end  
4 of long dockets. Let's see. Dates in June that we  
5 are having regular docket days is the 13th and the  
6 27th, and so I wonder -- that week in between, the  
7 week of the 18th, 19th -- looks like the 19th is a  
8 holiday. I guess it's Juneteenth. So I'm available  
9 the 18th or the 20th, or the 4th and 6th. Which ones  
10 do you prefer?

11 MR. FELDEWERT: I would prefer the June  
12 6th.

13 MR. CHAKALIAN: Okay. Excellent.  
14 That's a Thursday, June 6th.

15 Ms. Bennett, are your witnesses  
16 available?

17 MS. BENNETT: I haven't had the chance  
18 to raise this with them, but I would ask the  
19 Division's grace to let me check with them today and  
20 get back to you today about that as a potential  
21 hearing date.

22 MR. CHAKALIAN: Okay. Perfect. So  
23 we'll set it tentatively for June 6th, it's a  
24 Thursday. It'll be in Pecos Hall, but your witnesses  
25 can appear virtually. It's not a problem. Do the

1 parties think it'll take more than one day?

2 MS. BENNETT: I wouldn't think so.

3 MR. FELDEWERT: Given that they do not  
4 have a competing application and I know they've been  
5 in discussions, I think it could be a very short  
6 hearing.

7 MR. CHAKALIAN: But, Mr. Feldewert,  
8 even if discussions are fruitful, wouldn't we still  
9 have a hearing by affidavit?

10 MR. FELDEWERT: Yes.

11 MR. CHAKALIAN: Okay. That's --

12 MR. FELDEWERT: Yeah -- yes.

13 MR. CHAKALIAN: Perfect.

14 Okay. Sheila, so we have June 6th.  
15 We'll start at 9 a.m., Pecos Hall. Witnesses can  
16 appear virtually, and we're either going to have a  
17 contested hearing or hearing by affidavit.

18 MR. FELDEWERT: Thank you.

19 MS. BENNETT: Thank you.

20 MR. CHAKALIAN: Okay. So, Ms. Ryan,  
21 was there anything else from you before we move on to  
22 the next set of cases?

23 MS. RYAN: That's fine. Thank you.

24 MR. CHAKALIAN: Did you say no,

25 Ms. Ryan?

1 MS. RYAN: No. Thank you.

2 MR. CHAKALIAN: Thank you.

3 MS. MCLEAN: Mr. Examiner, can you hear  
4 me? I don't know if you got that I had entered my  
5 appearance in this case on behalf of ConocoPhillips?

6 MR. CHAKALIAN: No, I didn't hear you.  
7 I'm sorry.

8 MS. MCLEAN: Well, we've been in this  
9 case representing ConocoPhillips and so I would like  
10 to just enter my appearance for the hearing in these  
11 cases -- case numbers 23782 to 23785 -- that we just  
12 had, but I don't think anyone heard me when I tried  
13 to.

14 MR. CHAKALIAN: No, I didn't hear you  
15 at all. Thanks for -- do you have anything that you  
16 would like to discuss for these cases?

17 MS. MCLEAN: No, we're just monitoring  
18 the case, and we can be available that day if there is  
19 a hearing.

20 MR. CHAKALIAN: Perfect. Thank you  
21 very much. I'm now calling the cases 23853 through  
22 57, 63 through 67, 24233 through 44, 24257 through 58.  
23 These were cases that were under a prehearing order  
24 that was vacated at the request of the parties.  
25 Entries of appearance, please?

1 MS. BENNETT: Good morning,  
2 Mr. Examiner. Deana Bennett on behalf of Franklin  
3 Mountain Energy, and there are a few additional cases  
4 that are also involved in this.

5 MR. CHAKALIAN: Could you tell me what  
6 they are?

7 MS. BENNETT: Yes. 23859 to 23862, and  
8 then 24245 through 24249.

9 MR. CHAKALIAN: How is it that I missed  
10 these case numbers? Were they -- why did I not know  
11 that, please?

12 MS. BENNETT: I'm not sure. They're  
13 shown on the worksheet as being part of this status  
14 conference. They're shown on line -- well, docket  
15 number 29 includes these case numbers as well.

16 MR. CHAKALIAN: Thank you, Ms. Bennett.

17 MS. BENNETT: It could be -- actually,  
18 when I'm looking at the docket now, I see that 29 is a  
19 separate, like, line item for a status conference, but  
20 these were all together.

21 MR. CHAKALIAN: Okay. So let me call  
22 238 -- now, I have 58 through 62. You said 59 through  
23 62. Is 58 part of this?

24 MS. BENNETT: It is. Yes, I apologize.

25 MR. CHAKALIAN: Okay. No -- no.

1 That's fine. And then 24245 through 49, and then I  
2 think we also have 24256. Is that right, Ms. Bennett?

3 MS. BENNETT: That's right.

4 MR. CHAKALIAN: We have a lot of cases  
5 here. There must be at least 30 cases that I'm  
6 calling right now. Are there any other entries of  
7 appearance in these cases?

8 MR. FELDEWERT: Morning, Mr. Examiner.  
9 Michael Feldewert with Santa Fe office of Holland &  
10 Hart appearing on behalf of MRC Permian, and then COG  
11 Operating.

12 MR. CHAKALIAN: Okay. Thank you, sir.  
13 Any others?

14 Ms. Bennett, from your understanding,  
15 is it only you and Mr. Feldewert who have entered on  
16 these cases?

17 MS. BENNETT: No. Dal Moellenberg from  
18 Greenberg Traurig has entered an appearance on behalf  
19 of Oxy and certain of the cases. He's appeared off  
20 and on in some of the hearings that we've had on these  
21 cases, but I don't see him on today.

22 MR. CHAKALIAN: I don't either. Okay.  
23 Well, then he waived his appearance for today. Are  
24 there any others before we get started?

25 MS. BENNETT: That's the only other one

1 that I can think of off the top of my head.

2 MR. CHAKALIAN: Okay. Very good. Do.  
3 you want to kick off the discussion, Ms. Bennett?

4 MS. BENNETT: Sure. Yes. So the  
5 parties had asked the hearing examiner to vacate the  
6 prehearing order in these cases. These cases were set  
7 for a contested hearing today. And it's my  
8 understanding that Franklin Mountain Energy and MRC  
9 are in discussions, and that's the reason why we asked  
10 to have the prehearing order vacated.

11 Mr. Feldewert and I haven't had a  
12 chance to confer on this due to some really  
13 unfortunate travel situation I had yesterday. But  
14 that's my understanding, that the parties are at  
15 least, you know, in discussions. And so my thought  
16 was to ask for a status conference in May for these  
17 cases, and then we'd be able to update the Division on  
18 the status of discussions and then any next steps.

19 MR. CHAKALIAN: Okay. Before I go to  
20 Mr. Feldewert, when were these cases filed?

21 MS. BENNETT: These cases were -- the  
22 Franklin Mountain Energy cases were first filed in  
23 September.

24 MR. CHAKALIAN: Okay.

25 Mr. Feldewert?

1 MS. BENNETT: But there's been a -- I'm  
2 sorry, Mr. Hearing Examiner. There have been new  
3 applications filed over the intervening months, but  
4 that's when the first Remington applications were  
5 filed.

6 MR. CHAKALIAN: Thank you.  
7 Mr. Feldewert?

8 MR. FELDEWERT: Yeah. And,  
9 Mr. Examiner, I agree with Ms. Bennett that the  
10 parties are in discussions. I think a status  
11 conference in May makes sense here. Recall that these  
12 cases required some refiling of cases by the parties  
13 to address various issues. There's also the ongoing  
14 transaction between ConocoPhillips and MRC Permian  
15 which is influencing this. So I think a status  
16 conference in May is appropriate.

17 MR. CHAKALIAN: Okay. And that's fine.  
18 We'll set a status conference -- once you continue all  
19 of these cases, we will set them for a status  
20 conference in May. We have the 2nd and 16th, which is  
21 the preference?

22 MR. FELDEWERT: Do you have a  
23 preference, Deana? Shall we go the 16th?

24 MS. BENNETT: May 16th works fine.  
25 Thank you.

1 MR. CHAKALIAN: Yes, of course.

2 MR. FELDEWERT: Yes.

3 MR. CHAKALIAN: That's fine. So we'll  
4 set these for status conference, this entire group of  
5 cases, for May 16. But I will say that it is my  
6 preference to either take these to a hearing or get  
7 them off our docket, so I'm going to want to have a  
8 hearing by September when they hit at the one year  
9 mark.

10 So I'm just letting the parties know  
11 now. I understand that, you know, you guys can work  
12 out the issues. It'll save everyone a lot of time and  
13 effort. But you can also dismiss the cases if we're  
14 coming to the September without an agreement. Okay.  
15 So will there be anything else?

16 MS. BENNETT: No. Thank you.

17 MR. FELDEWERT: No. Thank you.

18 MR. CHAKALIAN: Yes. Thank you. Okay.  
19 So now, let's see. Okay. So now we have 23872. It  
20 looks like it's -- and 24093 I think. Is that right?

21 MS. MCLEAN: Yes. Yes, Mr. Examiner.  
22 Jackie McLean on behalf of Spur Energy Partners.

23 MR. CHAKALIAN: Wonderful. Are there  
24 any other parties that you know of?

25 MS. MCLEAN: Yes. There's Riley

1 Permian represented by Beatty & Wozniak. I'm not  
2 sure -- I can't tell who's on.

3 MR. CHAKALIAN: Okay.

4 MS. MCLEAN: At this point they're very  
5 close to coming to a resolution, and so the parties  
6 filed continuances on Tuesday so that they can  
7 hopefully wrap things up and dismiss the cases prior  
8 to that April docket.

9 MR. CHAKALIAN: So, Sheila, have we  
10 granted the continuance?

11 MS. APODACA: No, we haven't granted  
12 them in the system yet.

13 MR. CHAKALIAN: I thought so. Okay.

14 So, Ms. McLean, it's your understanding  
15 that these cases, or I guess -- yeah, these two cases  
16 will be settled before the April docket?

17 MS. MCLEAN: That's my understanding is  
18 that they're very close on coming to a resolution, so  
19 I hope that they do.

20 MR. CHAKALIAN: Okay. Right.

21 So, Sheila, when we grant the  
22 continuance, does it not have to be continued to  
23 somewhere?

24 MS. APODACA: I'm sorry, your voice was  
25 very faint. Can you say that again?

1 MR. CHAKALIAN: Sorry, Sheila. It's my  
2 understanding that if you grant a continuance that you  
3 have to put the cases somewhere on some docket; is  
4 that right?

5 MS. APODACA: Yes, we do need a date.

6 MR. CHAKALIAN: Okay. So, Ms. McLean,  
7 we have April the 4th and the 18th where we can  
8 continue these two. Which one is your preference?

9 MS. MCLEAN: Well, I'm just looking at  
10 the motion now, and I believe that they actually asked  
11 for the March 21st hearing docket. So we would ask  
12 that they be continued for a status conference on the  
13 March 21st docket.

14 MR. CHAKALIAN: Okay.

15 Sheila, can we continue these to March  
16 21st?

17 MS. APODACA: Oh, yes.

18 MR. CHAKALIAN: Okay. Wonderful.  
19 Thank you, Ms. McLean. Is there anything left on  
20 these two cases?

21 MS. MCLEAN: Nothing from Spur,  
22 Mr. Examiner.

23 MR. CHAKALIAN: Okay. Thank you.

24 MR. PARROT: Mr. Hearing Examiner, this  
25 is James Parrot with Beatty & Wozniak. I'm

1 representing Riley Permian. No objection to anything  
2 that was just agreed to. I was not able to unmute  
3 myself. I'm not really sure what was going on, so I  
4 couldn't actually chime in there. But I'm here.  
5 Thank you.

6 MR. CHAKALIAN: Thank you. Sorry that  
7 we caused you that trouble.

8 MR. PARROT: The trouble was my  
9 technical incapacibilities and nothing to do with the  
10 Division. But I'm here and just wanted to make sure  
11 you know that Riley Permian agrees. Thank you.

12 MR. CHAKALIAN: Thank you, Mr. Parrot.  
13 So we are moving on now to 24 -- no, excuse  
14 me -- 23944, Pride Energy. It looks like it's  
15 combined with 23945, 24074 through 76, 24101 through  
16 24102. Entries of appearance, please?

17 MS. SHAHEEN: Good morning,  
18 Mr. Examiner, everyone. Sharon Shaheen, Montgomery &  
19 Andrews, on behalf of Pride Energy.

20 MR. CHAKALIAN: Good morning.

21 MR. FELDEWERT: Good morning,  
22 Mr. Examiner. Michael Feldewert, Santa Fe office of  
23 Holland & Hart, for MRC Permian.

24 MR. CHAKALIAN: Yes, good morning. Are  
25 there any other parties, Ms. Shaheen, that you know

1 of?

2 MS. SHAHEEN: I believe EOG may have  
3 entered an appearance. Ms. Kessler. I haven't  
4 noticed if she's on this morning. I don't see her,  
5 but I believe she simply --

6 MS. KESSLER: Good morning. Thank you,  
7 Ms. Shaheen. I'm here. I'm trying to figure out the  
8 new room logistics. Jordan Kessler on behalf of EOG  
9 Resources. Thank you.

10 MR. CHAKALIAN: Good morning,  
11 Ms. Kessler.

12 Ms. Shaheen, how do you want to proceed  
13 with these cases?

14 MS. SHAHEEN: I've spoken with my  
15 client. I haven't had a chance to speak with  
16 Mr. Feldewert, but I understand that they have  
17 exchanged an operating agreement a couple days ago,  
18 and Pride would suggest that we allow the parties an  
19 additional month here before having another status  
20 conference so that they can confer about the operating  
21 agreement.

22 MR. CHAKALIAN: Okay.

23 Mr. Feldewert?

24 MR. FELDEWERT: We have no objection to  
25 that, and agree that I think they're close to getting

1 this resolved.

2 MR. CHAKALIAN: Ms. Kessler?

3 MS. KESSLER: Thank you. That sounds  
4 good with EOG.

5 MR. CHAKALIAN: Okay. Ms. Shaheen, do  
6 you prefer the April 4th, or do you prefer April 18?

7 MS. SHAHEEN: I think the 4th would be  
8 perfect.

9 MR. CHAKALIAN: Fantastic. Okay. So  
10 then once the parties file continuances, we will put  
11 these on the April 4th docket.

12 Ms. Shaheen, when were your cases  
13 filed?

14 MS. SHAHEEN: The Pride cases were  
15 filed October 17th.

16 MR. CHAKALIAN: That's perfect.

17 MS. SHAHEEN: And I believe the Matador  
18 cases were filed thereafter.

19 MR. CHAKALIAN: And are those competing  
20 applications?

21 MS. SHAHEEN: Yes.

22 MR. CHAKALIAN: Okay. Is there  
23 anything else from any of the three parties before we  
24 move on? Okay. Not hearing anything. We'll move on.  
25 24154, EGO Resources, 24155. Entries of appearance,

1 please?

2 MR. BRUCE: Mr. Examiner, Jim Bruce  
3 representing E.G.L.

4 MR. CHAKALIAN: Okay. So are there any  
5 other parties, Mr. Bruce?

6 MR. BRUCE: There's a couple of them.

7 MS. MCLEAN: Yes, Mr. Examiner. Jackie  
8 McLean on behalf of COG Operating.

9 MR. CHAKALIAN: Thank you.

10 MR. FELDEWERT: Good morning,  
11 Mr. Examiner. Michael Feldewert on behalf of XTO  
12 Energy, Inc.

13 MR. CHAKALIAN: Good morning.

14 MS. BENNETT: And good morning,  
15 Mr. Examiner. Deana Bennet on behalf of Avant  
16 Operating, LLC.

17 MR. CHAKALIAN: Okay. Is that all the  
18 entries of appearance?

19 MS. BENNETT: Good morning again,  
20 Mr. Examiner. Deana Bennett on behalf of Durango  
21 Production.

22 MR. CHAKALIAN: Durango. Thank you.

23 MS. BENNETT: It says Sabre Operating  
24 on the worksheet, but it's actually Durango  
25 Production. They're affiliated entities.

1 MR. CHAKALIAN: So instead of Sabre, it  
2 should say Durango?

3 MS. BENNETT: Yes.

4 MR. CHAKALIAN: Thank you.

5 Sheila, will you make a note of that?

6 MR. FELDEWERT: While we're on that  
7 topic, if I look at the docket sheet, case 24101 and  
8 24102 says Stonewall. It should be Wayne Gaylord.

9 MR. CHAKALIAN: And can you spell that  
10 for us?

11 MR. FELDEWERT: It would be just like  
12 what you see on the docket in numbers 45 and 46.

13 MR. CHAKALIAN: I see it -- I see it.  
14 So that's the formation, is Wayne Gaylord?

15 MR. FELDEWERT: Yep.

16 MR. CHAKALIAN: Okay. So, Sheila, can  
17 you make a note of those changes on our --

18 MS. APODACA: Oh, I can go in and  
19 manually change them, but the report pulls this  
20 information from the case file. So whatever was  
21 entered there is what it's pulling, so I'll have to  
22 see.

23 MR. FELDEWERT: Yeah, something must  
24 have happened because I double checked the  
25 applications.

1 MS. APODACA: Okay.

2 MR. CHAKALIAN: Okay. So let's start  
3 out with Mr. Bruce with E.G.L. How do you want to  
4 proceed with your cases?

5 MR. BRUCE: Mr. Examiner, these are  
6 tied in and -- Ms. Bennett, correct me if I'm wrong on  
7 the numbers, but I think it's two cases for Avant,  
8 24118 and 24119.

9 MS. BENNETT: That's correct.

10 MR. BRUCE: These I believe are --

11 MR. CHAKALIAN: So hold on, Mr. Bruce.  
12 So you're saying -- Mr. Bruce, hold on. So you're  
13 saying that these two cases, 24154, 24155, should be  
14 consolidated with 24118 and 119?

15 MR. BRUCE: Yes, and those cases are  
16 set for March 21 I think.

17 MR. CHAKALIAN: Set for what,  
18 Mr. Bruce?

19 MR. BRUCE: Contested hearing.

20 MR. CHAKALIAN: March 21st, contested  
21 hearing. Okay. Go ahead, Mr. Bruce.

22 MR. BRUCE: So I was just planning  
23 on -- these were filed for this docket with the  
24 understanding that I would then file a motion for a  
25 continuance to March 21 for these cases, which I have

1 drafted that up, and I will file those with Sheila  
2 shortly.

3 MR. CHAKALIAN: So, Mr. Bruce, will you  
4 be ready to proceed to a contested hearing for your  
5 two E.G.L. cases?

6 MR. BRUCE: I plan on it, yep.

7 MR. CHAKALIAN: Okay. So you're saying  
8 then, just so I understand it, that on March 21st  
9 we're going to have a contested hearing with cases  
10 24154, 55, 24118 and 119?

11 MR. BRUCE: Yes.

12 MR. CHAKALIAN: Okay.

13 Sheila, can you make a note of that?

14 MS. APODACA: Yes. And then shall I  
15 revise the prehearing order to include these?

16 MR. CHAKALIAN: Mr. Bruce, do we need  
17 to revise the prehearing order to include these cases?

18 MR. BRUCE: I suppose we should put  
19 them on but, you know, it's pretty -- just a  
20 formality.

21 MS. BENNETT: Mr. Hearing Examiner, I  
22 don't mean to cut in, but the Division already issued  
23 a prehearing order with all four cases on it. We  
24 happened to have known the case numbers at the time  
25 the Division entered the prehearing order, and so it

1 does already include all four case numbers.

2 MR. CHAKALIAN: Thank you. Wonderful.

3 And, Mr. Bruce, your witnesses will be  
4 available on March 21st?

5 MR. BRUCE: Yes.

6 MR. CHAKALIAN: Okay.

7 And, Ms. McLean, are you participating  
8 in that contested hearing?

9 MS. MCLEAN: Yeah, we will be there  
10 just to observe.

11 MR. CHAKALIAN: Observe. Thank you.

12 And Mr. Feldewert, are you observing,  
13 or are you going to have witnesses?

14 MR. FELDEWERT: We are observing.

15 MR. CHAKALIAN: Okay.

16 And Ms. Bennett?

17 MS. BENNETT: I will have witnesses,  
18 yes.

19 MR. CHAKALIAN: You will have  
20 witnesses. Okay. Wonderful.

21 MS. BENNETT: Yes, these are competing  
22 applications. Avant has applications that compete  
23 with E.G.L.'s.

24 MR. CHAKALIAN: I understand. Perfect.  
25 Okay. Well, is there anything else before we move on?

1 MR. BRUCE: No, sir.

2 MR. CHAKALIAN: Okay.

3 MS. BENNETT: Thank you.

4 MR. CHAKALIAN: Thank you. Okay. Now  
5 we are at 24164, 65, 66, 67. These are Permian  
6 Resources. Entries of appearance, please?

7 MS. MCLEAN: Yes. Jackie McClean from  
8 Hinkle Shanor on behalf of Permian Resources.

9 MR. CHAKALIAN: Thank you.

10 MR. FELDEWERT: Good morning,  
11 Mr. Examiner. Michael Feldewert from the Santa Fe  
12 office of Holland & Hart appearing on behalf of MRC  
13 Permian and COG Operating.

14 MS. KESSLER: Good morning,  
15 Mr. Examiner. Jordan Kessler on behalf of EOG.

16 MR. CHAKALIAN: EOG. Thank you.

17 MS. BRADFUTE: Good morning,  
18 Mr. Examiner. Jennifer Bradfute with Bradfute  
19 Consulting & Legal Services on behalf of Tap Rock  
20 Resources III, LLC. And I apologize, I'm a little  
21 under the weather as well.

22 MR. CHAKALIAN: You're not as under the  
23 weather as I am. Ms. -- did you say Bradfute?

24 MS. BRADFUTE: Bradfute, yes.

25 MR. CHAKALIAN: Bradfute. First time

1 that I'm meeting you. Welcome to our docket.

2 MS. BRADFUTE: Yes, thank you.

3 MR. CHAKALIAN: Okay. So let's see.

4 Ms. McLean, how do you want to proceed with your  
5 cases?

6 MS. MCLEAN: I believe that COG had  
7 filed a motion for continuance to the March 21st  
8 docket. So I'll let Mr. Feldewert talk if he'd like  
9 to.

10 MR. FELDEWERT: Yes, it's an objection  
11 to that motion. So the parties request that it be  
12 continued to the March 21st docket.

13 MR. CHAKALIAN: For what purpose?

14 MR. FELDEWERT: My understanding is --

15 MS. MCLEAN: Presentation by affidavit  
16 I believe. I think that they just wanted a little  
17 more time to work things out, but it's my  
18 understanding that we should be able to proceed  
19 because I don't believe that anyone is objecting to  
20 presentation by affidavit at this point.

21 MR. CHAKALIAN: According to my notes,  
22 it looks like we had a new entry of appearance and an  
23 objection filed two days ago. Which party would that  
24 be?

25 MS. BRADFUTE: Mr. Hearing Examiner,

1 that is Tap Rock Resources, LLC. We have spoken with  
2 the applicant's counsel and have no objection to them  
3 proceeding by affidavit with the continuance. Yeah.

4 MR. CHAKALIAN: Okay. Then,  
5 Ms. Bradfute, would you be so kind as to file a  
6 withdrawal of your objection?

7 MS. BRADFUTE: Yes, I would. Thank  
8 you.

9 MR. CHAKALIAN: Okay. Thank you.  
10 Okay. So then it looks like, Ms. McLean, that we're  
11 going to have a hearing by affidavit on March the 21st  
12 for your -- I guess it's four cases?

13 MS. MCLEAN: That's correct,  
14 Mr. Examiner.

15 MR. CHAKALIAN: Okay. Wonderful.  
16 Anything else?

17 MS. MCLEAN: Nothing from Permian.

18 MR. CHAKALIAN: Okay. All right.  
19 Let's move on. It looks like E.G.L., 24184, 24185.  
20 Entries of appearance?

21 MR. BRUCE: Mr. Examiner, Jim Bruce  
22 representing E.G.L. again.

23 MR. CHAKALIAN: Any other?

24 MS. BENNETT: Yes. Good morning,  
25 Mr. Examiner. Deana Bennett. And I'm in both cases

1 on behalf of Snow Oil & Gas, and Dan W. and Sandra  
2 Lynn Snow.

3 MR. CHAKALIAN: Snow Oil & Gas and who?

4 MS. BENNETT: Dan W. and Sandra Lynn  
5 Snow.

6 MR. CHAKALIAN: Oh. Okay.

7 MS. BENNETT: And I did just double  
8 check of my entries of appearance to make sure that  
9 they were in both cases and that they reflected both  
10 parties' names, and they do.

11 MR. CHAKALIAN: And are you objecting  
12 to proceeding by affidavit?

13 MS. BENNETT: Yes.

14 MR. CHAKALIAN: You are.

15 Mr. Bruce, how do you want to proceed?

16 MS. RYAN: There's one more entry,  
17 sorry. Beth Ryan on behalf of COG Operating. Thank  
18 you.

19 MR. CHAKALIAN: Thank you, Ms. Ryan.  
20 Did you file an objection?

21 MS. RYAN: We did not file an  
22 objection, but I believe Ms. Bennett did.

23 MR. CHAKALIAN: Correct. You did not.  
24 Okay.

25 MR. FELDEWERT: And, Mr. Examiner,

1 Michael Feldewert with the Santa Fe office of Holland  
2 & Hart for MRC Permian. We did file an objection, and  
3 we are filing competing applications.

4 MR. CHAKALIAN: Okay. When do you  
5 anticipate filing these competing applications?

6 MR. FELDEWERT: Let's see. Based on  
7 when the well proposals went out, which was for the  
8 Lasari [ph] and Semelback [ph] wells, we would file on  
9 April 2nd for the May 2nd docket.

10 MR. CHAKALIAN: You want your competing  
11 applications on the May 2nd docket?

12 MR. FELDEWERT: Yes, sir.

13 MR. CHAKALIAN: Okay. Thank you, sir.

14 Mr. Bruce, you heard what's coming down  
15 the pipe. How do you want to proceed?

16 MR. BRUCE: Well, I just think we ought  
17 to set it up as a contested hearing somewhere along  
18 the way. I'm glad it's May and not April.

19 MR. CHAKALIAN: Okay. Will you be  
20 prepared for a contested hearing in May?

21 MR. BRUCE: Yes.

22 MR. CHAKALIAN: Okay. Mr. Feldewert is  
23 there any reason --

24 MR. BRUCE: And --

25 MR. CHAKALIAN: Hold on one second,

1 Mr. Bruce.

2 Mr. Feldewert, since you're filing  
3 competing applications in April to appear on the May  
4 2nd docket, is there any reason why we couldn't have a  
5 contested hearing in May?

6 MR. FELDEWERT: I know that the May 2nd  
7 docket in particular already has a contested case on  
8 it that I'm involved in. So if we're going to have a  
9 contested hearing, I would ask for the second docket  
10 in May or the first docket in June.

11 MR. CHAKALIAN: Well, I would again not  
12 want to set contested hearings at the end of dockets,  
13 so I would look at maybe May 9th, or maybe May 23rd.  
14 Just not the same day. So any preference?

15 MR. FELDEWERT: I would say May 23rd.

16 MR. CHAKALIAN: Perfect.

17 Mr. Bruce, is that okay with you?

18 MR. BRUCE: That's acceptable to me,  
19 Mr. Examiner.

20 MR. CHAKALIAN: All right.

21 Ms. Bennett, is that okay with you?

22 MS. BENNETT: Yes, that's fine. The  
23 Snows have some questions about title, and so with MRC  
24 entering the picture, that gives time to work out  
25 those questions about title.

1 MR. CHAKALIAN: Okay.

2 And Ms. Ryan?

3 MS. RYAN: That's fine. We're just  
4 monitoring this case.

5 MR. CHAKALIAN: Okay.

6 So, Sheila, would you issue a  
7 prehearing order? Now, we don't have case numbers  
8 for --

9 So, Mr. Feldewert, how would we issue a  
10 prehearing order if we don't have your case numbers on  
11 there?

12 MR. FELDEWERT: I think the way we've  
13 done it previously is we will file our cases, get the  
14 case numbers, and then I will file a motion to add  
15 them to the prehearing order.

16 MR. CHAKALIAN: Okay. Perfect. That  
17 sounds good to me.

18 So, Sheila, did you catch that?

19 MS. APODACA: Yes, I did.

20 MR. CHAKALIAN: Okay. Great. So we'll  
21 have a May 23rd contested hearing for E.G.L., Snow,  
22 MRC cases.

23 Anything further, Mr. Bruce, on these  
24 cases, or shall we move on?

25 MR. BRUCE: Move on, sir.

1 MR. CHAKALIAN: Excellent. Okay.

2 Let's see. I think we're at number 57 on our docket,  
3 which is Marathon Oil. It's all by itself, 24187.

4 MS. BENNETT: Good morning, Mr. Hearing  
5 Examiner. Deana Bennett on behalf of Marathon Oil  
6 Permian, LLC.

7 MR. FELDEWERT: Good morning,  
8 Mr. Examiner. Michael Feldewert with Santa Fe office  
9 for MRC Permian.

10 MR. CHAKALIAN: Anyone else? Okay.

11 Ms. Bennett, how do you want to  
12 proceed?

13 MS. BENNETT: Thank you, Mr. Hearing  
14 Examiner. Marathon is ready to move forward with this  
15 case, but MRC filed an entry of appearance and  
16 objection to the case going by affidavit. And so I am  
17 going to have to defer to Mr. Feldewert to see what  
18 MRC's plans are and then react to that.

19 MR. CHAKALIAN: Okay.

20 Mr. Feldewert?

21 MR. FELDEWERT: So, Mr. Examiner,  
22 Marathon seeks to pool the First Bone Spring interval  
23 under the east half of Section 35 and Section 2. MRC  
24 owns 100 percent of the east half of 35, and they have  
25 plans to develop the east half of 35 with the east

1 half of 36, where they also own 100 percent.

2 So no pooling is required for their  
3 laydown wells that they seek to utilize to develop  
4 their own acreage. So that's why we object to  
5 Marathon's standup wells.

6 I would suggest perhaps a status  
7 conference to allow discussions, but if they're not  
8 fruitful, then we're going to move to dismiss the  
9 pooling application on the grounds that they seek to  
10 develop acreage where we have plans to develop and we  
11 own 100 percent.

12 And there's case law, there's Division  
13 precedent, that indicates we should win that.

14 MR. CHAKALIAN: Ms. Bennett?

15 MS. BENNETT: Thank you. I think it's  
16 a bit premature to be talking about the merits of the  
17 cases at this point, and we will have our own  
18 precedent, of course, to advance in opposition to MRC.  
19 So looking forward to spending time doing that. But  
20 in the meantime, I think a status conference sounds  
21 acceptable as long as we could do it in the relatively  
22 near future. Like, maybe April 4th?

23 MR. CHAKALIAN: Sheila --

24 MS. BENNETT: That way -- I'm sorry.

25 MR. CHAKALIAN: Okay. Hold on,

1 Ms. Bennett.

2 Sheila, is there room on the April 4th  
3 docket for a status conference in this case?

4 MS. APODACA: Yeah, there should be  
5 room for that. It's getting a little full, but I  
6 think a status conference will be fine.

7 MR. CHAKALIAN: Okay.

8 MR. FELDEWERT: My -- I'm --

9 MR. CHAKALIAN: Mr. Feldewert, hold on  
10 one second because I don't think Ms. Bennett was done  
11 yet.

12 Ms. Bennett, did you have anything else  
13 to say?

14 MS. BENNETT: No. Thank you.

15 MR. CHAKALIAN: Oh, okay. So you are  
16 done. But, Ms. Bennett, I have a question for you.  
17 Did you know what Mr. Feldewert said a few minutes ago  
18 about the ownership?

19 MS. BENNETT: No, I did not.

20 MR. CHAKALIAN: Oh, okay. All right.  
21 Okay. Mr. Feldewert?

22 MR. FELDEWERT: My only concern with  
23 the April 4th docket, and I realize it would just be a  
24 status conference, is I'm supposed to be on the beach  
25 with my grandson that week. So if we could do it at a

1 different time, that would be appreciated.

2 MR. CHAKALIAN: Ms. Bennett, would it  
3 be a problem to move it to April 18th?

4 MS. BENNETT: No, that's fine.

5 MR. CHAKALIAN: Excellent. Thank you  
6 for your sensibility.

7 Which beach are you going to,  
8 Mr. Feldewert?

9 MR. FELDEWERT: Miramar down in  
10 Florida, yeah.

11 MR. CHAKALIAN: Okay. Fantastic.

12 MR. FELDEWERT: Hopefully I won't have  
13 the same travel problems that I know Ms. Bennett had.

14 MS. BENNETT: Mm-hmm.

15 MR. CHAKALIAN: Okay. We will continue  
16 these once we get continuances from Ms. Bennett, it's  
17 only one case, to the April 18th docket.

18 Anything else, Ms. Bennett?

19 MS. BENNETT: No. Thank you.

20 MR. CHAKALIAN: Okay. Moving on to  
21 case 58, Franklin Mountain Energy 3. It looks like we  
22 have several cases here. Let's take a look. Looks  
23 like we have 24195 through 97, and then 24207. Is  
24 that correct, Ms. Bennett?

25 MS. BENNETT: That's correct.

1 MR. CHAKALIAN: Okay. Wonderful. And  
2 entries of appearance, please?

3 MS. BENNETT: Thank you. Deana Bennett  
4 on behalf of Franklin Mountain Energy 3 in these  
5 cases.

6 MR. PARROT: This is James Parrot with  
7 Beatty & Wozniak representing Marathon Oil Permian,  
8 LLC. Thank you.

9 MR. CHAKALIAN: Mr. Parrot, did you  
10 file an objection?

11 MR. PARROT: We did. It was filed  
12 Tuesday evening, so I think it did not make it into  
13 the worksheet. But we did file the appearance and  
14 opposition to the presentation by affidavit for these  
15 four cases. Also the next four cases that I believe  
16 are consolidated. Not with these four cases, but just  
17 kind of giving you a heads up for the next grouping.

18 MR. CHAKALIAN: I see. So are you  
19 saying, Mr. Parrot, that we have eight cases that we  
20 should be talking about right now instead of four?

21 MR. PARROT: Well, that might be more  
22 efficient but, you know, I'm more than happy to leave  
23 it to Ms. Bennett to decide how to dispose of the  
24 group of cases that Franklin Mountain has that  
25 Marathon has filed objections.

1 MR. CHAKALIAN: Okay. But before I go  
2 back to Ms. Bennett, Mr. Parrot, is it your client's  
3 intention to file competing applications, or are you  
4 just going to be questioning their witnesses?

5 MR. PARROT: Well, at the moment the  
6 two companies are involved in what appear to be very  
7 productive discussions, and I think we'd like to let  
8 those play out for a few weeks before we make the  
9 decision to file competing applications.

10 MR. CHAKALIAN: I see. Okay.

11 MR. PARROT: Ms. Bennet, please correct  
12 me if that is an incorrect characterization of the  
13 status.

14 MR. CHAKALIAN: Ms. Bennett?

15 MS. BENNETT: Thank you. First, I  
16 would like to keep the two sets of cases separate.  
17 There are different parties in the cases and so I  
18 would like to keep them separate. In the next four  
19 cases that we'll be talking about, there's another  
20 entry of appearance so I'd like to keep them separate.

21 In terms of these four cases, and by  
22 these four, I'm referring to 24195, 96, 97, and 207, I  
23 agree with Mr. Parrot that the parties are in  
24 discussions and that a short continuance is warranted  
25 to allow the parties to continue those discussions, as

1 well as for me to undertake any evaluation that I may  
2 need to take in order to -- if I need to, you know,  
3 pass this on to another lawyer. So I think a  
4 continuance is warranted here.

5 MR. CHAKALIAN: A continuance is  
6 warranted to what docket?

7 MS. BENNETT: April 4th, Mr. Hearing  
8 Examiner, if that's acceptable to Mr. Parrot.

9 MR. CHAKALIAN: I have a feeling that  
10 docket's getting kind of full now from what  
11 Ms. Apodaca said few minutes ago.

12 MS. BENNETT: Okay. Yeah.

13 MR. CHAKALIAN: So would it be a  
14 problem to move it to April 18?

15 MS. BENNETT: No. I think that's fine  
16 because the next set of cases involve Mr. Feldewert,  
17 and so we would like be on April 18th for those  
18 anyway. So I think -- is there any chance we could go  
19 to March 21st instead of April 18th? I'm not sure if  
20 that's enough time.

21 MR. CHAKALIAN: Well, it's up to the  
22 parties to tell me what they want. So what are you  
23 asking for then?

24 MS. BENNETT: I'm asking to allow  
25 Mr. Parrot the opportunity to weigh in.

1 MR. CHAKALIAN: Mr. Parrot?

2 MR. PARROT: Thank you, Mr. Examiner.  
3 Marathon has indicated that they think that the deal  
4 might be -- I think they're optimistic, but it might  
5 be a little complex. So a little more time would be  
6 helpful to avoid having to come back and just ask for  
7 yet another continuance, and then effectively further  
8 delaying the applications to probably, like, June or  
9 something.

10 So, you know, I think April 18th would  
11 be okay. May 2nd might be better, but I can respect  
12 Franklin's desire to have these processed efficiently.  
13 So if we want to find some time on April 18th for a  
14 status conference, that's fine. And if a deal is done  
15 by then, then, you know, proceeding by affidavit, I  
16 think that could be okay.

17 I don't mean to, you know, speak for  
18 Franklin in any way, so please correct me if I've  
19 misspoken in any way. Thanks.

20 MR. CHAKALIAN: Ms. Bennett, do you  
21 have something else to say about this, or can we just  
22 set this for a status conference April 18th?

23 MS. BENNETT: Nothing else to say.  
24 Thank you.

25 MR. CHAKALIAN: Okay. Perfect.

1     Excellent.  Okay.  That's what we'll do.  When you  
2     file continuances we'll put them on the April 18th  
3     docket for status conferences.

4                     And now we have some more Franklin  
5     Mountain Energy 3 cases, 24198, 99, 24205, 24206.

6                     MS. BENNETT:  Good morning,  
7     Mr. Examiner.  Deana Bennett on behalf of Franklin  
8     Mountain Energy.

9                     MR. CHAKALIAN:  Thank you.  Any other  
10    entries of appearance?

11                    MR. FELDEWERT:  Good morning,  
12    Mr. Examiner.  Michael Feldewert with the Santa Fe  
13    office of Holland & Hart appearing on behalf of MRC  
14    Permian, and we also had filed an objection to the  
15    matters proceeding by affidavit.

16                    MR. CHAKALIAN:  Thank you.  Any other  
17    parties?

18                    MR. PARROT:  This is James Parrot with  
19    Beatty & Wozniak on behalf of Marathon Oil Permian,  
20    LLC.  Thank you.

21                    MR. CHAKALIAN:  Thank you.  Did you  
22    file an objection, Mr. Parrot?

23                    MR. PARROT:  Yes, Mr. Examiner, on  
24    Tuesday.  Again, entry of appearance and opposition to  
25    presentation by affidavit.  I believe those are not

1 reflected on the worksheet.

2 MR. CHAKALIAN: No, they're not.  
3 That's why I'm asking. Is it your intention to file  
4 competing applications?

5 MR. PARROT: If you're asking me on  
6 behalf of Marathon, same answer as the prior four.  
7 And I would say that the parties are optimistic that a  
8 deal can be had and would like to have a little bit  
9 more time to discuss before Marathon makes a decision  
10 on competing applications. Thank you.

11 MR. CHAKALIAN: And Mr. Feldewert, I  
12 didn't ask you. Are you planning on filing competing  
13 applications?

14 MR. FELDEWERT: Yes, sir. The  
15 competing well proposals have been sent out. They're  
16 the MRC Condor wells.

17 MR. CHAKALIAN: Okay. So when would  
18 those cases be filed with the Division?

19 MR. FELDEWERT: Again, I think we can  
20 file on April 2nd for the May 2nd docket.

21 MR. CHAKALIAN: Okay. For the May 2nd  
22 docket. Okay.

23 Ms. Bennett?

24 MS. BENNETT: Thank you. So, yeah, I  
25 didn't really know until just now that Matador was

1 going to be sending out competing well proposals, so I  
2 haven't had a chance to discuss the need for a  
3 contested hearing with Franklin Mountain Energy.  
4 Looking at what was done recently, I think -- did you  
5 set a -- let's see. I'm just trying to think about  
6 how best to approach this.

7 MR. FELDEWERT: I have a suggestion.

8 MS. BENNETT: So I guess if  
9 Mr. Feldewert wants to submit his suggestion that's  
10 fine.

11 MR. CHAKALIAN: Go ahead,  
12 Mr. Feldewert.

13 MR. FELDEWERT: Sure. My suggestion  
14 would be a status conference on May 2nd, because I  
15 realize MRC's proposals just went out to the parties,  
16 which includes Marathon and Franklin Mountain and  
17 others. And it seems to me that that may allow time  
18 for the parties to have some discussions and see where  
19 we are on May 2nd, and whether a contested hearing is  
20 actually necessary.

21 MR. CHAKALIAN: Ms. Bennett?

22 MS. BENNETT: I think I'm generally in  
23 agreement that a status conference is a good idea, but  
24 I would prefer April 18th. The parties will have had  
25 two weeks at that point to have reviewed the -- well,

1 they'll have had more than two weeks, right, to have  
2 reviewed the competing well proposals, and then we  
3 won't be so far back in the queue in terms of being  
4 able to set up a contested hearing if we need to. So  
5 I would prefer a status conference on April 18th.

6 MR. CHAKALIAN: Okay.

7 Sheila, do we have room on the April  
8 18th docket for a status conference?

9 MS. APODACA: The docket is open, but  
10 the new applications that he's going to file can't go  
11 on the docket until May 2nd.

12 MS. BENNETT: Oh. That's okay. I  
13 understand that. But we could still have a status  
14 conference in these cases without the new cases having  
15 been on the May 2nd docket to allow the parties that  
16 are in these cases, which are the three parties at  
17 issue, to have a discussion with the division.

18 MR. CHAKALIAN: Okay.

19 So, Sheila, I don't know if you  
20 answered the question. Is there room on the April  
21 18th docket to put these cases for a status  
22 conference?

23 MS. APODACA: Yes, there is.

24 MR. CHAKALIAN: There is room. Okay.

25 So, Ms. Bennett, I know that you'd like

1 to move these things along.

2 And, Mr. Feldewert, you'll be available  
3 for April 18th?

4 MR. FELDEWERT: I better be, because we  
5 have a contested hearing that day.

6 MR. CHAKALIAN: Excellent. Okay. We  
7 will set these for an April 18 status conference.  
8 Anything else from the parties before we move on?

9 MS. BENNETT: Thank you very much.

10 MR. PARROT: Thank you, Mr. Examiner.

11 MR. CHAKALIAN: Thank you, Mr. Parrot.

12 Okay. Now we have on line 66 of our  
13 docket. It looks like this is the first of the  
14 hearings by affidavit. We have Matador Production,  
15 24133.

16 MS. VANCE: Good morning, Mr. Hearing  
17 Examiner, Mr. Technical Examiner. Paula Vance with  
18 the Santa Fe office of Holland & Hart on behalf of the  
19 applicant, MRC Delaware Resources, LLC.

20 MR. CHAKALIAN: Okay. And are you  
21 ready to proceed?

22 MS. VANCE: I am.

23 MR. CHAKALIAN: Okay. Good. Please  
24 proceed.

25 MS. VANCE: Thank you, Mr. Hearing

1 Examiner. So in case 24133, MRC seeks to pool the  
2 uncommitted interests in the Bone Spring formation.  
3 And that pool is Sand Tank Bone Spring, and the pool  
4 code is 963832. And that's underlying a standard  
5 310.82 acre, more or less, horizontal well spacing  
6 unit.

7 And that's comprised of the north half  
8 of the northeast quarter, the northeast quarter of the  
9 northwest quarter in Lot 1 of irregular Section 18.  
10 Essentially, that's the north half, north half  
11 equivalent, and that's in Township 18 South, Range 29  
12 East, and the north half, north half of section 13,  
13 Township 18 South, Range 28 East. And that is all  
14 land in Eddy County, New Mexico.

15 MRC seeks to initially dedicate the  
16 spacing unit to the proposed Stephanie 0712 Fed Com  
17 131H well. In this case we have provided a copy of  
18 the application, provided the compulsory pooling  
19 checklist, as well as a self-affirmed statement of  
20 landman Nick Weeks and geologist Andrew Parker, both  
21 of whom have previously testified before the Division,  
22 and their credentials have been accepted as a matter  
23 of record.

24 And both Mr. Weeks and Mr. Parker  
25 should be on the line and available for questions if

1 the examiners have any questions.

2 So Mr. Weeks' Statement is Exhibit C,  
3 and that's followed by all the standard sub exhibits,  
4 which include the C-102, a land tract map, a list of  
5 the uncommitted working interest owners and overrides  
6 that MRC seeks to pool, as well as a sample well  
7 proposal letter and AFEs, and the chronology of  
8 contacts.

9 This is followed by Mr. Parker's  
10 Self-Affirmed Statement which is Exhibit D, and  
11 includes D1, which is the locator map; D2, a Subsea  
12 and cross-section map; and D3, a stratigraphic  
13 cross-section. In these cases Mr. Parker did not  
14 observe any faulting pinch-outs or other geologic  
15 impediments to the horizontal drilling of this well.

16 And then lastly, or the last three  
17 exhibits we have are Exhibit E, which is a  
18 Self-Affirmed Statement of Notice for myself, which  
19 includes two notice letters. We had additional notice  
20 in this case. And so our first letter was dated  
21 January 12, 2024, and the second is February 16, 2024.

22 And that's followed by Exhibit F, which  
23 is the Affidavit of Notice of Publication, which we  
24 have two, and both were timely published on January  
25 18, 2024, and then February 22, 2024.

1 (Exhibits A through F were marked for  
2 identification.)

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

7 MR. CHAKALIAN: Okay. Let's deal with  
8 the exhibits first. Are there any objections? I'm  
9 not hearing any. Exhibits A, B, C, D, E, and F, and  
10 their subparts are admitted into evidence.

11 (Exhibits A through F were received  
12 into evidence.)

13 Mr. McClure?

14 MR. MCCLURE: No questions, Mr. Hearing  
15 Examiner.

16 MR. CHAKALIAN: Okay. Ms. Vance, this  
17 case will be taken under advisement.

18 MS. VANCE: Thank you very much.

19 MR. CHAKALIAN: Thank you very much.

20 Let's move on to number 67, Silverback  
21 Operator, 24156. Entry of appearance?

22 MR. HOLLIDAY: Good morning,  
23 Mr. Examiner. This is Ben Holliday with the San  
24 Antonio office of Holliday Energy Law Group.

25 MR. CHAKALIAN: Are there any other

1 parties, Mr. Holliday?

2 MR. HOLLIDAY: I don't believe so.  
3 We've not received any notices of appearance since the  
4 filing of our application.

5 MR. CHAKALIAN: Okay. And you're  
6 looking for an amended order?

7 MR. HOLLIDAY: Yes, sir. So in this  
8 case, number 24156, Silverback is seeking a one-year  
9 extension to commence drilling the Netherlin 101  
10 through 103H wells in Eddy County. So the Commission  
11 entered an order on March 30, 2023, order number  
12 R22567 --

13 MR. CHAKALIAN: Mr. Holliday?

14 MR. HOLLIDAY: Yes, sir.

15 MR. CHAKALIAN: You said the Commission  
16 entered an order, or was it the Division?

17 MR. HOLLIDAY: The Division, I'm sorry.

18 MR. CHAKALIAN: Thank you.

19 MR. HOLLIDAY: The Division entered an  
20 order on March 30, 2023, order number R22567, and that  
21 was in original case number 23194, pooling all of the  
22 uncommitted interests in the Atoka Glorieta Yeso  
23 Formation underlying a 320-acre standard horizontal  
24 spacing unit underlying the south half of Section 16,  
25 Township 18 South, Range 26 East, in Eddy County.

1                   So the standard order appointed  
2 Silverback, the operator, one year to commence  
3 drilling, unless good cause is shown. And since the  
4 time of the grant of the order, and as demonstrated in  
5 our exhibits -- I'm happy to walk you through -- we  
6 believe good cause to extend exists primarily related  
7 to Silverback's desire to produce these wells without  
8 the flaring of natural gas.

9                   Silverback has had significant delays  
10 in this area caused by what can only be called  
11 substantial midstream infrastructure delays and  
12 restrictions, which are now either resolving, if not  
13 already resolved, which would allow us to develop  
14 these wells in a responsible manner.

15                   So, additionally, we've had a lot of  
16 offset development in the area which has compounded  
17 infrastructure -- the midstream takeaway capacity. So  
18 by extending the time for one year, Silverback can  
19 produce these wells without flaring, and that is the  
20 basis for our request. So --

21                   MR. CHAKALIAN: Hold on, Mr. Holliday.  
22 I have a question. I see that you filed two sets of  
23 exhibits. One 42-page PDF on the 5th approximately,  
24 give or take a day, Exhibits A and B, and subparts.  
25 And then I'm looking at, the following day, a 77-page

1 document with A and B. What is the difference between  
2 the two? I can't tell.

3 MR. HOLLIDAY: Sure. Real easy. We  
4 filed a supplemental exhibit to include the green  
5 cards and the certified mail tracking number for cards  
6 that were delivered for which we have not received the  
7 green cards. So it was just supplementing to include  
8 the evidence of our notice.

9 MR. CHAKALIAN: And which exhibit  
10 number was supplemented?

11 MR. HOLLIDAY: That should be included  
12 in B3.

13 MR. CHAKALIAN: Included in B3. In the  
14 future if you want to submit a supplemental exhibit,  
15 please attach a cover letter so that the technical  
16 examiners and myself know what is changing between the  
17 two documents.

18 Another question for you. Mr. Jake  
19 Bebermeyer, the landman --

20 MR. HOLLIDAY: Bebermeyer, yes, sir.

21 MR. CHAKALIAN: -- and Mr. Benjamin  
22 Holliday, have they been accepted as experts by the  
23 Division? Yes, sir. And as laid out in Exhibit -- in  
24 Mr. Bebermeyer's affidavit, he has been previously  
25 certified as an expert in land matters. And I

1 submitted a Self-Affirmed Statement is actually what  
2 it is. But my testimony has been accepted by the  
3 Division also.

4 (Exhibit A and Exhibit B were marked  
5 for identification.)

6 MR. CHAKALIAN: Oh, that's you. Okay.  
7 Very good. Let's go to -- well, first of all, let's  
8 enter these exhibits into evidence. I am looking at  
9 the 77-page document filed, it looks like yesterday.  
10 The times are always a little weird, but looks like  
11 yesterday. Is that when you filed it?

12 MR. HOLLIDAY: Yes, sir. We filed the  
13 original on Tuesday, and then we filed the supplement  
14 to include the mailing receipts and returns yesterday.

15 MR. CHAKALIAN: Perfect. Are you  
16 seeking to have these entered into evidence?

17 MR. HOLLIDAY: Yes, sir.

18 MR. CHAKALIAN: Okay. Very good.  
19 So are there any objections? Not  
20 hearing any, and your Exhibits A, B, and its subparts  
21 of the supplemental filing of March 6, 2024 -- your  
22 77-page PDF -- is admitted into evidence.

23 (Exhibit A and Exhibit B were received  
24 into evidence.)

25 Mr. McClure, do you have any questions?

1 MR. MCCLURE: Thank you, Mr. Hearing  
2 Examiner. The only question I guess that I have for  
3 Mr. Holliday, on page 75 of 77, looking at your second  
4 submittal I guess, what is the reason for the  
5 inclusion of this affidavit of publication regarding a  
6 District Court case?

7 MR. HOLLIDAY: Right, yep. It looks  
8 like -- I'm scrolling up to page 72. And that  
9 affidavit should have stopped on page 74. And 75, 76,  
10 and 77, I'm not sure why those got stuck in the  
11 exhibit, but those relate to quiet title suits.  
12 They're unrelated to this matter. So those are  
13 superfluous.

14 The relevant affidavit and notice of  
15 publication, which we entered just to make sure  
16 everybody was noticed of this, right, those are page  
17 numbers -- 72 is the affidavit, and the actual notice  
18 begins on 73.

19 MR. MCCLURE: Okay. Thank you. No  
20 further questions.

21 MR. CHAKALIAN: Okay. Mr. Holliday,  
22 this case will be taken under advisement by the  
23 Division. Thank you.

24 MR. HOLLIDAY: Yes, sir. Thank you.

25 MR. CHAKALIAN: I would like to take a

1 five-minute break at this point. It is 9:15 a.m.  
2 We'll come back on the record at 9:20. Thank you.

3 (Off the record.)

4 MR. CHAKALIAN: It's 9:20 a.m. We're  
5 back on the record. We are moving to case number 68  
6 on our docket, 24157 and 24158. Entries of  
7 appearance, please?

8 MS. VANCE: Sorry, Mr. Hearing  
9 Examiner. Paula Vance with the Santa Fe office of  
10 Holland & Hart on behalf of the applicant, Mewbourne  
11 Oil Company.

12 MR. CHAKALIAN: Are there any other  
13 parties, Ms. Vance?

14 MS. VANCE: I don't believe so, no.

15 MR. CHAKALIAN: Okay. And you're  
16 proceeding by affidavit?

17 MS. VANCE: That's correct.

18 MR. CHAKALIAN: Please go ahead.

19 MS. VANCE: Thank you, Mr. Hearing  
20 Examiner. So in both of these cases, Mewbourne is  
21 looking to re-open and amend two orders. So in case  
22 number 24157, the order in that case would be order  
23 number R-22854. And then in case number 24158, that  
24 order would be R-22855. And in both cases, Mewbourne  
25 is seeking to amend those orders to add the record

1 title owners under those existing orders, and for the  
2 purpose of getting the communitization agreement  
3 approved by the BLM.

4 And in both cases, we have included a  
5 copy of the application, and then a copy of the  
6 original orders, as well as a Self-Affirmed Statement  
7 of landman Thomas Loan. Mr. Sloan has previously  
8 testified before the Division, and his credentials  
9 have been accepted as a matter of record. And  
10 Mr. Sloan is on the line should the examiners have any  
11 questions.

12 Mr. Sloan's statement is Exhibit C, and  
13 this also includes two additional sub exhibits. We  
14 provided a revised pooling exhibit to include those  
15 record title owners, and then also a revised -- or a  
16 copy of the chronology of contacts that Mewbourne had  
17 with those record title owners trying to get voluntary  
18 signature for the CA.

19 And then the last two exhibits that I  
20 have are Exhibit D, which is a Self-Affirmed Statement  
21 of Notice with a sample letter that was timely mailed  
22 on February 16, 2024; and then Exhibit F, which is the  
23 Affidavit of Notice of Publication, which was timely  
24 published on February 22, 2024.

25 And unless there are any questions, I

1 would ask that the exhibits and sub exhibits be  
2 admitted into the record, and that these cases be  
3 taken under advisement.

4 (Exhibits A through E were marked for  
5 identification.)

6 MR. CHAKALIAN: Ms. Vance, did you  
7 outline the good cause for the amendment?

8 MS. VANCE: Yes.

9 MR. CHAKALIAN: What was it?

10 MS. VANCE: So we're seeking this in  
11 order to get approval for the communitization  
12 agreement. To get approval from the BLM for your CAs,  
13 it requires signature of all of the interest owners,  
14 and when you're unable to get voluntary signature, the  
15 BLM will accept a pooling order. And so we are  
16 seeking to get these parties pooled and get approval  
17 of those CAs.

18 MR. CHAKALIAN: Okay. Before we turn  
19 to Mr. McClure, let's deal with your exhibits. We  
20 have A, B, C, D, and E. Are there any objections?  
21 Not hearing any, they're admitted into evidence.

22 (Exhibits A through E were received  
23 into evidence.)

24 Mr. McClure?

25 MR. MCCLURE: No questions for either

1 case, Mr. Hearing Examiner.

2 MR. CHAKALIAN: For either case. Okay.  
3 Well that was --

4 MR. MCCLURE: Correct.

5 MR. CHAKALIAN: Thank you. That was  
6 case 24157. Now let's look at the Exhibits in 24158  
7 and get those admitted.

8 So in 24158, we also have Exhibits A,  
9 B, C, D, and E. Any objections? Not hearing any,  
10 they are entered into evidence, and both cases are  
11 taken under advisement.

12 (Exhibits A through E were marked for  
13 identification and received into  
14 evidence.)

15 Thank you, Ms. Vance.

16 MS. VANCE: Thank you, Mr. Hearing  
17 Examiner, and I hope you feel better.

18 MR. CHAKALIAN: Thank you.

19 We are moving on to Steward Energy, and  
20 that is 24169. Is it Ms. McLean?

21 MS. MCLEAN: Yes, Mr. Examiner. Jackie  
22 McClean with Hinkle Shanor on behalf of Steward.

23 MR. CHAKALIAN: Thank you. Ms. McLean,  
24 is there any way to do these three cases together?

25 MS. MCLEAN: I think it would be better

1 not to because all three of them are for overlapping  
2 spacing units, and they're overlapping different  
3 existing spacing units. So I think it's, you know,  
4 better to just take them separately.

5 MR. CHAKALIAN: Okay.

6 MS. MCLEAN: I would like to just get  
7 them done, but ...

8 MR. CHAKALIAN: All right. Let's talk  
9 about 24169 then.

10 MS. MCLEAN: Thank you, Mr. Examiner.  
11 In case number 24169, Steward seeks an order pooling  
12 all uncommitted interests within the San Andres  
13 formation underlying a 320-acre, more or less,  
14 standard overlapping horizontal spacing unit comprised  
15 of the west half, west half of Sections 22 and 27,  
16 Township 13 South, Range 38 East, in Lea County, New  
17 Mexico.

18 And the unit will be dedicated to the  
19 Pest Control 6H well. The unit will partially overlap  
20 with a spacing unit for the Roof Pizza Fee 5H well,  
21 the Vamonos Fee 4H and Vamonos Fee 5H wells, which are  
22 located in the west half of Sections 22 and 27,  
23 Township 13 South, Range 38 East, and produced from  
24 the Bronco, San Andres, South Pool.

25 The exhibit packet submitted to the

1 Division for case number 24169 includes Exhibit A, the  
2 land testimony of Taylor Warren and accompanying land  
3 exhibits, which include the Plat of Tracts and the  
4 overlapping spacing unit, the ownership interest,  
5 pooled parties, a well proposal letter, an AFE, and a  
6 summary of communication.

7 Then we have Exhibit B, the  
8 Self-Affirmed Statement of Shane Seals, with a  
9 location map, Subsea Structure map, gun barrel  
10 diagram, and stratigraphic cross-section. And then  
11 finally notice testimony, which includes a sample of  
12 the notice letter that was sent to the parties to be  
13 pooled, a chart setting out when the letters were sent  
14 and when returns were received by our office, copies  
15 of the certified mail green cards and white slip  
16 returns, and an Affidavit of Publication for February  
17 14, 2024.

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

20 And at this point I ask that Exhibits  
21 A, B, and C, be admitted into the record in case  
22 number 24169, and that the case be taken under  
23 advisement.

24 MR. CHAKALIAN: Thank you, Ms. McLean.  
25 Is Mr. Taylor Warren and Shane Seals -- have they had

1 their expert credentials accepted by the Division?

2 MS. MCLEAN: Yes, they have both  
3 previously testified before the Division.

4 MR. CHAKALIAN: Okay. And did you see  
5 Mr. Holliday -- I think he entered a late appearance  
6 in this case?

7 MS. MCLEAN: Yes, he did, and I believe  
8 that it turns out that the person had already leased  
9 their mineral interest. So he wasn't objecting to  
10 proceeding by affidavit, and at this point I think he  
11 wasn't planning on attending the hearing.

12 MR. CHAKALIAN: Let's see what he has  
13 to say.

14 Mr. Holliday?

15 MR. HOLLIDAY: No, that's correct. We  
16 received the classic 24 -- you know, 12th hour phone  
17 call from a concerned mineral owner yesterday, and  
18 really quickly was able to communicate with Ms. McLean  
19 and then Steward, and figure out he was in fact leased  
20 and it was just a courtesy notice. So no objection,  
21 nothing further from me.

22 MR. CHAKALIAN: Thank you,  
23 Mr. Holliday.

24 Okay. Are there any objections to  
25 Exhibits A, B, C, and their subparts? Not hearing

1 any, they're admitted into evidence.

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

4 Mr. McClure?

5 MR. MCCLURE: No questions for this  
6 case, Mr. Hearing Examiner.

7 MR. CHAKALIAN: Okay. This case is  
8 taken under advisement. Your next case, Ms. McClean?

9 MS. MCLEAN: Thank you, Mr. Examiner.  
10 And it's Jackie McLean with Hinkle Shanor on behalf of  
11 Steward in case number 24170.

12 And in this case, Steward is seeking an  
13 order pooling all uncommitted interests within the San  
14 Andres formation underlying a 402-acre, more or less,  
15 standard overlapping horizontal spacing unit comprised  
16 of the west half, west half of Sections 2 and 21,  
17 Township 14 South, Range 38 East, and the west half,  
18 southwest quarter of Section 35, Township 13 South,  
19 Range 38 East, in Lea County.

20 And this unit will be dedicated to the  
21 Broken Bar State 6H well. And this unit will also  
22 partially overlap with the spacing unit for the Broken  
23 Spoke State Com 5H well, and also the Dog Bar 11 Fee  
24 3H well. And both wells produce from that same  
25 Bronco, San Andres, South Pool.

1           The exhibit packet submitted to the  
2 Division for case number 24170 contains Exhibit A, the  
3 land testimony of Mr. Warren and accompanying land  
4 exhibits; Exhibit B, geology testimony of Mr. Seals  
5 and his accompanying geology exhibits; and then  
6 finally Exhibit C, the notice testimony, which  
7 includes copies of all the notice that was sent out  
8 and supporting documentation for that, as well as the  
9 Affidavit of Publication for February 13, 2024.

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

12           And I ask that Exhibits A, B, and C be  
13 admitted into the record in case number 24170, and  
14 that the case be taken under advisement.

15           MR. CHAKALIAN: Okay. Let's take a  
16 look at your exhibits here. Are there any objections  
17 to Exhibits A, B, and C? Not hearing any, they're  
18 admitted into evidence.

19           (Exhibit A, Exhibit B, and Exhibit C  
20           were received into evidence.)

21           Mr. McClure?

22           MR. MCCLURE: No questions, Mr. Hearing  
23 Examiner.

24           MR. CHAKALIAN: This case is taken  
25 under advisement, and we have one more case for you,

1 Ms. McLean, 24171.

2 MS. MCLEAN: Yes, it's one more for  
3 Steward, but you're going to have me for a little bit  
4 here.

5 MR. CHAKALIAN: Okay.

6 MS. MCLEAN: Jackie McLean on behalf of  
7 Steward Energy in case number 24171.

8 And in this case Steward's seeking an  
9 order pooling all uncommitted interests within the San  
10 Andres formation underlying a 320-acre, more or less,  
11 standard overlapping horizontal spacing unit comprised  
12 of the west half, east half of Sections 15 and 22,  
13 Township 13 South, Range 38 East, in Lea County.

14 And this unit will be dedicated to the  
15 Walt Junior Fee 3H well. And this unit will partially  
16 overlap with the spacing unit for the Babineaux Fee  
17 #1H well, and Babineaux Fee #2H well, which is located  
18 in the east half of Section 15, Township 13 South,  
19 Range 38 East.

20 And it will also partially overlap with  
21 the Combo Fee #2H well, which is located in the west  
22 half, east half of Section 22, Township 13 South,  
23 Range 38 East. And both these wells produce from the  
24 Bronco, San Andres, South Pool.

25 The exhibit packet submitted to the

1 Division for case number 24171 includes Exhibit A, the  
2 land testimony of Mr. Warren and accompanying land  
3 exhibits; Exhibit B, the geology testimony of  
4 Mr. Seals and his accompanying geology exhibits; as  
5 well as Exhibit C, notice testimony, which includes  
6 all the notice that was sent out to the parties to be  
7 pooled and its supporting documentation, as well as an  
8 Affidavit of Publication for February 14, 2024.

9 (Exhibit A, Exhibit B, and Exhibit C  
10 were marked for identification.)

11 And I ask at this point that Exhibits  
12 A, B, and C be admitted into the record in case number  
13 24171, and that this case be taken under advisement.

14 MR. CHAKALIAN: Are there any  
15 objections to these exhibits? Not hearing any, your  
16 Exhibits A, B, and C are admitted into evidence.

17 (Exhibit A, Exhibit B, and Exhibit C  
18 were received into evidence.)

19 Mr. McClure?

20 MR. MCCLURE: No questions, Mr. Hearing  
21 Examiner.

22 MR. CHAKALIAN: And, Ms. McLean, this  
23 case is taken under advisement by the Division as  
24 well. Thank you.

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

1 MR. CHAKALIAN: Let's move on to number  
2 73 on our docket. It is consolidated for hearing with  
3 number 74, cases 24174 and 75, Mewbourne Oil.

4 MS. MCLEAN: Yes, Mr. Examiner. Jackie  
5 McLean with Hinkle Shanor on behalf of Mewbourne.

6 MS. KESSLER: Good morning, Mr. Hearing  
7 Examiner. Jordan Kessler on behalf of EOG.

8 MR. CHAKALIAN: And are you monitoring  
9 this?

10 MS. KESSLER: That's correct. Thank  
11 you.

12 MR. CHAKALIAN: Have you had a chance  
13 to review the exhibits?

14 MS. KESSLER: I have. Hinkle sent them  
15 several days ago, which I appreciate.

16 MR. CHAKALIAN: And are there any  
17 objections?

18 MS. KESSLER: There are none.

19 MR. CHAKALIAN: Thank you.

20 Okay. Ms. McLean?

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

22 MR. JONES: Sorry. Blake Jones with  
23 Steptoe & Johnson appearing on behalf of Sabinal  
24 Energy Operating.

25 MR. CHAKALIAN: Mr. Jones, have you

1 seen the exhibits?

2 MR. JONES: Yes. We're just monitoring  
3 the cases on behalf of Sabinal.

4 MR. CHAKALIAN: Does that mean that  
5 there's no objections to any exhibit?

6 MR. JONES: Correct. No objections.

7 MR. CHAKALIAN: Okay. Thank you, sir.  
8 Ms. McLean?

9 MS. MCLEAN: Thank you, Mr. Examiner.  
10 In case number 24174, Mewbourne seeks an order pooling  
11 all uncommitted interests in the Bone Spring formation  
12 underlying a 320-acre, more or less, standard  
13 horizontal spacing unit comprised of the south half,  
14 north half of Sections 35 and 34, Township 20 South,  
15 Range 27 East, in Eddy County.

16 And Mewbourne seeks to dedicate the  
17 unit to the Cripple Creek 35/34 Fed Com #613H well.

18 And then in case number 24175,  
19 Mewbourne is applying for an order pooling all  
20 uncommitted interests in the Bone Spring formation  
21 underlying a 320-acre, more or less, standard  
22 horizontal spacing unit comprised of the south half,  
23 south half of Sections 35 and 34, Township 20 South,  
24 Range 27 East, also in Eddy County.

25 And Mewbourne seeks to dedicate this

1 unit to the Cripple Creek 35/34 Fed Com #61H well.

2 The exhibit packet submitted to the  
3 Division for case numbers 24174 and 24175 include an  
4 Exhibit A, the land testimony of Ariana Rodrigues and  
5 accompanying land exhibits. And Ms. Rodrigues has  
6 previously testified before the Division.

7 We have an Exhibit B, geology testimony  
8 of Charles Crosby. Mr. Crosby has also previously  
9 testified, and the exhibits attached to his testimony  
10 include a location map, Subsea Structure map,  
11 stratigraphic-cross section, and a production table of  
12 wells in the 2nd Bone Spring and Wolfcamp formations.

13 And then we have Exhibit C, the notice  
14 testimony, which includes a sample notice letter sent  
15 to the parties to be pooled; a chart setting out when  
16 the letters were sent and when the returns were  
17 received by our firm, as well as copies of the  
18 certified mail green cards and white slip returns; and  
19 an Affidavit of Publication for February 8, 2024.

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

22 And I ask that Exhibits A, B, and C at  
23 this point be admitted into the record in case numbers  
24 24174 and 24175, and that the cases be taken under  
25 advisement.

1 MR. CHAKALIAN: Okay. Let's start with  
2 24174. Are there any objections to any of the  
3 exhibits? Not hearing any, Exhibits A, B, C are  
4 admitted into evidence.

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

7 Mr. McClure?

8 MR. MCCLURE: Mr. Hearing Examiner, I  
9 don't have any questions, but they do have an  
10 incorrect pool on their admin checklist and C-102,  
11 which they'll need to correct.

12 MR. CHAKALIAN: Do you know what they  
13 need to change?

14 MR. MCCLURE: Correct. Yep.

15 MR. CHAKALIAN: No, I'm asking you, can  
16 you advise her what to change on the C-102?

17 MR. MCCLURE: Oh, absolutely. I was  
18 giving it a go.

19 Ms. McLean, it looks like currently  
20 what you have labeled is the -- or what you have  
21 included is the Avalon Lower Bone Spring Pool, Pool  
22 Code 3714, when in fact what should be included here  
23 is the Avalon Bone Spring Pool Code 96381.

24 MS. MCLEAN: Okay. So just no north,  
25 and then a different code. The code 96381?

1 MR. MCCLURE: No north? Say that  
2 again. I'm sorry. Say that one more time.

3 MS. MCLEAN: Sorry. I was just trying  
4 to confirm it's -- sorry, not north -- it should be  
5 just Avalon, not the Lower Bone Spring; correct?

6 MR. MCCLURE: Yes. I guess the  
7 difference between the two pooled names is the absence  
8 of it being a Lower Bone Spring Pool.

9 MS. MCLEAN: Right.

10 MR. MCCLURE: Instead, the correct pool  
11 would be the entirety of the Bone Spring.

12 MS. MCLEAN: We can correct that.

13 MR. MCCLURE: Thank you.

14 MR. CHAKALIAN: Ms. McLean, how long do  
15 you need to correct it?

16 MS. MCLEAN: I could send it in by  
17 tomorrow.

18 MR. CHAKALIAN: Okay. Tomorrow. So  
19 we're going to leave the record open in this case,  
20 24174, until March 8th at 5 p.m. for that corrected  
21 C-102. Otherwise this case will be taken under  
22 advisement, Mr. McClure?

23 MR. MCCLURE: The pooling checklist as  
24 well, please.

25 MS. MCLEAN: And we will submit an

1 entire new exhibit packet for these cases that include  
2 revised checklist and C-102s.

3 MR. CHAKALIAN: Perfect. Thank you,  
4 Ms. McLean.

5 Now, Mr. McClure, is this pool code  
6 error and this checklist change going to affect the  
7 next case, 75?

8 MR. MCCLURE: Absolutely correct. The  
9 exact same change for the 175.

10 MR. CHAKALIAN: Okay. So let me get to  
11 that case and admit those into evidence. Will you  
12 have any questions for Ms. McLean once she makes that  
13 change?

14 MR. MCCLURE: I have no questions for  
15 case 24175 either, Mr. Hearing Examiner.

16 MR. CHAKALIAN: Okay. Thank you.

17 Are there any objections to Exhibits A,  
18 B, and C being admitted into evidence? Not hearing  
19 any, they are admitted.

20 (Exhibit A, Exhibit B, and Exhibit C  
21 were received into evidence.)

22 Ms. McLean, same deadline for this  
23 case?

24 MS. MCLEAN: Yes, that works,  
25 Mr. Examiner.

1 MR. CHAKALIAN: Okay. And now we're  
2 going to move, it looks like, to 24176 and 77?

3 MS. MCLEAN: Yes, Mr. Examiner. Jackie  
4 McLean of Hinkle Shanor on behalf of Mewbourne.

5 MR. CHAKALIAN: Mr. Jones?

6 Ms. McLean, do you know if Mr. -- oh,  
7 there he is.

8 MR. JONES: Sorry. Blake Jones with  
9 Steptoe & Johnson appearing on behalf of Sabinal  
10 Energy Operating, and we do not object to it by  
11 affidavit.

12 MR. CHAKALIAN: Okay. And did you have  
13 a chance to review the exhibits?

14 MR. JONES: We did.

15 MR. CHAKALIAN: And do you have any  
16 objection to those exhibits?

17 MR. JONES: No objections.

18 MR. CHAKALIAN: And, Ms. Kessler, are  
19 you also entered into this case?

20 MS. KESSLER: That's correct,  
21 Mr. Hearing Examiner. Jordan Kessler on behalf of OEG  
22 Resources, Inc.

23 MR. CHAKALIAN: And any objections to  
24 any of the exhibits in 76 and 77?

25 MS. KESSLER: No, sir.

1 MR. CHAKALIAN: Okay. Thank you.

2 Ms. McLean?

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

4 In case number 24176, Mewbourne seeks to pool a  
5 320-acre, more or less, horizontal spacing unit  
6 comprised of the north half, north half of Sections 35  
7 and 34, Township 20 South, Range 27 East in Eddy  
8 County. And these will be in the Wolfcamp formation,  
9 and Mewbourne seeks to dedicate the unit to the  
10 Cripple Creek 35/34 Fed Com 711H well.

11 And in case number 24177, Mewbourne is  
12 seeking an order pooling all uncommitted interests in  
13 the Wolfcamp formation underlying a 320-acre, more or  
14 less, standard horizontal spacing unit comprised of  
15 the north half, south half of sections 35 and 34,  
16 Township 20 South, Range 27 East, in Eddy County. And  
17 Mewbourne seeks to dedicate that unit to the Cripple  
18 Creek 35/34 Fed Com #716H well.

19 The exhibit packet submitted to the  
20 Division for case numbers 24176 and 24177 include  
21 Exhibit A, land testimony of Ms. Rodrigues and  
22 accompanying land exhibits; Exhibit B, the geology  
23 testimony of Charles Crosby and his accompanying  
24 geology exhibits; and then Exhibit C, notice  
25 testimony, which includes copies of the notice letter

1 sent to the parties to be pooled, and all of the  
2 supporting documentation to show that we sent out  
3 those letters, as well as an Affidavit of Publication  
4 for February 8, 2024.

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

7 And at this point I ask that Exhibits  
8 A, B, and C be admitted into the record in case  
9 numbers 24176 and 24177, and that the cases be taken  
10 under advisement.

11 Mr. Examiner, you're muted.

12 MR. CHAKALIAN: Thank you. I didn't  
13 catch whether you said Ariana Rodrigues and Charles  
14 Crosby were accepted as experts by the Division  
15 previously.

16 MS. MCLEAN: Yes, they have been,  
17 Mr. Examiner.

18 MR. CHAKALIAN: Okay. Thank you. Are  
19 there any objections to Exhibits A, B, and C? Not  
20 hearing any, they are admitted into evidence.

21 (Exhibit A, Exhibit B, and Exhibit C  
22 were received into evidence.)

23 Mr. McClure?

24 MR. MCCLURE: Mr. Hearing Examiner, I  
25 have no questions for either of these cases, but I do

1 have guidance for Ms. McLean in regards to the pools.

2 MS. MCLEAN: Okay. I was expecting  
3 that. I was thinking it might be the same.

4 MR. MCCLURE: Well, I mean, it will be  
5 little bit more change I guess in the pool name. But,  
6 Ms. McLean, the correct pool code should be pool code  
7 96381.

8 MS. MCLEAN: 96381? That was the Bone  
9 Spring --

10 MR. MCCLURE: Oh, I apologize. Let me  
11 back up. Yeah, I had my Excel sheet on the wrong  
12 cell. I apologize. Let me restate that. The correct  
13 pool code is 97068. And that's going to be the Avalon  
14 Wolfcamp Southwest.

15 MS. MCLEAN: Okay. So code 97068,  
16 Avalon Wolfcamp Southwest Pool?

17 MR. MCCLURE: That is correct. And  
18 that is for both cases 24176 and 24177.

19 MS. MCLEAN: Thank you, Mr. McClure.

20 MR. CHAKALIAN: Ms. McLean, when will  
21 you be able to get these refiled?

22 MS. MCLEAN: I can do that tomorrow as  
23 well. I'll just do them all together.

24 MR. CHAKALIAN: Okay. Perfect. So is  
25 it the same C-102 and the pooling checklist that needs

1 to be updated?

2 MS. MCLEAN: That's correct,  
3 Mr. Examiner.

4 MR. CHAKALIAN: Okay. All right.  
5 Let's go to 77. Are there any objections to Exhibits  
6 A, B, and C? Not hearing any, they're admitted into  
7 evidence.

8 (Exhibit A, Exhibit B, and Exhibit C  
9 were received into evidence.)

10 I know Mr. McClure doesn't have any  
11 questions, so I think these cases will all be taken  
12 under advisement once you correct those two documents.

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

14 MR. CHAKALIAN: Thank you, Ms. McLean.

15 We're now moving on to number 77 on our  
16 docket, Tascosa Energy, 24181.

17 MS. MCLEAN: Yes, Mr. Examiner. Jackie  
18 McLean with Hinkle Shanor on behalf of Tascosa.

19 MR. CHAKALIAN: Wonderful. Please  
20 proceed.

21 MS. MCLEAN: I think there's a --

22 MR. BRUCE: Mr. Examiner, Jim Bruce, I  
23 filed an entry of appearance for Mewbourne Oil Company  
24 in this matter, and I do not object to the matter  
25 proceeding by affidavit.

1 MR. CHAKALIAN: Have you had a chance  
2 to review the exhibits?

3 MR. BRUCE: Yes.

4 MR. CHAKALIAN: Are there any  
5 objections to any of the exhibits?

6 MR. BRUCE: No.

7 MR. CHAKALIAN: Okay. Wonderful.

8 Ms. McLean?

9 MS. MCLEAN: Thank you, Mr. Examiner.  
10 In case number 24181, Tascosa seeks approval of the  
11 KONG Delaware State Exploratory unit, which is a  
12 voluntary unit consisting of 473.98 acres of State  
13 land situated in Lots 1 through 4 in the east half,  
14 northwest quarter of Section 19, Township 21 South,  
15 Range 26 East; and Lots 1 through 4 in the east half  
16 southwest quarter of Section 30, Township 21 South,  
17 Range 26 East, in Eddy County.

18 And the unitized interval is the  
19 Delaware Sands formation at a stratigraphic equivalent  
20 of between 2,270 feet and 4,475 feet.

21 And Tascosa has obtained preliminary  
22 approval from the State Land Office of the unit  
23 agreement and has met with all the working interest  
24 owners to obtain the approval necessary so that  
25 Tascosa can provide efficient control of unit

1 operations. And the unitized operation and management  
2 of the unit area is in the best interests of  
3 conservation, the prevention of waste, and the  
4 protection of correlative rights.

5 Tascosa has submitted the following  
6 exhibits to the Division in case number 24181.  
7 Exhibit A, which is the land testimony of John Shoberg  
8 and attached exhibits, which include the unit  
9 agreement and the preliminary approval from the State  
10 Land Office. And Mr. Shoberg has previously testified  
11 as an expert in land matters before the Division.

12 Exhibit B, the geology testimony of  
13 Helder Alvarez and attached geology exhibits. He has  
14 also previously testified as an expert in geology  
15 before the Division, and his geology exhibits include  
16 a unit type log, a regional locator map, a  
17 cross-section location map, a stratigraphic  
18 cross-section, and a Subsea Structure map.

19 And then we have Exhibit C, which is a  
20 little overkill than what's necessary for this case,  
21 because we do have all the voluntary agreement from  
22 the interest owners. But we have notice testimony,  
23 which includes the sample notice letter sent to the  
24 parties, a chart setting out when the letters were  
25 sent and when the returns were received, copies of the

1 certified mail green cards and white slip returns, and  
2 an Affidavit of Publication for February 16, 2024.

3 (Exhibit A, Exhibit B, and Exhibit C  
4 were marked for identification.)

5 And unless there are questions, I ask  
6 that Exhibits A, B, and C be admitted into the record  
7 in case number 24181, and that the case be taken under  
8 advisement.

9 MR. CHAKALIAN: Okay. In case 24181 we  
10 have Exhibits A, B, and C. Are there any objections?  
11 Not hearing any, they're admitted into evidence.

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

14 Mr. McClure?

15 MR. MCCLURE: Mr. Hearing Examiner, I  
16 do have a few questions, but I believe Ms. McLean  
17 should be able to answer them, and I -- I don't  
18 believe.

19 MS. MCLEAN: Okay. And if we need  
20 the -- Mr. Shoberg and Mr. Alvarez are on the line for  
21 questions if necessary.

22 MR. MCCLURE: Okay. Thank you. And,  
23 of course, if you believe they're more appropriate,  
24 then we can get them sworn in and they can answer the  
25 question, of course.

1 MS. MCLEAN: Okay. I can try and  
2 answer them for you, Mr. McClure.

3 MR. MCCLURE: They're real  
4 straight -- well, anyway. Exhibit -- I guess it's  
5 labeled A3. It's a letter -- or an email, excuse me,  
6 from Mr. Lamkin with the State Land Office.

7 MS. MCLEAN: Yes.

8 MR. MCCLURE: It references that an I  
9 guess more official approval letter may have been  
10 signed at the beginning of this week. Has that now  
11 occurred, and do you have that available to submit to  
12 the Division?

13 MS. MCLEAN: We did not have that  
14 available. They hadn't done it yet, which is why we  
15 included this email as the preliminary approval. I  
16 believe they're still awaiting that final, you know,  
17 letter with the seal on it from the State Land Office.

18 MR. MCCLURE: Has any communications  
19 been made that would lead you to believe that this  
20 letter is no longer valid. I mean, this approval is  
21 still coming; is that correct?

22 MS. MCLEAN: That's correct,  
23 Mr. McClure.

24 MR. CHAKALIAN: Ms. McLean, would your  
25 landman have additional information?

1 MS. MCLEAN: He's been the one emailing  
2 with the State Land Office. I'm happy to have him  
3 come on and offer information.

4 MR. CHAKALIAN: I think so. I prefer  
5 that. So let's get him sworn in.

6 Can you turn your camera on, sir?

7 MR. SHOBERG: Yes, I'm trying right now  
8 to -- there we go.

9 MR. CHAKALIAN: All right. I can't see  
10 you. I see your name.

11 MR. SHOBERG: Can you see me now?

12 MR. CHAKALIAN: No. Now I can, yes.

13 MR. SHOBERG: Okay.

14 MR. CHAKALIAN: Okay.

15 Mr. Cogswell?

16 THE REPORTER: The witness, please  
17 raise your right hand.

18 WHEREUPON,

19 JOHN SHOBERG,  
20 called as a witness and having been first duly sworn  
21 to tell the truth, the whole truth, and nothing but  
22 the truth, was examined and testified as follows:

23 THE REPORTER: Thank you.

24 MR. CHAKALIAN: Mr. McClure?

25 MR. MCCLURE: I'm sorry, Mr. Hearing

1 Examiner. Did you say my name just now?

2 MR. CHAKALIAN: I did. Would you like  
3 to ask the questions of this witness who's been sworn  
4 in?

5 MR. MCCLURE: Oh, yes. Okay. Thank  
6 you, Mr. Hearing Examiner. I will.

7 EXAMINATION

8 BY MR. MCCLURE:

9 Q Mr. Shoberg? Hopefully I didn't butcher  
10 your name too bad?

11 A That's it.

12 Q Thank you. Sounds good. Have you received  
13 any further communication from the State Land Office  
14 that would indicate otherwise that you're soon to seek  
15 approval?

16 A No, as far as we're concerned, it's moving  
17 along just as the email indicates.

18 Q Okay. So the answer is not received any  
19 diverse communication in regards to this letter then?

20 A Correct.

21 Q Okay. Thank you. And you can probably  
22 answer this next question for me as well. In regards  
23 to the three notices that were sent out, this does  
24 include all the working interest and mineral interest  
25 owners; correct?

1           A     Correct.

2           Q     For confirmation, is it also correct that  
3 Tascoso has already submitted three APDs for wells in  
4 this unit?

5           A     Yes, I believe so. Our engineer does those,  
6 but from my understanding they've -- they've been  
7 submitted.

8           Q     Okay. But you are currently in  
9 communications with the Division in regards to the  
10 approval of them; is that correct?

11          A     Correct.

12          Q     Okay. Thank you.

13                   MR. MCCLURE: No further questions,  
14 Mr. Hearing Examiner.

15                   MR. CHAKALIAN: Thank you, Mr. Shoberg.

16                   THE WITNESS: Thank you.

17                   MR. CHAKALIAN: Thank you.

18                   Mr. McClure, can this case be taken  
19 under advisement with the information you have?

20                   MR. MCCLURE: Yes, I believe so.

21                   MR. CHAKALIAN: Okay. Ms. McLean?

22                   MS. MCLEAN: Thank you, Mr. Examiner.  
23 Nothing else in this case.

24                   MR. CHAKALIAN: Okay. Thank you.

25                   MS. MCLEAN: Thank you.

1 MR. CHAKALIAN: We're now calling  
2 number 78 on our docket, 24186, Marathon Oil Permian.

3 MS. BENNETT: Good morning,  
4 Mr. Examiner. Deana Bennett on behalf of Marathon Oil  
5 Permian, LLC.

6 MR. CHAKALIAN: Good morning. Are  
7 there any other entries of appearance?

8 MS. BENNETT: Yes.

9 MS. KESSLER: Good morning. Jordan  
10 Kessler on behalf of EOG.

11 MR. CHAKALIAN: Okay. Wonderful. And  
12 you know what questions I'm going to ask you,  
13 Ms. Kessler; right?

14 MS. KESSLER: That's correct. We're  
15 just monitoring this case, so no objection to the  
16 exhibits.

17 MR. CHAKALIAN: Wonderful. Thank you.  
18 Ms. Bennett?

19 MS. BENNETT: Thank you very much. So  
20 in this case, Marathon is seeking to pool uncommitted  
21 mineral interests in a standard 320-acre horizontal  
22 spacing unit comprised of the east half, west half of  
23 Sections 15 and 22, Township 22 South, Range 32 East,  
24 in Lea County. And this spacing unit will be  
25 dedicated to the Frizzle Fry 502812.

1           And on Tuesday we submitted exhibits.  
2           And our exhibits include the usual exhibit materials.  
3           Tab A is the Compulsory Pooling Checklist; Tab B is  
4           the Affidavit of Ryan Gyllenband who has previously  
5           testified before the Division, and his credentials  
6           have been accepted as a matter of record. And behind  
7           his affidavit are the usual land exhibits including a  
8           list of parties being pooled, which is in Exhibit B3.

9           Tab C is the affidavit of Elizabeth  
10          Scully, a geologist for Marathon who's previously  
11          testified before the Division, and her credentials  
12          have been accepted as a matter of record. And we've  
13          included the usual geology exhibits as well.

14          And then finally, Tab D is a  
15          declaration from myself attesting to notice being  
16          mailed and timely published. So with that, I would  
17          ask the admission of Exhibits in Tab A through D and  
18          their subparts in case 24186.

19                 (Exhibits A through D were marked for  
20                 identification.)

21          MR. CHAKALIAN: Are there any  
22          objections? Not hearing any, Tab A, B, C, D are  
23          admitted into evidence.

24                 (Exhibits A through D were received  
25                 into evidence.)

1 Mr. McClure?

2 MR. MCCLURE: No questions, Mr. Hearing  
3 Examiner.

4 MR. CHAKALIAN: Ms. Bennett, this case  
5 will be taken under advisement. Thank you for your  
6 presentation.

7 MS. BENNETT: Thank you very much.

8 MR. CHAKALIAN: Okay. We have 24189,  
9 Mewbourne Oil Company.

10 Mr. Bruce, is that you?

11 MR. BRUCE: Sorry, Mr. Examiner. Jim  
12 Bruce here for Mewbourne.

13 MR. CHAKALIAN: Okay. Are there any  
14 other parties that have entered an appearance?

15 MS. KESSLER: Good morning. Jordan  
16 Kessler on behalf of EOG Resources.

17 MR. CHAKALIAN: Good morning. Any  
18 objections to the exhibits?

19 MS. KESSLER: No, sir.

20 MR. CHAKALIAN: Thank you.

21 Mr. Bruce?

22 MR. BRUCE: Mr. Examiner, this can be  
23 combined with the next case, 24190.

24 MR. CHAKALIAN: Okay.

25 MR. BRUCE: May I proceed?

1 MR. CHAKALIAN: Yes, please.

2 MR. BRUCE: Okay. Mr. Examiner, in the  
3 first case, 189, Mewbourne seeks to force pool the  
4 south half, north half of Section 8, and the south  
5 half, north half of Section 9, 22 South, 27 East, to  
6 force pool the Bone Spring formation.

7 In the second case, 190, they seek to  
8 pool the north half, south half of both Sections 8 and  
9 9, same township and range, for the Bone Spring.

10 The exhibit packages are almost  
11 identical, so I'll just go through the 189 exhibit  
12 package briefly. Exhibit 1 in each package is the  
13 pooling checklist.

14 Exhibit 2 is the Self-Affirmed  
15 Statement of Carson Cullen, the landman, who has  
16 previously been qualified by the Division as an  
17 expert, and it contains the usual information: the  
18 land plats, the interest ownership, the tracts of land  
19 involved. And I did have problems with one of  
20 the -- I think it's about page 12 in part 1 of each  
21 exhibit package, but I finally was able to correct  
22 that yesterday.

23 And Exhibit 2B contains the proposal  
24 letter and the AFE for each well. You can see the  
25 proposal letter was dated 14 months ago, and so there

1 have been plenty of discussions among the parties. So  
2 it's getting -- it's not only these two wells.  
3 They're looking at full development eventually in both  
4 the Bone Spring and the Wolfcamp of all of Sections 8  
5 and 9. And you can see that APDs have been issued on  
6 both wells, they're in the Castra [ph] Bone Spring  
7 pools.

8           Exhibit 3 is the Affidavit of Tyler  
9 Hill, the geologist, who has been previously qualified  
10 by the Division as an expert. And his exhibits  
11 contain the usual structure map and cross-section. As  
12 you can see from Exhibit 3B, the structure map, there  
13 are a number of proposed wells out here. But in just  
14 the immediate area, there have been no second Bone  
15 Spring Wells drilled. But Mr. Hill does address in  
16 his affidavit that based on more regional information,  
17 laydown units are the preferred orientation.

18           When you move on, you'll get to  
19 Exhibit -- oh, and Exhibit 3C contains the horizontal  
20 drilling plans for the wells.

21           Exhibit 4 is my affidavit of mailing  
22 with subpart 4A being the notice letter which, at the  
23 end of it, also contains the certified notice  
24 spreadsheet giving the status of the mailings for  
25 everyone.

1                   Exhibit 5 -- about a half a dozen  
2 people never returned the green cards -- but Exhibit 5  
3 is the Affidavit of Publication which was timely  
4 published and gives constructive notice to all those  
5 who did not return green cards.

6                   And then Exhibit 6 in each package is  
7 the application and proposed notice. It only took me  
8 three attempts, but I think I got everything to the  
9 Division that it needed.

10                   (Exhibits 1 through 6 were marked for  
11 identification.)

12                   So I would move the admission of  
13 Exhibits 1, 2 plus subparts, 3 plus subpart, 4 plus  
14 subpart, 5, and 6 in each exhibit package, and ask  
15 that the matters be taken under advisement.

16                   MR. CHAKALIAN: Okay. Thank you,  
17 Mr. Bruce. We're dealing with the exhibit list,  
18 second revised, filed yesterday at 6 p.m.  
19 approximately. We have your exhibits. Are there any  
20 objections? Not hearing any, your Exhibits 1, 2, 3,  
21 4, 5, 6 are admitted into evidence.

22                   (Exhibits 1 through 6 were received  
23 into evidence.)

24                   Mr. McClure?

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

1                   Mr. Bruce, just to confirm, the only  
2 change in the latest revision is just the inclusion of  
3 the corrected spreadsheet page; is that correct?

4                   MR. BRUCE: That is correct, sir.

5                   MR. MCCLURE: Okay. I think you said  
6 that, but I was just --

7                   MR. BRUCE: And I'm sorry. I get stuff  
8 in certain formats from my client that just don't  
9 print up well on my computer, and I was able to remedy  
10 that about five o'clock yesterday. And then I had  
11 trouble uploading it to the Division's site, and  
12 that's why it was so late.

13                   MR. MCCLURE: We ended up with it in  
14 the end I guess. Okay. I'm specifically -- let me  
15 rotate my pages back around. I'm specifically looking  
16 at the exhibits for case 24189, on page 9 of 21 it  
17 says in the little corner.

18                   MR. BRUCE: Okay.

19                   MR. MCCLURE: On this tract ownership,  
20 it has pretty much all of the interest owners not  
21 broke out, but instead just listed as a part of a 36  
22 and similar change percent. What is the reason, I  
23 guess, for leaving -- or is there a reason for of  
24 having left them as a conglomerate I guess?

25                   MR. BRUCE: Well, these cases were

1 first filed in late December/early January, and it was  
2 originally set up as a non-standard spacing unit. And  
3 that's what this dates from, the two pages that you're  
4 looking at.

5 And the reason for it was the title  
6 exam was not totally done yet. And so I bugged my  
7 client several weeks ago and said that we need  
8 something better. And so that page 12, the  
9 spreadsheet, was the result of that more detailed  
10 examination.

11 MR. MCCLURE: Okay. Now, a question I  
12 have. This area here that's on this page 9 of 21  
13 seems to be included within the boundaries of what's  
14 covered in the spreadsheet on page 11; is that  
15 correct?

16 MR. BRUCE: Correct.

17 MR. MCCLURE: Now, I guess my further  
18 question to that is there seems to be interest owners  
19 on this table, it doesn't tell us how much interest  
20 they own, that are not included in the spreadsheet  
21 that's on page 11. Do we have a reason for that?

22 MR. BRUCE: I believe that in the  
23 interim -- like I said, this case was first -- the  
24 well proposal in this matter was first sent out about  
25 14 months ago, and I believe certain people have

1 leased or committed their interests to the larger  
2 parties in here, such as Mewbourne, Oxy, EOG, and some  
3 of the others. But if you want, I can inquire and I  
4 can maybe just send an email telling you why that is.

5 MR. MCCLURE: Well, essentially what my  
6 concern is is based off that answer, then it would  
7 seem that you're likely no longer pooling some of  
8 these persons, and yet they're still -- 36 percent  
9 seems to be your list of parties that you're wishing  
10 to pool.

11 MR. BRUCE: I understood where you were  
12 going with that, and I will find that out and let you  
13 know. And then if, God forbid, a supplemental exhibit  
14 package -- if it's necessary, I will do so.

15 MR. MCCLURE: Yeah, I think we're  
16 definitely going to need something because, I mean,  
17 obviously, it's fine if agreements are reached after  
18 an order is issued -- excuse me, before an order is  
19 issued and you're no longer needing to pool a person.  
20 But my concern is if you do have to pool any of these  
21 people, we don't have their interest. Essentially,  
22 we'd have to come up with that.

23 Okay. Also, and I apologize for any  
24 confusion to Mewbourne on this 'cause it does look  
25 like he was approved, it was approved in the incorrect

1 pool. So we're going to need to also correct that.  
2 And I'll also reach out to Mewbourne and let them know  
3 in regards to this approved APD, because they need to  
4 correct that as well.

5 MR. BRUCE: What is the pool, sir?

6 MR. MCCLURE: The pool for both of  
7 these cases, that being 24189 and 24190, is going to  
8 be pool code 97755. And that's the Esperanza Bone  
9 Spring. I'm probably mispronouncing it.

10 MR. BRUCE: Okay. Yeah, I've dealt  
11 with that pool before.

12 MR. MCCLURE: Thank you, sir.

13 No further questions, Mr. Hearing  
14 Examiner.

15 MR. CHAKALIAN: So, Mr. Bruce, what  
16 documents are you going to be correcting?

17 MR. BRUCE: The C-102, and these two  
18 exhibit packages, and then I will provide data. I  
19 think Mr. McClure, and I was aware of this, but just  
20 barely until I got this page 12 spreadsheet -- or page  
21 11, whatever it is. The people listed on pages --

22 I think you said 9 and 10, Mr. McClure?

23 -- some of those people -- not all of  
24 them, but some of those people are no longer listed in  
25 the colored spreadsheet following that. And so

1 Mr. McClure wants to know which parties are not being  
2 pooled.

3 MR. CHAKALIAN: Okay. So when would  
4 you be able to get us the correct data?

5 MR. BRUCE: I think by tomorrow is too  
6 simple -- or too quick. If I could have until say  
7 Wednesday, just to make sure, because I've got to  
8 contact the landman and make -- I've got to email him  
9 and make sure that everything is corrected.

10 And if I can't get -- Mr. McClure said  
11 he'd reach out to Mewbourne to have them correct the  
12 pool on the approved APD for these wells, and I  
13 might -- I don't know if I will be able to get  
14 corrected C-102s by that date, in which case I'd  
15 simply have to manually change the ones I previously  
16 filed. But if I could have until next Wednesday, I  
17 would really appreciate it, sir.

18 MR. CHAKALIAN: Okay.

19 So, Mr. McClure, does he also need to  
20 correct the checklist like Ms. McLean is correcting?

21 MR. MCCLURE: That is correct.

22 MR. BRUCE: Oh, yes.

23 MR. CHAKALIAN: Okay. So, Mr. Bruce,  
24 please correct the checklist as well as the C-102.

25 MR. BRUCE: Absolutely.

1 MR. CHAKALIAN: All right. And we're  
2 going to leave this record open until March the 13th  
3 at 5 p.m. to accept these corrected documents. I  
4 think we now already have one, two, three exhibit  
5 packets already. So I think you should label this  
6 last, hopefully, as the third revised.

7 MR. BRUCE: I will.

8 MR. CHAKALIAN: Okay.

9 Mr. McClure, can we take these two  
10 cases -- I haven't done 90 yet with the exhibits, but  
11 can we take these two cases under advisement if this  
12 information is corrected?

13 MR. MCCLURE: I'd say it's a little bit  
14 more of a gray area than on the admin checklist --

15 MR. CHAKALIAN: Mr. McClure --

16 MR. MCCLURE: I was going to say with  
17 the understanding that -- oh, go ahead.

18 MR. CHAKALIAN: Mr. McClure, then if  
19 it's a gray area, why don't we leave the record open  
20 and come back and finish this hearing on another day.

21 MR. MCCLURE: That would be the more  
22 conservative approach.

23 MR. CHAKALIAN: Okay. Let's do that.

24 Mr. Bruce, what we're going to do is we  
25 will continue this -- well, of course, you're going to

1 have to file the continuances. We'll continue this to  
2 the next docket so that you can get your information  
3 straight on these exhibits. And then what we'll do  
4 is -- let's take a look at something here. The next  
5 docket is the 21st of March. Would you be ready by  
6 then? That's two weeks from now. Would you be ready  
7 by then, Mr. Bruce?

8 MR. BRUCE: Yes, sir.

9 MR. CHAKALIAN: You would be. Okay.  
10 So we won't take this under advisement, and we'll  
11 leave the record open. We're going to come back on  
12 the 21st of March to finish these two cases up.

13 Now, Mr. McClure, you're not going to  
14 be the technical examiner at that point, will you?

15 MR. MCCLURE: I will not be, but my  
16 intent will be to communicate with the technical  
17 examiner that is.

18 MR. CHAKALIAN: Okay. So you'll be  
19 able to review the exhibits, and then any questions  
20 you might have you'll pass on?

21 MR. MCCLURE: Yes, sir. That is  
22 definitely my intent.

23 MR. CHAKALIAN: Okay. All right. Very  
24 good.

25 Sheila, when he files continuances, can

1 we move these two cases to the March 21st docket to  
2 finish the month?

3 MS. APODACA: Yes, there's room for  
4 them.

5 MR. CHAKALIAN: Oh, excellent.

6 Okay. Mr. Bruce, that's what we're  
7 going to do. Let me enter into evidence your exhibits  
8 in case 24190. I haven't done that yet. I'm looking  
9 at the second revised exhibit list. We have Exhibits  
10 1 through 6. Are there any objections? Not hearing  
11 any, these exhibits are entered in the evidentiary  
12 record, and we will see you on March 21st to conclude  
13 these two hearings.

14 (Exhibits 1 through 6 were received  
15 into evidence.)

16 MR. BRUCE: Thank you very much.

17 MR. CHAKALIAN: Thank you.

18 Okay. Let us continue. Devon Energy.  
19 Looks like we have four cases, 24191 through 94.  
20 Entry of appearance?

21 MR. FELDEWERT: Good morning,  
22 Mr. Chakalian, Mr. McClure. Michael Feldewert with  
23 the Santa Fe office of Holland & Hart appearing on  
24 behalf of the applicant, Devon Energy Production.

25 MR. CHAKALIAN: Excellent. And I don't

1 see any other parties entered. Do you know of any?

2 MR. FELDEWERT: I am not aware of any.

3 MR. CHAKALIAN: Okay. Wonderful. Are  
4 you ready to proceed?

5 MR. FELDEWERT: Yes, sir.

6 MR. CHAKALIAN: Okay. Please go ahead.

7 MR. FELDEWERT: So in these  
8 consolidated cases, Devon seeks to create four standup  
9 spacing units in the Bone Spring underlying Section  
10 16, Township 23 South, 31 East, for their 1-mile Cat  
11 Island wells. Each case seeks to pool the interest  
12 held by Oxy Y-1 Company. And you'll see that the  
13 hearing packets in each of the four cases are  
14 basically the same because you get a single state  
15 lease involved, city ownership is common.

16 Each hearing packet has the  
17 application, it has the compulsory pooling checklist.  
18 Each packet has the Self-Affirmed Statement of Aaron  
19 Young, who is a landman that has previously testified  
20 before the Division, who has provided with his  
21 statement the C-102 for each case, the tract ownership  
22 involved for each case, a sample of the well proposal  
23 letter, and the AFEs, and then his chronology of  
24 contacts.

25 Exhibit B is the Self-Affirmed

1 Statement of Josh O'Brien, who is a geologist who has  
2 likewise previously testified before this division.  
3 He provides with his Self-Affirmed Statement a general  
4 location map, a Subsea Structure map, and then a  
5 structural cross-section.

6 Exhibit C is my statement of notice to  
7 Oxy, and we included an Exhibit D, as in David, which  
8 is an Affidavit of Publication, because the postal  
9 report, for whatever reason, says that the notice is  
10 still in transit to an address that I know is good.

11 So with that, I would move the  
12 admission into evidence of Exhibits A, B, C, and D,  
13 along with all the sub-exhibits, in each of these four  
14 cases, and ask that they be taken under advisement.

15 (Exhibits A through D were marked for  
16 identification.)

17 MR. CHAKALIAN: Okay. Thank you,  
18 Mr. Feldewert. Let's start with 24191. Are there any  
19 objections to these exhibits? Not hearing any, your  
20 Exhibits A, B, C, and D are admitted into evidence.

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

23 Mr. McClure?

24 MR. MCCLURE: Mr. Hearing Examiner, I  
25 have no questions for any of these four cases.

1 MR. CHAKALIAN: Okay then, let's get  
2 all of these exhibits entered and we'll be done.

3 So this case will be taken under  
4 advisement, Mr. Feldewert.

5 And now we go to number 92. And we  
6 have similar exhibits; A, B, C, D. Are there any  
7 objections? Not hearing any, they are admitted into  
8 evidence, and this case is taken under advisement.

9 (Exhibits A through D were received  
10 into evidence.)

11 Let's move to 93. Are there any  
12 objections to Exhibits A, B, C, and D? Not hearing  
13 any, these exhibits are entered into evidence, and  
14 this case is taken under advisement.

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

17 And finally, 94. We have Exhibits A,  
18 B, C, D. Any objections? Not hearing any, these are  
19 admitted into evidence, and this case is taken under  
20 advisement.

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

23 And that concludes the hearings of the  
24 Oil Conservation Division. Thank you very much.

25 MR. FELDEWERT: Thank you,

1 Mr. Chakalian for powering through today. I hope you  
2 get better.

3 MR. CHAKALIAN: Thank you very much. I  
4 appreciate it.

5 (Whereupon, at 10:18 a.m., the  
6 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.



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

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CERTIFICATE OF TRANSCRIBER

I, LISA OUIMETTE, 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.



LISA OUIMETTE

<b>&amp;</b>	87:25 105:17 106:24 110:21	<b>15</b> 76:12,18 96:23	<b>2023</b> 62:11,20 <b>2024</b> 2:8 17:3
<b>&amp;</b> 3:6,14 5:5,13 6:13,21 7:5 17:17 19:8 25:9 29:1 30:25 31:18,23 39:12,19 42:1 42:3 43:2 50:7 54:13,19 58:18 67:10 78:23 84:9 109:23	<b>102s</b> 83:2 106:14 <b>103h</b> 62:10 <b>1056</b> 6:5 <b>107</b> 7:15 <b>10:18</b> 113:5 <b>11</b> 74:23 103:14,21 105:21 <b>110</b> 3:7 7:6 <b>111/111</b> 15:9 15:11,13,14 <b>111/112</b> 15:18 15:20,22,23 16:5,7,9,10,14 16:16,18,19 <b>119</b> 36:14 37:10 <b>12</b> 60:21 99:20 103:8 105:20 <b>1220</b> 2:12 <b>125</b> 5:22 <b>12th</b> 73:16 <b>13</b> 59:12 71:16 71:23 74:18 75:9 76:13,18 76:22 <b>131h</b> 59:17 <b>13th</b> 21:5 107:2 <b>14</b> 72:17 74:17 77:8 99:25 103:25	<b>16</b> 28:5 60:21 62:24 68:22 91:2 110:10 <b>1675</b> 5:6 <b>16th</b> 27:20,23 27:24 <b>175</b> 83:9 <b>1780</b> 6:22 <b>17th</b> 33:15 <b>18</b> 33:6 52:14 58:7 59:9,11 59:13 60:25 62:25 <b>189</b> 99:3,11 <b>18th</b> 21:7,9 30:7 49:3,17 52:17,19 53:10 53:13,22 54:2 56:24 57:5,8 57:21 58:3 <b>19</b> 89:14 <b>190</b> 99:7 <b>19th</b> 21:7,7 <b>1h</b> 76:17 <b>1st</b> 2:12	60:21,21,25,25 65:21 68:22,24 72:17 75:9 77:8 80:19 86:4 91:2 <b>203-5730</b> 6:25 <b>207</b> 51:22 <b>20th</b> 21:9 <b>21</b> 36:16,25 74:16 89:14,16 102:16 103:12 <b>210</b> 7:18 <b>213</b> 5:22 <b>218</b> 4:7 <b>21st</b> 30:11,13 30:16 36:20 37:8 38:4 40:7 40:12 41:11 52:19 108:5,12 109:1,12 <b>22</b> 60:25 68:24 71:15,22 76:12 76:22 96:23,23 99:5 <b>22854</b> 10:6 67:23 <b>22855</b> 10:16 67:24 <b>23</b> 110:10 <b>23194</b> 62:21 <b>23782</b> 1:9 17:6 19:6 23:11
<b>0</b>		<b>2</b>	
<b>0712</b> 59:16		<b>2</b> 14:9,20 46:23 74:16 99:14 101:13,20 <b>2,270</b> 89:20 <b>20</b> 79:14,23 85:7,16	
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<b>1</b> 3:7 7:6 14:8 14:19 59:9 89:13,15 99:12 99:20 101:10 101:13,20,22 109:10,14 110:10,12 <b>10</b> 105:22 <b>100</b> 46:24 47:1 47:11 <b>1000</b> 3:18 <b>101</b> 62:9 <b>101/101</b> 14:8 14:10,12,13,14 14:16 <b>101/109</b> 14:19 14:21,23,24,25 15:5 <b>102</b> 60:4 81:10 81:16 82:21			

[23783 - 24241]

<b>23783</b> 1:9	<b>24075</b> 1:20	<b>24170</b> 2:1 11:9	<b>24190</b> 2:4
<b>23784</b> 1:9	<b>24076</b> 1:20	74:11 75:2,13	14:18 15:3
<b>23785</b> 1:10	<b>24093</b> 1:19	<b>24171</b> 2:2	98:23 105:7
23:11	28:20	11:17 76:1,7	109:8
<b>238</b> 24:22	<b>24101</b> 1:20	77:1,13	<b>24191</b> 2:4 15:7
<b>23853</b> 1:10	31:15 35:7	<b>24174</b> 2:2 12:3	109:19 111:18
23:21	<b>24102</b> 1:21	78:3 79:10	<b>24192</b> 2:4
<b>23854</b> 1:10	31:16 35:8	80:3,24 81:2	15:16
<b>23855</b> 1:10	<b>24118</b> 36:8,14	82:20	<b>24193</b> 2:4 16:3
<b>23856</b> 1:11	37:10	<b>24175</b> 2:2	<b>24194</b> 2:5
<b>23857</b> 1:11	<b>24119</b> 36:8	12:11 79:18	16:12
<b>23858</b> 1:11	<b>24133</b> 1:25 9:8	80:3,24 83:15	<b>24195</b> 1:23
<b>23859</b> 1:11	58:15 59:1	<b>24176</b> 2:2	49:23 51:22
24:7	<b>24154</b> 1:21	12:19 84:2	<b>24196</b> 1:23
<b>23860</b> 1:12	33:25 36:13	85:4,20 86:9	<b>24197</b> 1:24
<b>23861</b> 1:12	37:10	87:18	<b>24198</b> 1:24
<b>23862</b> 1:12	<b>24155</b> 1:21	<b>24177</b> 2:3 13:3	54:5
24:7	33:25 36:13	85:11,20 86:9	<b>24199</b> 1:24
<b>23863</b> 1:12	<b>24156</b> 1:25	87:18	<b>24205</b> 1:25
<b>23864</b> 1:13	9:21 61:21	<b>24181</b> 2:3	54:5
<b>23865</b> 1:13	62:8	13:11 88:16	<b>24206</b> 1:25
<b>23866</b> 1:13	<b>24157</b> 2:1 10:3	89:10 90:6	54:5
<b>23867</b> 1:13	67:6,22 70:6	91:7,9	<b>24207</b> 1:24
<b>23872</b> 1:19	<b>24158</b> 2:1	<b>24184</b> 1:22	49:23
28:19	10:13 67:6,23	41:19	<b>24233</b> 1:14
<b>23944</b> 1:19	70:6,8	<b>24185</b> 1:23	23:22
31:14	<b>24164</b> 1:21	41:19	<b>24234</b> 1:14
<b>23945</b> 1:19	39:5	<b>24186</b> 2:3	<b>24235</b> 1:14
31:15	<b>24165</b> 1:22	13:19 14:3	<b>24236</b> 1:14
<b>23rd</b> 44:13,15	<b>24166</b> 1:22	96:2 97:18	<b>24237</b> 1:15
45:21	<b>24167</b> 1:22	<b>24187</b> 1:23	<b>24238</b> 1:15
<b>24</b> 31:13 73:16	<b>24169</b> 2:1	46:3	<b>24239</b> 1:15
<b>24074</b> 1:20	10:23 11:3	<b>24189</b> 2:3 14:7	<b>24240</b> 1:15
31:15	70:20 71:9,11	98:8 102:16	<b>24241</b> 1:16
	72:1,22	105:7	

<b>24242</b> 1:16	<b>3</b>	<b>4</b>	<b>58</b> 23:22 24:22
<b>24243</b> 1:16	<b>3</b> 3:13 14:11,22	<b>4</b> 14:13,24	24:23 49:21
<b>24244</b> 1:16	49:21 50:4	89:13,15	<b>59</b> 24:22
<b>24245</b> 1:17	54:5 100:8	100:21 101:13	<b>5h</b> 71:20,21
24:8 25:1	101:13,20	101:21	74:23
<b>24246</b> 1:17	<b>30</b> 25:5 62:11	<b>4,475</b> 89:20	<b>5th</b> 63:23
<b>24247</b> 1:18	62:20 89:16	<b>402</b> 74:14	<b>6</b>
<b>24248</b> 1:18	<b>303</b> 5:9	<b>42</b> 63:23	<b>6</b> 14:15 15:4
<b>24249</b> 1:18	<b>31</b> 110:10	<b>432</b> 5:25	65:21 101:6,10
24:8	<b>310.82</b> 59:5	<b>44</b> 23:22	101:14,18,21
<b>24256</b> 1:18	<b>32</b> 96:23	<b>45</b> 35:12	101:22 109:10
25:2	<b>320</b> 62:23	<b>46</b> 35:12	109:14
<b>24257</b> 1:17	71:13 76:10	<b>469-3197</b> 7:18	<b>600</b> 4:15 5:6
23:22	79:12,21 85:5	<b>473.98</b> 89:12	<b>61/61</b> 9:10,12
<b>24258</b> 1:17	85:13 96:21	<b>488-6108</b> 5:25	9:14,16,18,19
<b>26</b> 62:25 89:15	<b>32311</b> 114:17	<b>49</b> 25:1	<b>613h</b> 79:17
89:17	<b>325</b> 5:14	<b>4a</b> 100:22	<b>61h</b> 80:1
<b>264-8740</b> 6:17	<b>34</b> 79:14,23	<b>4h</b> 71:21	<b>62</b> 24:22,23
<b>27</b> 71:15,22	85:7,15	<b>4th</b> 3:18 21:9	<b>63</b> 23:22
79:15,24 85:7	<b>35</b> 46:23,24,25	30:7 33:6,7,11	<b>6477875</b> 2:15
85:16 99:5	74:18 79:14,23	47:22 48:2,23	<b>65</b> 39:5
<b>27th</b> 21:6	85:6,15	52:7	<b>65/65</b> 9:23,25
<b>28</b> 59:13	<b>35/34</b> 79:17	<b>5</b>	<b>66</b> 39:5 58:12
<b>281</b> 6:25	80:1 85:10,18	<b>5</b> 14:14,25	<b>67</b> 23:22 39:5
<b>29</b> 24:15,18	<b>36</b> 47:1 102:21	82:20 101:1,2	61:20
59:11	104:8	101:14,21	<b>68</b> 67:5
<b>29542</b> 115:14	<b>3714</b> 81:22	107:3	<b>69/69</b> 10:5,6,8
<b>2b</b> 99:23	<b>38</b> 71:16,23	<b>500</b> 3:18	10:10,11
<b>2h</b> 76:17,21	74:17,19 76:13	<b>502812</b> 96:25	<b>6h</b> 71:19 74:21
<b>2nd</b> 27:20 43:9	76:19,23	<b>505</b> 3:10,21	<b>6th</b> 21:9,12,14
43:9,11 44:4,6	<b>3b</b> 100:12	4:10,18 5:17	21:23 22:14
53:11 55:20,20	<b>3c</b> 100:19	6:8,17 7:9	<b>7</b>
55:21 56:14,19	<b>3h</b> 74:24 76:15	<b>55</b> 37:10	<b>7</b> 2:8 17:2
57:11,15 80:12		<b>57</b> 23:22 46:2	

<p><b>70/70</b> 10:15,16 10:18,20,21 <b>711h</b> 85:10 <b>716h</b> 85:18 <b>72</b> 66:8,17 <b>72/74</b> 10:25 11:5,7 <b>73</b> 66:18 78:2 <b>74</b> 66:9 78:3 <b>75</b> 66:3,9 78:3 83:7 <b>75/75</b> 11:11,13 11:15 <b>750</b> 6:22 <b>76</b> 31:15 66:9 84:24 <b>77</b> 63:25 65:9 65:22 66:3,10 84:2,24 88:5 88:15 <b>77/77</b> 11:19,21 11:23 <b>77380</b> 6:23 <b>78</b> 96:2 <b>780-8000</b> 4:18 <b>78209</b> 7:16 <b>79701</b> 4:16</p>	<p><b>83</b> 17:6 19:6 <b>84</b> 17:6 19:6 <b>848-1800</b> 3:21 <b>85</b> 17:6 19:6 <b>86/86</b> 12:21,23 12:25 <b>86/88</b> 13:5,7,9 <b>87102</b> 3:19 <b>87199</b> 6:15 <b>87501</b> 3:8 4:8 5:15,23 7:7 <b>87504</b> 6:6 <b>87505</b> 2:13 <b>8:15</b> 2:9 17:2 <b>8th</b> 82:20</p>	<p><b>97068</b> 87:13,15 <b>97755</b> 105:8 <b>982-2043</b> 6:8 <b>982-4554</b> 4:10 <b>986-2678</b> 5:17 <b>988-4421</b> 3:10 7:9 <b>99</b> 54:5 <b>9:15</b> 67:1 <b>9:20</b> 67:2,4 <b>9th</b> 44:13</p>	<p><b>accepted</b> 59:22 64:22 65:2 68:9 73:1 86:14 97:6,12 <b>accompanying</b> 72:2 75:3,5 77:2,4 80:5 85:22,23 <b>accurate</b> 114:9 115:5 <b>acre</b> 59:5 62:23 71:13 74:14 76:10 79:12,21 85:5,13 96:21 <b>acreage</b> 47:4,10 <b>acres</b> 89:12 <b>action</b> 114:12 114:16 115:8 115:12 <b>actual</b> 66:17 <b>actually</b> 17:15 24:17 30:10 31:4 34:24 56:20 65:1 <b>add</b> 10:4,14 45:14 67:25 <b>additional</b> 24:3 32:19 60:19 68:13 92:25 <b>additionally</b> 63:15 <b>address</b> 27:13 100:15 111:10 <b>admin</b> 81:10 107:14</p>
	<b>9</b>	<b>a</b>	
	<p><b>9</b> 22:15 99:5,9 100:5 102:16 103:12 105:22 <b>90</b> 107:10 <b>90233</b> 6:14 <b>91/91</b> 13:13,15 13:17 <b>917-2261</b> 5:9 <b>92</b> 112:5 <b>93</b> 9:4 112:11 <b>94</b> 109:19 112:17 <b>96</b> 51:22 <b>96381</b> 81:23,25 87:7,8 <b>963832</b> 59:4 <b>97</b> 49:23 51:22 <b>97/97</b> 13:20,22 13:24 14:5</p>	<p><b>a.m.</b> 2:9 22:15 67:1,4 113:5 <b>a3</b> 92:5 <b>aaron</b> 15:9,18 16:5,14 110:18 <b>ability</b> 114:10 115:7 <b>able</b> 18:11 26:17 31:2 40:18 57:4 73:18 87:21 91:17 99:21 102:9 106:4,13 108:19 <b>absence</b> 82:7 <b>absolutely</b> 81:17 83:8 106:25 <b>accept</b> 69:15 107:3 <b>acceptable</b> 44:18 47:21 52:8</p>	
<b>8</b>			
<p><b>8</b> 80:19 86:4 99:4,8 100:4 <b>80/81</b> 12:5,7,9 <b>80/83</b> 12:13,15 12:17 <b>80202</b> 5:7</p>			

[admission - appear]

<p><b>admission</b>  97:17 101:12  111:12  <b>admit</b> 83:11  <b>admitted</b> 61:5  61:10 65:22  69:2,21 70:7  72:21 74:1  75:13,18 77:12  77:16 80:23  81:4 83:18,19  86:8,20 88:6  91:6,11 97:23  101:21 111:20  112:7,19  <b>advance</b> 47:18  <b>advise</b> 81:16  <b>advisement</b>  61:6,17 66:22  69:3 70:11  72:23 74:8  75:14,25 77:13  77:23 80:25  82:22 86:10  88:12 91:8  95:19 98:5  101:15 107:11  108:10 111:14  112:4,8,14,20  <b>afe</b> 72:5 99:24  <b>afes</b> 60:7  110:23  <b>affect</b> 83:6  <b>affidavit</b> 9:19  9:22,24 10:11</p>	<p>10:21 13:21  14:11,13,14,22  14:24,25 15:14  15:23 16:10,19  20:17 22:9,17  40:15,20 41:3  41:11 42:12  46:16 50:14  53:15 54:15,25  58:14 60:23  64:24 66:5,9  66:14,17 67:16  68:23 72:16  73:10 75:9  77:8 80:19  84:11 86:3  88:25 91:2  97:4,7,9 100:8  100:16,21  101:3 111:8  <b>affiliated</b> 34:25  <b>affirmed</b> 9:13  9:15,17 10:7,9  10:17,19,24  11:4,6,10,12,14  11:18,20,22  12:4,6,8,12,14  12:16,20,22,24  13:4,6,8,12,14  13:16,23 14:9  14:20 15:8,10  15:12,17,19,21  16:4,6,8,13,15  16:17 59:19  60:10,18 65:1</p>	<p>68:6,20 72:8  99:14 110:18  110:25 111:3  <b>ago</b> 18:1 32:17  40:23 48:17  52:11 78:15  99:25 103:7,25  <b>agree</b> 27:9  32:25 51:23  <b>agreed</b> 31:2  <b>agreement</b>  20:16 28:14  32:17,21 56:23  68:2 69:12  89:23 90:9,21  <b>agreements</b>  104:17  <b>agrees</b> 31:11  <b>ahead</b> 36:21  56:11 67:18  107:17 110:6  <b>albuquerque</b>  3:19 6:15  <b>allow</b> 32:18  47:7 51:25  52:24 56:17  57:15 63:13  <b>alvarez</b> 13:15  90:13 91:20  <b>amend</b> 67:21  67:25  <b>amended</b> 62:6  <b>amendment</b>  69:7</p>	<p><b>andres</b> 71:12  71:24 74:14,25  76:10,24  <b>andrew</b> 9:16  59:20  <b>andrews</b> 5:13  31:19  <b>answer</b> 55:6  91:17,24 92:2  94:18,22 104:6  <b>answered</b>  57:20  <b>anticipate</b> 43:5  <b>antonio</b> 7:16  61:24  <b>anyway</b> 52:18  92:4  <b>aol.com</b> 6:7  <b>apd</b> 105:3  106:12  <b>apds</b> 95:3  100:5  <b>apodaca</b> 8:3  18:19,23 20:20  20:25 29:11,24  30:5,17 35:18  36:1 37:14  45:19 48:4  52:11 57:9,23  109:3  <b>apologize</b> 24:24  39:20 87:10,12  104:23  <b>appear</b> 21:25  22:16 44:3</p>
---	--	---	--

[appear - b3]

<p>51:6  <b>appearance</b>  17:7,23 19:10  23:5,10,25  25:7,18,23  31:16 32:3  33:25 34:18  39:6 40:22  41:20 42:8  46:15 50:2,13  51:20 54:10,24  61:21 62:3  67:7 73:5  88:23 96:7  98:14 109:20  <b>appeared</b> 25:19  <b>appearing</b>  25:10 39:12  54:13 78:23  84:9 109:23  <b>applicant</b> 17:16  19:8 58:19  67:10 109:24  <b>applicant's</b>  41:2  <b>application</b>  9:10,11 10:4  10:14 14:15  15:4 22:4 47:9  59:18 62:4  68:5 101:7  110:17  <b>applications</b>  19:18 20:12  27:3,4 33:20</p>	<p>35:25 38:22,22  43:3,5,11 44:3  51:3,9 53:8  55:4,10,13  57:10  <b>applying</b> 79:19  <b>appointed</b> 63:1  <b>appreciate</b>  78:15 106:17  113:4  <b>appreciated</b>  49:1  <b>approach</b> 56:6  107:22  <b>appropriate</b>  27:16 91:23  <b>approval</b> 69:11  69:12,16 89:10  89:22,24 90:9  92:9,15,20  94:15 95:10  <b>approved</b> 68:3  104:25,25  105:3 106:12  <b>approximately</b>  63:23 101:19  <b>april</b> 29:8,16  30:7 33:6,6,11  43:9,18 44:3  47:22 48:2,23  49:3,17 52:7  52:14,17,19  53:10,13,22  54:2 55:20  56:24 57:5,7</p>	<p>57:20 58:3,7  <b>area</b> 63:10,16  90:2 100:14  103:12 107:14  107:19  <b>ariana</b> 12:5,13  12:21 13:5  80:4 86:13  <b>asked</b> 26:5,9  30:10  <b>asking</b> 52:23,24  55:3,5 81:15  <b>atoka</b> 62:22  <b>attach</b> 64:15  <b>attached</b> 80:9  90:8,13  <b>attempts</b> 101:8  <b>attending</b>  73:11  <b>attesting</b> 97:15  <b>attorney</b>  114:14 115:10  <b>audio</b> 114:8  115:3  <b>available</b> 21:8  21:16 23:18  38:4 58:2  59:25 92:11,14  <b>avalon</b> 81:21  81:23 82:5  87:13,16  <b>avant</b> 3:13  34:15 36:7  38:22</p>	<p><b>avenue</b> 4:7,15  5:22  <b>avoid</b> 53:6  <b>awaiting</b> 92:16  <b>aware</b> 105:19  110:2</p> <hr/> <p style="text-align: center;"><b>b</b></p> <hr/> <p><b>b</b> 7:12 9:6,11  9:24 10:1,6,16  11:1,4,12,20  12:1,6,14,22  13:1,6,14,21  14:1 15:1,10  15:19 16:1,6  16:15 61:9  63:24 64:1  65:4,20,23  69:20 70:9  72:7,18,21  73:25 74:2  75:4,10,12,17  75:19 77:3,9  77:12,16,17  80:7,20,22  81:3,5 83:18  83:20 85:22  86:5,8,19,21  88:6,8 90:12  91:3,6,10,12  97:3,22 110:25  111:12,20  112:6,12,18  <b>b3</b> 64:12,13  97:8</p>
---	---	---	--

[babineaux - broken]

<b>babineaux</b> 76:16,17	32:8 34:8,11 34:15,20 39:8	24:12,16,17,24 25:2,3,14,17,25	<b>bit</b> 47:16 55:8 76:3 87:5 107:13
<b>back</b> 21:20 51:2 53:6 57:3 67:2,5 87:11 102:15 107:20 108:11	39:12,15,19 42:1,17 46:5 50:4 54:7,13 54:19 55:6 58:18 67:10 70:22 74:10	26:3,4,21 27:1 27:9,24 28:16 34:14,19,20,23 35:3 36:6,9 37:21 38:16,17 38:21 39:3	<b>blake</b> 6:20 78:22 84:8
<b>bad</b> 94:10	76:6 78:5,7,23	41:24,25 42:4	<b>blake.jones</b> 6:24
<b>bar</b> 74:21,23	79:3 84:4,9,21	42:7,13,22	<b>blm</b> 68:3 69:12 69:15
<b>barely</b> 105:20	88:18 96:4,10	44:21,22 46:4	<b>bone</b> 46:22 59:2,3 79:11 79:20 80:12 81:21,23 82:5 82:8,11 87:8 99:6,9 100:4,6 100:14 105:8 110:9
<b>barrel</b> 72:9	98:16 109:24	46:5,11,13	<b>boulevard</b> 6:22
<b>based</b> 43:6 100:16 104:6	<b>believe</b> 30:10 32:2,5 33:17 36:10 40:6,16 40:19 42:22 50:15 54:25 62:2 63:6 67:14 73:7 91:16,18,23 92:16,19 95:5 95:20 103:22 103:25	47:14,15,24 48:1,10,12,14 48:16,19 49:2 49:4,13,14,16 49:18,19,24,25 50:3,3,23 51:2 51:14,15 52:7 52:12,15,24 53:20,23 54:6 54:7 55:23,24 56:8,21,22 57:12,25 58:9 96:3,4,8,18,19 98:4,7	<b>boundaries</b> 103:13
<b>basically</b> 110:14	<b>ben</b> 7:17 61:23	55:8,21,22	<b>box</b> 6:5,14
<b>basis</b> 63:20	<b>benjamin</b> 7:12 9:24 64:21	57:12,25 58:9	<b>bradfute</b> 6:11 6:13 39:17,18 39:18,23,24,24 39:25 40:2,25 41:5,7
<b>beach</b> 48:24 49:7	<b>bennet</b> 34:15 51:11	54:7 55:23,24	<b>bradfutelaw.c...</b> 6:16
<b>beatty</b> 5:5 29:1 30:25 50:7 54:19	<b>bennett</b> 3:16 14:5 17:8,9,14 17:15 18:4,12 18:17 19:23,24 20:11,13 21:1 21:15,17 22:2 22:19 24:1,2,7	55:8,21,22	<b>break</b> 67:1
<b>bebermeyer</b> 9:23 64:19,20		57:12,25 58:9	<b>briefly</b> 99:12
<b>bebermeyer's</b> 64:24		96:3,4,8,18,19	<b>broadway</b> 5:6
<b>beginning</b> 92:10		98:4,7	<b>broke</b> 102:21
<b>begins</b> 66:18		<b>best</b> 56:6 90:2 114:10 115:6	<b>broken</b> 74:21 74:22
<b>behalf</b> 3:2,12 4:2,12 5:2,11 5:19 6:2,10,19 7:2,11 17:10 17:21 23:5 24:2 25:10,18 28:22 31:19		<b>beth</b> 17:20 42:17	
		<b>beth.ryan</b> 4:17	
		<b>better</b> 53:11 58:4 70:17,25 71:4 103:8 113:2	

[bronco - cases]

<p><b>bronco</b> 71:24 74:25 76:24 <b>brought</b> 20:24 <b>bruce</b> 6:4 34:2 34:2,5,6 36:3,5 36:10,11,12,15 36:18,19,21,22 37:3,6,11,16,18 38:3,5 39:1 41:21,21 42:15 43:14,16,21,24 44:1,17,18 45:23,25 88:22 88:22 89:3,6 98:10,11,12,21 98:22,25 99:2 101:17 102:1,4 102:7,18,25 103:16,22 104:11 105:5 105:10,15,17 106:5,22,23,25 107:7,24 108:7 108:8 109:6,16 <b>bugged</b> 103:6 <b>building</b> 2:11 <b>butcher</b> 94:9 <b>bwenergylaw...</b> 5:8</p>	<p>13:8,16,23 15:12,21 16:8 16:17 17:1 60:2,4 61:9 68:12 69:20 70:9 72:18,21 73:25 74:2 75:6,10,12,17 75:19 77:5,9 77:12,16,17 80:13,20,22 81:3,5,10,16 82:21 83:2,18 83:20 85:24 86:5,8,19,21 87:25 88:6,8 90:19 91:3,6 91:10,12 97:9 97:22 105:17 106:14,24 110:21 111:6 111:12,20 112:6,12,18 <b>ca</b> 68:18 <b>call</b> 24:21 73:17 <b>called</b> 1:6 19:6 63:10 93:20 <b>calling</b> 23:21 25:6 96:1 <b>camera</b> 93:6 <b>capacity</b> 63:17 <b>cards</b> 64:5,5,7 72:15 80:18 91:1 101:2,5</p>	<p><b>carson</b> 14:10 14:21 99:15 <b>cas</b> 69:12,17 <b>case</b> 1:9 9:8,21 10:3,13,23 11:3,9,17 12:3 12:11,19 13:3 13:11,19 14:3 14:7,18 15:3,7 15:16 16:3,12 19:18,19 23:5 23:9,11,18 24:10,15 35:7 35:20 37:24 38:1 44:7 45:4 45:7,10,14 46:15,16 47:12 48:3 49:17,21 59:1,17 60:20 61:5,17 62:8 62:21 66:6,22 67:5,21,22,23 70:1,2,6 71:11 72:1,21,22 73:6 74:6,7,8 74:11,12 75:2 75:13,14,24,25 76:7,8 77:1,12 77:13,23 79:10 79:18 80:3,23 82:19,21 83:7 83:11,15,23 84:19 85:4,11 85:20 86:8 89:10 90:6,20</p>	<p>91:7,7,9 95:18 95:23 96:15,20 97:18 98:4,23 99:3,7 102:16 103:23 106:14 109:8 110:11 110:21,22 112:3,8,14,19 <b>cases</b> 17:6,10 17:16,19 19:12 20:19 22:22 23:11,16,21,23 24:3 25:4,5,7 25:16,19,21 26:6,6,17,20,21 26:22 27:12,12 27:19 28:5,13 29:7,15,15 30:3,20 32:13 33:12,14,18 36:4,7,13,15,25 37:5,9,17,23 40:5 41:12,25 42:9 45:13,22 45:24 47:17 49:22 50:5,15 50:15,16,19,24 51:16,17,19,21 52:16 54:5 55:18 57:14,14 57:16,21 60:13 67:20,24 68:4 69:2 70:10,24 78:3 79:3 80:24 83:1</p>
<p><b>c</b></p>			
<p><b>c</b> 3:1 4:1 5:1 6:1 6:20 7:1 8:1 9:13 10:7,17 11:6,14,22 12:8,16,24</p>			

[cases - checklist]

86:9,25 87:18 88:11 102:25 105:7 107:10 107:11 108:12 109:1,19 110:8 110:13 111:14 111:25 <b>castra</b> 100:6 <b>cat</b> 110:10 <b>catch</b> 45:18 86:13 <b>catching</b> 18:16 <b>cause</b> 63:3,6 69:7 104:24 <b>caused</b> 31:7 63:10 <b>cell</b> 87:12 <b>certain</b> 25:19 102:8 103:25 <b>certificate</b> 114:1 115:1 <b>certified</b> 64:5 64:25 72:15 80:18 91:1 100:23 <b>certify</b> 114:4 115:2 <b>chakalian</b> 7:21 17:2,12,25 18:7,10,15,21 18:25 19:2,5,9 19:21 20:11,14 20:22 21:1,13 21:22 22:7,11 22:13,20,24	23:2,6,14,20 24:5,9,16,21,25 25:4,12,22 26:2,19,24 27:6,17 28:1,3 28:18,23 29:3 29:9,13,20 30:1,6,14,18,23 31:6,12,20,24 32:10,22 33:2 33:5,9,16,19,22 34:4,9,13,17,22 35:1,4,9,13,16 36:2,11,17,20 37:3,7,12,16 38:2,6,11,15,19 38:24 39:2,4,9 39:16,22,25 40:3,13,21 41:4,9,15,18,23 42:3,6,11,14,19 42:23 43:4,10 43:13,19,22,25 44:11,16,20 45:1,5,16,20 46:1,10,19 47:14,23,25 48:7,9,15,20 49:2,5,11,15,20 50:1,9,18 51:1 51:10,14 52:5 52:9,13,21 53:1,20,25 54:9,16,21 55:2,11,17,21	56:11,21 57:6 57:18,24 58:6 58:11,20,23 61:7,16,19,25 62:5,13,15,18 63:21 64:9,13 64:21 65:6,15 65:18 66:21,25 67:4,12,15,18 69:6,9,18 70:2 70:5,18,23 71:5,8 72:24 73:4,12,22 74:7 75:15,24 76:5 77:14,22 78:1,8,12,16,19 78:25 79:4,7 81:1,12,15 82:14,18 83:3 83:10,16 84:1 84:5,12,15,18 84:23 85:1 86:12,18 87:20 87:24 88:4,14 88:19 89:1,4,7 91:9 92:24 93:4,9,12,14,24 94:2 95:15,17 95:21,24 96:1 96:6,11,17 97:21 98:4,8 98:13,17,20,24 99:1 101:16 105:15 106:3 106:18,23	107:1,8,15,18 107:23 108:9 108:18,23 109:5,17,22,25 110:3,6 111:17 112:1 113:1,3 <b>chance</b> 21:17 26:12 32:15 52:18 56:2 78:12 84:13 89:1 <b>change</b> 35:19 81:13,16 83:6 83:9,13 87:5 102:2,22 106:15 <b>changes</b> 35:17 <b>changing</b> 64:16 <b>characterizati...</b> 51:12 <b>charles</b> 12:7,15 12:23 13:7 80:8 85:23 86:13 <b>chart</b> 72:13 80:15 90:24 <b>check</b> 21:19 42:8 <b>checked</b> 35:24 <b>checklist</b> 9:10 13:20 14:8,19 59:19 81:10 82:23 83:2,6 87:25 97:3 99:13 106:20
--	--	--	---

[checklist - cont'd]

<p>106:24 107:14 110:17 <b>chime</b> 31:4 <b>chino</b> 2:11 <b>chronology</b> 60:7 68:16 110:23 <b>city</b> 110:15 <b>classic</b> 73:16 <b>clerk</b> 8:3 <b>client</b> 32:15 102:8 103:7 <b>client's</b> 51:2 <b>close</b> 29:5,18 32:25 <b>code</b> 59:4 81:22 81:23,25,25 83:5 87:6,6,13 87:15 105:8 <b>cog</b> 3:2 4:2,12 25:10 34:8 39:13 40:6 42:17 <b>cogswell</b> 2:14 93:15 114:2,18 <b>colored</b> 105:25 <b>com</b> 59:16 74:23 79:17 80:1 85:10,18 <b>combined</b> 31:15 98:23 <b>combo</b> 76:21 <b>come</b> 20:6,15 53:6 67:2 93:3 104:22 107:20</p>	<p>108:11 <b>coming</b> 28:14 29:5,18 43:14 92:21 <b>commence</b> 62:9 63:2 <b>commission</b> 62:10,15 <b>committed</b> 104:1 <b>common</b> 110:15 <b>communicate</b> 73:18 108:16 <b>communication</b> 72:6 94:13,19 <b>communicati...</b> 92:18 95:9 <b>communitiza...</b> 68:2 69:11 <b>companies</b> 51:6 <b>company</b> 3:2,3 4:4 5:11 6:3 7:3 67:11 88:23 98:9 110:12 <b>compete</b> 38:22 <b>competing</b> 19:16,17 20:12 22:4 33:19 38:21 43:3,5 43:10 44:3 51:3,9 55:4,10 55:12,15 56:1 57:2</p>	<p><b>complex</b> 53:5 <b>compounded</b> 63:16 <b>comprised</b> 59:7 71:14 74:15 76:11 79:13,22 85:6,14 96:22 <b>compulsory</b> 9:9 9:11 13:20 59:18 97:3 110:17 <b>computer</b> 102:9 <b>concern</b> 48:22 104:6,20 <b>concerned</b> 73:17 94:16 <b>conclude</b> 109:12 <b>concluded</b> 113:6 <b>concludes</b> 112:23 <b>condor</b> 55:16 <b>confer</b> 26:12 32:20 <b>conference</b> 17:7 18:6 20:2 24:14,19 26:16 27:11,16,18,20 28:4 30:12 32:20 47:7,20 48:3,6,24 53:14,22 56:14 56:23 57:5,8</p>	<p>57:14,22 58:7 <b>conferences</b> 54:3 <b>confirm</b> 82:4 102:1 <b>confirmation</b> 95:2 <b>confusion</b> 104:24 <b>conglomerate</b> 102:24 <b>conocophillips</b> 4:12,14 17:18 17:21 19:15 23:5,9 27:14 <b>conocophilli...</b> 4:17 <b>conservation</b> 1:3,6 7:22,24 8:3 17:3 90:3 112:24 <b>conservative</b> 107:22 <b>considering</b> 1:8 <b>consisting</b> 89:12 <b>consolidated</b> 36:14 50:16 78:2 110:8 <b>constructive</b> 101:4 <b>consulting</b> 6:13 39:19 <b>cont'd</b> 4:1 5:1 6:1 7:1 8:1,2</p>
---	---	---	--

[cont'd - date]

<p>10:1 11:1,3  12:1 13:1 14:1  14:3 15:1,3  16:1  <b>contact</b> 106:8  <b>contacts</b> 60:8  68:16 110:24  <b>contain</b> 100:11  <b>contains</b> 75:2  99:17,23  100:19,23  <b>contested</b> 19:18  19:20 20:3,4,8  20:15 21:3  22:17 26:7  36:19,20 37:4  37:9 38:8  43:17,20 44:5  44:7,9,12  45:21 56:3,19  57:4 58:5  <b>continuance</b>  29:10,22 30:2  36:25 40:7  41:3 51:24  52:4,5 53:7  <b>continuances</b>  29:6 33:10  49:16 54:2  108:1,25  <b>continue</b> 20:6  20:10 27:18  30:8,15 49:15  51:25 107:25  108:1 109:18</p>	<p><b>continued</b>  29:22 30:12  40:12  <b>control</b> 71:19  89:25  <b>copies</b> 72:14  75:7 80:17  85:25 90:25  <b>copy</b> 59:17  68:5,5,16  <b>corner</b> 102:17  <b>correct</b> 36:6,9  41:13 42:23  49:24,25 51:11  53:18 67:17  70:4 73:15  78:10 79:6  81:11,14 82:5  82:10,12,15  83:8 84:20  87:6,12,17  88:2,12 92:21  92:22 94:20,25  95:1,2,10,11  96:14 99:21  102:3,4 103:15  103:16 105:1,4  106:4,11,20,21  106:24  <b>corrected</b> 82:20  102:3 106:9,14  107:3,12  <b>correcting</b>  105:16 106:20</p>	<p><b>correlative</b>  90:4  <b>counsel</b> 18:6  41:2 114:11,14  115:7,10  <b>county</b> 59:14  62:10,25 71:16  74:19 76:13  79:15,24 85:8  85:16 89:17  96:24  <b>couple</b> 32:17  34:6  <b>course</b> 28:1  47:18 91:23,25  107:25  <b>court</b> 7:15 66:6  <b>courtesy</b> 73:20  <b>cover</b> 64:15  <b>covered</b> 103:14  <b>create</b> 110:8  <b>credentials</b>  59:22 68:8  73:1 97:5,11  <b>creek</b> 79:17  80:1 85:10,18  <b>cripple</b> 79:17  80:1 85:10,17  <b>crosby</b> 12:7,15  12:23 13:7  80:8,8 85:23  86:14  <b>cross</b> 60:12,13  72:10 80:11  90:17,18</p>	<p>100:11 111:5  <b>crud</b> 17:5 18:16  <b>cullen</b> 14:10,21  99:15  <b>currently</b> 81:19  95:8  <b>cut</b> 37:22  <b>cx</b> 9:2</p> <hr/> <p style="text-align: center;"><b>d</b></p> <hr/> <p><b>d</b> 9:1,15 10:9  10:19 14:4  15:14,23 16:10  16:19 17:1  60:10 61:9  68:20 69:20  70:9 97:14,17  97:19,22,24  111:7,12,15,20  111:21 112:6,9  112:12,15,18  112:21  <b>d1</b> 60:11  <b>d2</b> 60:11  <b>d3</b> 60:12  <b>dal</b> 25:17  <b>dan</b> 3:14 42:1,4  <b>dana</b> 11:7,15  11:23 12:9,17  12:25 13:9,17  <b>data</b> 105:18  106:4  <b>date</b> 2:8 20:21  20:21,22 21:21  30:5 106:14</p>
--	---	---	---

[dated - documents]

<p><b>dated</b> 60:20 99:25</p> <p><b>dates</b> 21:4 103:3</p> <p><b>david</b> 111:7</p> <p><b>day</b> 22:1 23:18 44:14 58:5 63:24,25 107:20</p> <p><b>days</b> 21:5 32:17 40:23 78:15</p> <p><b>de</b> 5:14</p> <p><b>deadline</b> 83:22</p> <p><b>deal</b> 53:3,14 55:8 61:7 69:19</p> <p><b>dealing</b> 101:17</p> <p><b>dealt</b> 105:10</p> <p><b>dean</b> 7:23</p> <p><b>deana</b> 3:16 14:4 17:9 24:2 27:23 34:15,20 41:25 46:5 50:3 54:7 96:4</p> <p><b>deana.bennett</b> 3:20</p> <p><b>december</b> 103:1</p> <p><b>decide</b> 50:23</p> <p><b>decision</b> 51:9 55:9</p> <p><b>declaration</b> 14:4 97:15</p> <p><b>dedicate</b> 59:15 79:16,25 85:9</p>	<p>85:17</p> <p><b>dedicated</b> 71:18 74:20 76:14 96:25</p> <p><b>defer</b> 46:17</p> <p><b>definitely</b> 104:16 108:22</p> <p><b>delaware</b> 7:2 58:19 89:11,19</p> <p><b>delaying</b> 53:8</p> <p><b>delays</b> 63:9,11</p> <p><b>delivered</b> 64:6</p> <p><b>demonstrated</b> 63:4</p> <p><b>denver</b> 5:7</p> <p><b>department</b> 1:2</p> <p><b>description</b> 9:7 10:2 11:2 12:2 13:2 14:2 15:2 16:2</p> <p><b>desire</b> 53:12 63:7</p> <p><b>desk</b> 18:5</p> <p><b>detailed</b> 103:9</p> <p><b>develop</b> 46:25 47:3,10,10 63:13</p> <p><b>development</b> 20:1 63:16 100:3</p> <p><b>devon</b> 3:3 109:18,24 110:8</p> <p><b>diagram</b> 72:10</p>	<p><b>difference</b> 64:1 82:7</p> <p><b>different</b> 49:1 51:17 71:2 81:25</p> <p><b>difficulties</b> 18:9</p> <p><b>digital</b> 114:8 115:3</p> <p><b>discuss</b> 23:16 55:9 56:2</p> <p><b>discussion</b> 26:3 57:17</p> <p><b>discussions</b> 20:1,10 22:5,8 26:9,15,18 27:10 47:7 51:7,24,25 56:18 100:1</p> <p><b>dismiss</b> 28:13 29:7 47:8</p> <p><b>dispose</b> 50:23</p> <p><b>district</b> 7:22,24 66:6</p> <p><b>diverse</b> 94:19</p> <p><b>division</b> 1:3,7 8:4 17:4 26:17 31:10 37:22,25 47:12 55:18 57:17 59:21 62:16,17,19 64:23 65:3 66:23 68:8 72:1 73:1,3 75:2 77:1,23 80:3,6 85:20</p>	<p>86:14 90:6,11 90:15 92:12 95:9 97:5,11 99:16 100:10 101:9 110:20 111:2 112:24</p> <p><b>division's</b> 21:19 102:11</p> <p><b>docket</b> 21:5 24:14,18 28:7 29:8,16 30:3 30:11,13 33:11 35:7,12 36:23 40:1,8,12 43:9 43:11 44:4,7,9 44:10 46:2 48:3,23 49:17 52:6 54:3 55:20,22 57:8 57:9,11,15,21 58:13 67:6 78:2 88:16 96:2 108:2,5 109:1</p> <p><b>docket's</b> 52:10</p> <p><b>dockets</b> 21:4 44:12</p> <p><b>document</b> 64:1 65:9</p> <p><b>documentation</b> 75:8 77:7 86:2</p> <p><b>documents</b> 64:17 88:12 105:16 107:3</p>
---	---	---	---

[dog - evd]

<p><b>dog</b> 74:23  <b>doing</b> 47:19  <b>double</b> 35:24  42:7  <b>dozen</b> 101:1  <b>draft</b> 20:18  <b>drafted</b> 37:1  <b>drilled</b> 100:15  <b>drilling</b> 60:15  62:9 63:3  100:20  <b>drive</b> 2:12  <b>due</b> 26:12  <b>duly</b> 93:20  114:5  <b>durango</b> 3:13  34:20,22,24  35:2  <b>dx</b> 9:2</p>	<p><b>east</b> 46:23,24  46:25,25 59:12  59:13 62:25  71:16,23 74:17  74:19 76:12,13  76:18,19,22,23  79:15,24 85:7  85:16 89:13,15  89:15,17 96:22  96:23 99:5  110:10  <b>easy</b> 64:3  <b>eddy</b> 59:14  62:10,25 79:15  79:24 85:7,16  89:17  <b>effectively</b> 53:7  <b>efficient</b> 50:22  89:25  <b>efficiently</b>  53:12  <b>effort</b> 28:13  <b>ego</b> 33:25  <b>eight</b> 50:19  <b>either</b> 22:16  25:22 28:6  63:12 69:25  70:2 83:15  86:25  <b>elizabeth</b> 4:13  13:24 97:9  <b>email</b> 92:5,15  94:17 104:4  106:8</p>	<p><b>emailing</b> 93:1  <b>employed</b>  114:11,14  115:8,11  <b>employee</b>  114:13 115:10  <b>ended</b> 102:13  <b>energy</b> 1:2 3:3  3:3,13 4:2,3,4  5:11 6:19 7:14  24:3 26:8,22  28:22 31:14,19  34:12 49:21  50:4 54:5,8  56:3 61:24  70:19 76:7  78:24 84:10  88:16 109:18  109:24  <b>engineer</b> 95:5  <b>enter</b> 17:23  23:10 65:8  109:7  <b>entered</b> 19:10  23:4 25:15,18  32:3 35:21  37:25 62:11,16  62:19 65:16  66:15 70:10  73:5 84:19  98:14 109:11  110:1 112:2,13  <b>entering</b> 44:24  <b>entire</b> 28:4 83:1</p>	<p><b>entirety</b> 82:11  <b>entities</b> 34:25  <b>entries</b> 17:7  23:25 25:6  31:16 33:25  34:18 39:6  41:20 42:8  50:2 54:10  67:6 96:7  <b>entry</b> 40:22  42:16 46:15  51:20 54:24  61:21 88:23  109:20  <b>eog</b> 5:19,21  32:2,8 33:4  39:15,16 78:7  96:10 98:16  104:2  <b>equivalent</b>  59:11 89:19  <b>error</b> 83:6  <b>es</b> 114:4  <b>esperanza</b>  105:8  <b>esquire</b> 3:5,16  4:5,13 5:4,12  5:20 6:4,11,20  7:4,12  <b>essentially</b>  59:10 104:5,21  <b>evaluation</b> 52:1  <b>evd</b> 9:7 10:2  11:2 12:2 13:2  14:2 15:2 16:2</p>
<p><b>e</b></p>			
<p><b>e</b> 3:1,1 4:1,1 5:1  5:1 6:1,1 7:1,1  8:1,1 9:1,6,17  10:1,11,21  11:1 12:1 13:1  14:1 15:1 16:1  17:1,1 60:17  61:9 69:4,20  69:22 70:9,12  <b>e.g.l.</b> 6:2 34:3  36:3 37:5  41:19,22 45:21  <b>e.g.l.'s.</b> 38:23  <b>early</b> 103:1</p>			

[evening - exhibits]

<p><b>evening</b> 50:12</p> <p><b>eventually</b> 100:3</p> <p><b>everybody</b> 18:20 66:16</p> <p><b>evidence</b> 61:10 61:12 64:8 65:8,16,22,24 69:21,23 70:10 70:14 74:1,3 75:18,20 77:16 77:18 81:4,6 83:11,18,21 86:20,22 88:7 88:9 91:11,13 97:23,25 101:21,23 109:7,15 111:12,20,22 112:8,10,13,16 112:19,22</p> <p><b>evidentiary</b> 109:11</p> <p><b>exact</b> 83:9</p> <p><b>exam</b> 103:6</p> <p><b>examination</b> 94:7 103:10</p> <p><b>examined</b> 93:22</p> <p><b>examiner</b> 7:21 7:23 17:9 18:13 19:24 23:3 24:2 25:8 26:5 27:2,9 28:21 30:22,24</p>	<p>31:18,22 34:2 34:7,11,15,20 36:5 37:21 39:11,15,18 40:25 41:14,21 41:25 42:25 44:19 46:5,8 46:14,21 52:8 53:2 54:7,12 54:23 58:10,17 58:17 59:1 61:15,23 66:2 67:9,20 70:1 70:17,21 71:10 74:6,9 75:23 77:21,25 78:4 78:7,21 79:9 81:8 83:15,25 84:3,21 85:3 86:11,17,24 88:3,13,17,22 89:9 91:15 94:1,6 95:14 95:22 96:4 98:3,11,22 99:2 101:25 105:14 108:14 108:17 111:24</p> <p><b>examiners</b> 60:1 64:16 68:10</p> <p><b>excel</b> 87:11</p> <p><b>excellent</b> 21:13 46:1 49:5 54:1 58:6 109:5,25</p>	<p><b>exchanged</b> 32:17</p> <p><b>excuse</b> 31:13 92:5 104:18</p> <p><b>exhibit</b> 9:9,11 9:13,15,17,19 9:22,24 10:4,6 10:7,9,11,14,16 10:17,19,21,24 11:4,6,10,12,14 11:18,20,22 12:4,6,8,12,14 12:16,20,22,24 13:4,6,8,12,14 13:16,20,21,23 14:4,8,9,11,13 14:14,15,19,20 14:22,24,25 15:4,8,10,12,14 15:17,19,21,23 16:4,6,8,10,13 16:15,17,19 60:2,10,17,22 64:4,9,14,23 65:4,4,23,23 66:11 68:12,14 68:20,22 71:25 72:1,7,18,18,18 74:2,2,2 75:1,2 75:4,6,10,10,10 75:19,19,19 76:25 77:1,3,5 77:9,9,9,17,17 77:17 79:5 80:2,4,7,13,20</p>	<p>80:20,20 81:5 81:5,5 83:1,20 83:20,20 85:19 85:21,22,24 86:5,5,5,21,21 86:21 88:8,8,8 90:7,12,19 91:3,3,3,12,12 91:12 92:4 97:2,8 99:10 99:11,12,14,21 99:23 100:8,12 100:19,19,21 101:1,2,6,14,17 104:13 105:18 107:4 109:9 110:25 111:6,7</p> <p><b>exhibits</b> 60:3 60:17 61:1,4,4 61:8,9,11 63:5 63:23,24 65:8 65:20 68:13,19 69:1,1,4,19,22 70:6,8,12 72:3 72:20 73:25 75:4,5,12,16,17 77:3,4,11,15,16 78:13 79:1 80:5,9,22 81:3 81:3 83:17 84:13,16,24 85:22,24 86:7 86:19 88:5 89:2,5 90:6,8 90:13,15 91:6</p>
--	---	---	---

[exhibits - first]

<p>91:10 96:16  97:1,2,7,13,17  97:19,24 98:18  100:10 101:10  101:13,19,20  101:22 102:16  107:10 108:3  108:19 109:7,9  109:11,14  111:12,13,15  111:19,20,21  112:2,6,9,12,13  112:15,17,21  <b>existing</b> 68:1  71:3  <b>exists</b> 63:6  <b>expecting</b> 87:2  <b>expert</b> 64:25  73:1 90:11,14  99:17 100:10  <b>experts</b> 64:22  86:14  <b>exploratory</b>  89:11  <b>extend</b> 63:6  <b>extending</b>  63:18  <b>extension</b> 62:9</p>	<p><b>faint</b> 29:25  <b>fantastic</b> 33:9  49:11  <b>far</b> 20:23 57:3  94:16  <b>faulting</b> 60:14  <b>fe</b> 1:3 2:13 3:8  4:8 5:15,23 6:6  7:7 25:9 31:22  39:11 43:1  46:8 54:12  58:18 67:9  109:23  <b>february</b> 60:21  60:25 68:22,24  72:16 75:9  77:8 80:19  86:4 91:2  <b>fed</b> 59:16 79:17  80:1 85:10,18  <b>fee</b> 71:20,21,21  74:23 76:15,16  76:17,21  <b>feel</b> 70:17  <b>feeling</b> 52:9  <b>feet</b> 89:20,20  <b>feldewert</b> 3:5  18:1,24 19:3,6  19:7,7,11,13,22  20:17 21:2,11  22:3,7,10,12,18  25:8,9,15  26:11,20,25  27:7,8,22 28:2  28:17 31:21,22</p>	<p>32:16,23,24  34:10,11 35:6  35:11,15,23  38:12,14 39:10  39:11 40:8,10  40:14 42:25  43:1,6,12,22  44:2,6,15 45:9  45:12 46:7,8  46:17,20,21  48:8,9,17,21,22  49:8,9,12  52:16 54:11,12  55:11,14,19  56:7,9,12,13  58:2,4 109:21  109:22 110:2,5  110:7 111:18  112:4,25  <b>figure</b> 32:7  73:19  <b>file</b> 33:10 35:20  36:24 37:1  41:5 42:20,21  43:2,8 45:13  45:14 50:10,13  51:3,9 54:2,22  55:3,20 57:10  108:1  <b>filed</b> 26:20,22  27:3,5 29:6  33:13,15,18  36:23 40:7,23  46:15 50:11,25  54:14 55:18</p>	<p>63:22 64:4  65:9,11,12,13  88:23 101:18  103:1 106:16  <b>files</b> 108:25  <b>filing</b> 19:17  20:12 43:3,5  44:2 55:12  62:4 65:21  <b>final</b> 92:16  <b>finally</b> 18:16  72:11 75:6  97:14 99:21  112:17  <b>financially</b>  114:15 115:11  <b>find</b> 53:13  104:12  <b>fine</b> 22:23 25:1  27:17,24 28:3  44:22 45:3  48:6 49:4  52:15 53:14  56:10 104:17  <b>finish</b> 107:20  108:12 109:2  <b>firm</b> 80:17  <b>first</b> 26:22 27:4  39:25 44:10  46:22 51:15  58:13 60:20  61:8 65:7  93:20 99:3  103:1,23,24</p>
<b>f</b>			
<p><b>f</b> 9:19 60:22  61:1,9,11  68:22  <b>fact</b> 73:19  81:22</p>			

[five - granted]

<p><b>five</b> 67:1 102:10</p> <p><b>flaring</b> 63:8,19</p> <p><b>floor</b> 2:12</p> <p><b>florida</b> 49:10</p> <p><b>followed</b> 60:3,9 60:22</p> <p><b>following</b> 63:25 90:5 105:25</p> <p><b>follows</b> 93:22</p> <p><b>forbid</b> 104:13</p> <p><b>force</b> 99:3,6</p> <p><b>foregoing</b> 114:3,4 115:4</p> <p><b>formality</b> 37:20</p> <p><b>formation</b> 35:14 59:2 62:23 71:13 74:14 76:10 79:11,20 85:8 85:13 89:19 99:6</p> <p><b>formations</b> 80:12</p> <p><b>formats</b> 102:8</p> <p><b>forward</b> 46:14 47:19</p> <p><b>four</b> 18:15 20:19 37:23 38:1 41:12 50:15,15,16,20 51:18,21,22 55:6 109:19 110:8,13 111:13,25</p>	<p><b>francis</b> 2:12</p> <p><b>franklin</b> 3:12 24:2 26:8,22 49:21 50:4,24 53:18 54:4,7 56:3,16</p> <p><b>franklin's</b> 53:12</p> <p><b>frizzle</b> 96:25</p> <p><b>fruitful</b> 22:8 47:8</p> <p><b>fry</b> 96:25</p> <p><b>full</b> 48:5 52:10 100:3</p> <p><b>further</b> 45:23 53:7 66:20 73:21 94:13 95:13 103:17 105:13 114:13 115:9</p> <p><b>future</b> 47:22 64:14</p>	<p>97:10 100:9 111:1</p> <p><b>geology</b> 75:4,5 77:3,4 80:7 85:22,24 90:12 90:13,14,15 97:13</p> <p><b>getting</b> 32:25 48:5 52:10 68:2 100:2</p> <p><b>give</b> 20:5,9 63:24</p> <p><b>given</b> 19:20 22:3</p> <p><b>gives</b> 44:24 101:4</p> <p><b>giving</b> 50:17 81:18 100:24</p> <p><b>glad</b> 20:23 43:18</p> <p><b>glorieta</b> 62:22</p> <p><b>gmail.com</b> 5:24</p> <p><b>go</b> 26:19 27:23 35:18 36:21 51:1 52:18 56:11 57:10 65:7 67:18 81:18 88:5 93:8 99:11 107:17 110:6 112:5</p> <p><b>god</b> 104:13</p> <p><b>going</b> 18:13 20:2,3 22:16 28:7 31:3 37:9</p>	<p>38:13 41:11 44:8 46:16,17 47:8 49:7 51:4 56:1 57:10 76:3 82:19 83:6 84:2 87:13 96:12 104:12,16 105:1,7,16 107:2,16,24,25 108:11,13 109:7</p> <p><b>good</b> 17:8,12 17:20 18:23 19:9 24:1 26:2 31:17,20,21,24 32:6,10 33:4 34:10,13,14,19 39:10,14,17 41:24 45:17 46:4,7 54:6,11 56:23 58:16,23 61:22 63:3,6 65:7,18 69:7 78:6 94:12 96:3,6,9 98:15 98:17 108:24 109:21 111:10</p> <p><b>gotten</b> 20:23</p> <p><b>grace</b> 21:19</p> <p><b>grandson</b> 48:25</p> <p><b>grant</b> 29:21 30:2 63:4</p> <p><b>granted</b> 29:10 29:11</p>
	<b>g</b>		
	<p><b>g</b> 6:4 17:1</p> <p><b>gas</b> 3:14 42:1,3 63:8</p> <p><b>gaylord</b> 35:8 35:14</p> <p><b>general</b> 111:3</p> <p><b>generally</b> 56:22</p> <p><b>geologic</b> 60:14</p> <p><b>geologist</b> 9:16 13:24 14:12,23 15:11,20 16:7 16:16 59:20</p>		

[gray - holliday]

<p><b>gray</b> 107:14,19  <b>great</b> 19:5  45:20  <b>green</b> 64:4,7  72:15 80:18  91:1 101:2,5  <b>greenberg</b>  25:18  <b>gregory</b> 7:21  <b>grounds</b> 47:9  <b>group</b> 7:14  28:4 50:24  61:24  <b>grouping</b> 50:17  <b>guadalupe</b> 3:7  7:6  <b>guess</b> 19:19  21:8 29:15  41:12 56:8  66:2,4 82:6  87:5 92:4,9  102:14,23,24  103:17  <b>guidance</b> 87:1  <b>gun</b> 72:9  <b>guys</b> 28:11  <b>gyllenband</b>  13:21 97:4</p>	<p>59:12 62:24  71:15,15,22  74:16,16,17  76:12,12,18,22  76:22 79:13,14  79:22,23 85:6  85:6,15,15  89:13,15 96:22  96:22 99:4,4,5  99:5,8,8 101:1  <b>hall</b> 2:10 18:6  21:24 22:15  <b>hand</b> 93:17  <b>happened</b>  35:24 37:24  <b>happy</b> 50:22  63:5 93:2  <b>hardy</b> 11:7,15  11:23 12:9,17  12:25 13:9,17  <b>hart</b> 3:6 7:5  17:17 19:8  25:10 31:23  39:12 43:2  54:13 58:18  67:10 109:23  <b>head</b> 26:1  <b>heads</b> 50:17  <b>hear</b> 18:2,5,12  18:18,20,21,24  19:1 23:3,6,14  <b>heard</b> 23:12  43:14  <b>hearing</b> 1:5 2:7  2:10 7:21</p>	<p>19:20 20:3,4,9  20:15,16 21:21  22:6,9,17,17  23:10,19 26:5  26:7 27:2 28:6  28:8 30:11,24  33:24 36:19,21  37:4,9,21 38:8  40:25 41:11  43:17,20 44:5  44:9 45:21  46:4,13 52:7  56:3,19 57:4  58:5,16,25  61:9,14 65:20  66:1 67:8,19  69:21 70:1,9  70:16 73:11,25  74:6 75:17,22  77:15,20 78:2  78:6 81:3,8  83:15,18 84:21  86:20,24 88:6  91:11,15 93:25  94:6 95:14  97:22 98:2  101:20 105:13  107:20 109:10  110:13,16  111:19,24  112:7,12,18  <b>hearings</b> 17:3  21:3 25:20  44:12 58:14  109:13 112:23</p>	<p><b>held</b> 110:12  <b>helder</b> 13:15  90:13  <b>helpful</b> 53:6  <b>hereto</b> 114:15  115:11  <b>hill</b> 14:11,22  100:9,15  <b>hinkle</b> 4:6  17:18,21 39:8  70:22 74:10  78:5,14 84:4  88:18  <b>hinklelawfir...</b>  4:9  <b>hit</b> 28:8  <b>hmm</b> 49:14  <b>hold</b> 36:11,12  43:25 47:25  48:9 63:21  <b>holiday</b> 21:8  <b>holland</b> 3:6 7:5  17:17 19:8  25:9 31:23  39:12 43:1  54:13 58:18  67:10 109:23  <b>hollandhart.c...</b>  3:9 7:8  <b>holliday</b> 7:12  7:14 9:25  61:22,23,24  62:1,2,7,13,14  62:17,19 63:21  64:3,11,20,22</p>
<p><b>h</b></p>			
<p><b>h</b> 3:5 9:6 10:1  11:1 12:1 13:1  14:1 15:1 16:1  <b>half</b> 46:23,24  46:25 47:1  59:7,10,10,12</p>			

[holliday - jim]

<p>65:12,17 66:3 66:7,21,24 73:5,14,15,23 <b>hope</b> 29:19 70:17 113:1 <b>hopefully</b> 20:6 29:7 49:12 94:9 107:6 <b>horizontal</b> 59:5 60:15 62:23 71:14 74:15 76:11 79:13,22 85:5,14 96:21 100:19 <b>hour</b> 73:16 <b>hughes</b> 6:22</p>	<p><b>incapabilities</b> 31:9 <b>include</b> 37:15 37:17 38:1 60:4 64:4,7 65:14 68:14 72:3 80:3,10 83:1 85:20 90:8,15 94:24 97:2 <b>included</b> 64:11 64:13 68:4 81:21,22 92:15 97:13 103:13 103:20 111:7 <b>includes</b> 24:15 56:16 60:11,19 68:13 72:1,11 75:7 77:1,5 80:14 85:25 90:23 <b>including</b> 97:7 <b>inclusion</b> 66:5 102:2 <b>incorrect</b> 51:12 81:10 104:25 <b>indicate</b> 94:14 <b>indicated</b> 53:3 <b>indicates</b> 47:13 94:17 <b>individually</b> 17:24 <b>influencing</b> 27:15</p>	<p><b>information</b> 35:20 92:25 93:3 95:19 99:17 100:16 107:12 108:2 <b>infrastructure</b> 63:11,17 <b>initially</b> 59:15 <b>inquire</b> 104:3 <b>intent</b> 108:16 108:22 <b>intention</b> 51:3 55:3 <b>interest</b> 60:5 69:13 72:4 73:9 89:23 90:22 94:24,24 99:18 102:20 103:18,19 104:21 110:11 <b>interested</b> 114:15 115:12 <b>interests</b> 59:2 62:22 71:12 74:13 76:9 79:11,20 85:12 90:2 96:21 104:1 <b>interim</b> 103:23 <b>interval</b> 46:22 89:18 <b>intervening</b> 27:3 <b>involve</b> 52:16</p>	<p><b>involved</b> 24:4 44:8 51:6 99:19 110:15 110:22 <b>irregular</b> 59:9 <b>island</b> 110:11 <b>issue</b> 45:6,9 57:17 <b>issued</b> 37:22 100:5 104:18 104:19 <b>issues</b> 27:13 28:12 <b>it'll</b> 21:24 22:1 28:12 <b>item</b> 24:19</p>
<b>i</b>			<b>j</b>
<p><b>idea</b> 56:23 <b>identical</b> 99:11 <b>identification</b> 61:2 65:5 69:5 70:13 72:19 75:11 77:10 80:21 86:6 91:4 97:20 101:11 111:16 <b>ii</b> 7:11 <b>iii</b> 6:10 39:20 <b>illinois</b> 4:15 <b>immediate</b> 100:14 <b>impediments</b> 60:15 <b>impression</b> 19:17</p>			<p><b>jackie</b> 28:22 34:7 39:7 70:21 74:10 76:6 78:4 84:3 88:17 <b>jaclyn</b> 4:5 <b>jake</b> 9:22 64:18 <b>james</b> 2:14 5:4 6:4 30:25 50:6 54:18 114:2,18 <b>jamesbruc</b> 6:7 <b>january</b> 60:21 60:24 103:1 <b>jennifer</b> 6:11 6:16 39:18 <b>jim</b> 34:2 41:21 88:22 98:11</p>

<p><b>jmclean</b> 4:9  <b>job</b> 2:15  <b>john</b> 8:5 9:3  13:13 90:7  93:19  <b>johnson</b> 6:21  78:23 84:9  <b>johnson.com</b>  6:24  <b>jones</b> 6:20  78:22,22,25  79:2,6 84:5,8,8  84:14,17  <b>jordan</b> 5:20  32:8 39:15  78:7 84:21  96:9 98:15  <b>jordanleekess...</b>  5:24  <b>josh</b> 15:11,20  16:7,16 111:1  <b>jparrot</b> 5:8  <b>june</b> 19:20,21  20:5,7,9,15  21:4,11,14,23  22:14 44:10  53:8  <b>juneteenth</b>  21:8  <b>junior</b> 76:15</p>	<p><b>kessler</b> 5:20  32:3,6,8,11  33:2,3 39:14  39:15 78:6,7  78:10,14,18  84:18,20,21,25  96:9,10,13,14  98:15,16,19  <b>kick</b> 26:3  <b>kind</b> 41:5 50:17  52:10  <b>know</b> 19:14  21:2,2 22:4  23:4 24:10  26:15 28:10,11  28:24 31:11,25  37:19 44:6  48:17 49:13  50:22 52:2  53:10,15,17  55:25 57:19,25  64:16 71:3  73:16 81:12  84:6 88:10  92:16 96:12  104:13 105:2  106:1,13 110:1  111:10  <b>knowledge</b>  114:10 115:6</p>	<p style="text-align: center;"><b>I</b></p> <p><b>I</b> 5:20 6:11  <b>l.p.</b> 3:4  <b>label</b> 107:5  <b>labeled</b> 81:20  92:5  <b>laid</b> 64:23  <b>lamkin</b> 92:6  <b>land</b> 13:22  59:14 60:4  64:25 72:2,2  75:3,3 77:2,2  80:4,5 85:21  85:22 89:13,22  90:7,10,11  92:6,17 93:2  94:13 97:7  99:18,18  <b>landing</b> 6:22  <b>landman</b> 9:14  9:23 10:8,18  14:10,21 15:9  15:18 16:5,14  59:20 64:19  68:7 92:25  99:15 106:8  110:19  <b>larger</b> 104:1  <b>lasari</b> 43:8  <b>lastly</b> 60:16  <b>late</b> 73:5  102:12 103:1  <b>latest</b> 102:2  <b>law</b> 7:14 8:3  47:12 61:24</p>	<p><b>lawyer</b> 52:3  <b>laydown</b> 47:3  100:17  <b>lea</b> 71:16 74:19  76:13 96:24  <b>lead</b> 92:19  <b>lease</b> 110:15  <b>leased</b> 73:8,19  104:1  <b>leave</b> 50:22  82:19 107:2,19  108:11  <b>leaving</b> 102:23  <b>left</b> 30:19  102:24  <b>legal</b> 6:13  39:19  <b>letter</b> 60:7,20  64:15 68:21  72:5,12 80:14  85:25 90:23  92:5,9,17,20  94:19 99:24,25  100:22 110:23  <b>letters</b> 60:19  72:13 80:16  86:3 90:24  <b>letting</b> 28:10  <b>likely</b> 104:7  <b>likewise</b> 111:2  <b>lincoln</b> 5:22  <b>line</b> 24:14,19  58:12 59:25  68:10 91:20</p>
<b>k</b>	<p><b>known</b> 37:24  <b>kong</b> 89:11</p>		
<p><b>katherine</b> 7:15  <b>keep</b> 51:16,18  51:20</p>			

<p><b>lisa</b> 115:2,15  <b>list</b> 60:4 97:8  101:17 104:9  109:9  <b>listed</b> 102:21  105:21,24  <b>little</b> 18:1 39:20  40:16 48:5  53:5,5 55:8  65:10 76:3  87:5 90:20  102:17 107:13  <b>llc</b> 3:2,12,13,13  4:2,12 5:3 6:10  6:19 7:11  17:11 34:16  39:20 41:1  46:6 50:8  54:20 58:19  96:5  <b>llp</b> 3:6 4:6 7:5  <b>loan</b> 68:7  <b>located</b> 71:22  76:17,21  <b>location</b> 2:10  72:9 80:10  90:17 111:4  <b>locator</b> 60:11  90:16  <b>log</b> 90:16  <b>logistics</b> 32:8  <b>long</b> 20:9 21:4  47:21 82:14  <b>longer</b> 92:20  104:7,19</p>	<p>105:24  <b>look</b> 35:7 44:13  49:22 70:6  75:16 104:24  108:4  <b>looking</b> 24:18  30:9 47:19  56:4 62:6  63:25 65:8  66:3 67:21  100:3 102:15  103:4 109:8  <b>looks</b> 21:7  28:20 31:14  40:22 41:10,19  49:21,22 58:13  65:9,10 66:7  81:19 84:2  109:19  <b>lot</b> 25:4 28:12  59:9 63:15  <b>lots</b> 89:13,15  <b>lower</b> 81:21  82:5,8  <b>lynn</b> 3:15 42:2  42:4</p>	<p><b>mailing</b> 14:13  14:24 65:14  100:21  <b>mailings</b>  100:24  <b>maintained</b>  19:15  <b>make</b> 31:10  35:5,17 37:13  42:8 50:12  51:8 66:15  106:7,8,9  <b>makes</b> 27:11  55:9 83:12  <b>management</b>  90:1  <b>manner</b> 63:14  <b>manually</b> 35:19  106:15  <b>map</b> 60:4,11,12  72:9,9 80:10  80:10 90:16,17  90:18 100:11  100:12 111:4,4  <b>marathon</b> 3:12  5:2 17:10  19:14,17,25  46:3,5,14,22  50:7,25 53:3  54:19 55:6,9  56:16 96:2,4  96:20 97:10  <b>marathon's</b>  47:5</p>	<p><b>march</b> 2:8 17:2  30:11,13,15  36:16,20,25  37:8 38:4 40:7  40:12 41:11  52:19 62:11,20  65:21 82:20  107:2 108:5,12  109:1,12  <b>mark</b> 28:9  <b>marked</b> 61:1  65:4 69:4  70:12 72:19  75:11 77:10  80:21 86:6  91:4 97:19  101:10 111:15  <b>matador</b> 33:17  55:25 58:14  <b>materials</b> 97:2  <b>matter</b> 1:5  59:22 66:12  68:9 88:24,24  97:6,12 103:24  <b>matters</b> 54:15  64:25 90:11  101:15  <b>mcclure</b> 39:7  70:22 74:8  <b>mcclure</b> 7:23  9:4 61:13,14  65:25 66:1,19  69:19,24,25  70:4 74:4,5  75:21,22 77:19</p>
	<b>m</b>		
	<p><b>m</b> 3:16 4:5 7:4  14:4  <b>made</b> 18:15  92:19  <b>mail</b> 64:5 72:15  80:18 91:1  <b>mailed</b> 68:21  97:16</p>		

[mcclure - mountain]

<p>77:20 81:7,8  81:14,17 82:1  82:6,10,13,22  82:23 83:5,8  83:14 86:23,24  87:4,10,17,19  88:10 91:14,15  91:22 92:2,3,8  92:18,23 93:24  93:25 94:5,8  95:13,18,20  98:1,2 101:24  101:25 102:5  102:13,19  103:11,17  104:5,15 105:6  105:12,19,22  106:1,10,19,21  107:9,13,15,16  107:18,21  108:13,15,21  109:22 111:23  111:24  <b>mclean</b> 4:5  19:1,4 23:3,8  23:17 28:21,22  28:25 29:4,14  29:17 30:6,9  30:19,21 34:7  34:8 38:7,9  39:7 40:4,6,15  41:10,13,17  70:20,21,23,25  71:6,10 72:24  73:2,7,18 74:9</p>	<p>74:10 76:1,2,6  76:6 77:22,25  78:4,5,20,21  79:8,9 81:19  81:24 82:3,9  82:12,14,16,25  83:4,12,22,24  84:3,4,6 85:2,3  86:16 87:1,2,6  87:8,15,19,20  87:22 88:2,13  88:14,17,18,21  89:8,9 91:16  91:19 92:1,7  92:13,22,24  93:1 95:21,22  95:25 106:20  <b>mean</b> 37:22  53:17 79:4  87:4 92:20  104:16  <b>meeting</b> 40:1  <b>merits</b> 47:16  <b>met</b> 89:23  <b>mewbourne</b>  4:3 6:2 7:3  67:10,20,24  68:16 78:3,5  79:10,16,19,25  84:4 85:4,9,11  85:17 88:23  98:9,12 99:3  104:2,24 105:2  106:11</p>	<p><b>mexico</b> 1:1,3  2:13 59:14  71:17 114:20  <b>mfeldewert</b> 3:9  <b>michael</b> 3:5  19:7 25:9  31:22 34:11  39:11 43:1  46:8 54:12  109:22  <b>microphone</b>  18:11  <b>midland</b> 4:16  <b>midstream</b>  63:11,17  <b>mile</b> 110:10  <b>mineral</b> 73:9  73:17 94:24  96:21  <b>minerals</b> 1:2  <b>minute</b> 67:1  <b>minutes</b> 48:17  52:11  <b>miramar</b> 49:9  <b>mispronounc...</b>  105:9  <b>missed</b> 20:21  24:9  <b>misspoken</b>  53:19  <b>mm</b> 49:14  <b>modrall</b> 3:17  17:9  <b>modrall.com</b>  3:20</p>	<p><b>moellenberg</b>  25:17  <b>moment</b> 51:5  <b>monitoring</b>  23:17 45:4  78:8 79:2  96:15  <b>montand.com</b>  5:16  <b>montezuma</b> 4:7  <b>montgomery</b>  5:13 31:18  <b>month</b> 32:19  109:2  <b>months</b> 27:3  99:25 103:25  <b>morning</b> 17:8  17:12,20 24:1  25:8 31:17,20  31:21,24 32:4  32:6,10 34:10  34:13,14,19  39:10,14,17  41:24 46:4,7  54:6,11 58:16  61:22 78:6  96:3,6,9 98:15  98:17 109:21  <b>motion</b> 30:10  36:24 40:7,11  45:14  <b>mountain</b> 3:13  24:3 26:8,22  49:21 50:4,24  54:5,8 56:3,16</p>
---	--	--	---

[move - objections]

<p><b>move</b> 22:21 33:24,24 38:25 41:19 45:24,25 46:14 47:8 49:3 52:14 58:1,8 61:20 78:1 84:2 100:18 101:12 109:1 111:11 112:11 <b>moving</b> 31:13 49:20 67:5 70:19 88:15 94:16 <b>mrc</b> 3:2 7:2 17:15 19:8,25 25:10 26:8 27:14 31:23 39:12 43:2 44:23 45:22 46:9,15,23 47:18 54:13 55:16 58:19 59:1,15 60:6 <b>mrc's</b> 46:18 56:15 <b>muted</b> 86:11</p>	<p><b>natural</b> 1:2 63:8 <b>near</b> 47:22 <b>necessary</b> 56:20 89:24 90:20 91:21 104:14 <b>need</b> 30:5 37:16 52:2,2 56:2 57:4 81:11,13 82:15 91:19 103:7 104:16 105:1,3 106:19 <b>needed</b> 101:9 <b>needing</b> 104:19 <b>needs</b> 87:25 <b>negotiations</b> 20:6 <b>neither</b> 114:11 115:7 <b>netherlin</b> 62:9 <b>never</b> 101:2 <b>new</b> 1:1,3 2:13 27:2 32:8 40:22 57:10,14 59:14 71:16 83:1 114:20 <b>nick</b> 9:14 59:20 <b>nm</b> 3:8,19 4:8 5:15,23 6:6,15 7:7 <b>non</b> 103:2 <b>north</b> 3:7 7:6 59:7,10,10,12 59:12 79:14</p>	<p>81:24 82:1,4 85:6,6,15 99:4 99:5,8 <b>northeast</b> 59:8 59:8 <b>northwest</b> 3:18 59:9 89:14 <b>nos</b> 1:9 <b>notary</b> 114:19 <b>note</b> 35:5,17 37:13 <b>notes</b> 40:21 <b>notice</b> 9:18 10:10,20 14:16 15:5,13,22 16:9,18 60:18 60:19,19,23 64:8 66:14,17 68:21,23 72:11 72:12 73:20 75:6,7 77:5,6 80:13,14 85:24 85:25 90:22,23 97:15 100:22 100:23 101:4,7 111:6,9 <b>noticed</b> 32:4 66:16 <b>notices</b> 62:3 94:23 <b>number</b> 24:15 46:2 61:20 62:8,11,20,21 64:5,10 67:5 67:22,23,23</p>	<p>71:11 72:1,22 74:11 75:2,13 76:7 77:1,12 78:1,3 79:10 79:18 85:4,11 88:15 89:10 90:6 91:7 96:2 100:13 112:5 <b>numbers</b> 23:11 24:10,15 35:12 36:7 37:24 38:1 45:7,10 45:14 66:17 80:3,23 85:20 86:9</p>
			<b>o</b>
			<p><b>o</b> 6:5,14 17:1 <b>o'brien</b> 15:11 15:20 16:7,16 111:1 <b>o'clock</b> 102:10 <b>object</b> 47:4 84:10 88:24 <b>objecting</b> 40:19 42:11 73:9 <b>objection</b> 19:15 31:1 32:24 40:10,23 41:2 41:6 42:20,22 43:2 46:16 50:10 54:14,22 73:20 84:16 96:15 <b>objections</b> 50:25 61:8</p>
<b>n</b>			
<p><b>n</b> 3:1 4:1 5:1 6:1 7:1 8:1 9:1 17:1 <b>name</b> 87:5 93:10 94:1,10 <b>names</b> 42:10 82:7</p>			

**[objections - opposition]**

65:19 69:20 70:9 73:24 75:16 77:15 78:17 79:5,6 81:2 83:17 84:17,23 86:19 88:5 89:5 91:10 97:22 98:18 101:20 109:10 111:19 112:7,12,18 <b>observe</b> 38:10 38:11 60:14 <b>observing</b> 38:12,14 <b>obtain</b> 89:24 <b>obtained</b> 89:21 <b>obviously</b> 104:17 <b>occurred</b> 92:11 <b>october</b> 33:15 <b>oeg</b> 84:21 <b>offer</b> 93:3 <b>office</b> 17:4 25:9 31:22 39:12 43:1 46:8 54:13 58:18 61:24 67:9 72:14 89:22 90:10 92:6,17 93:2 94:13 109:23 <b>officer</b> 114:2 <b>official</b> 92:9	<b>offset</b> 63:16 <b>oh</b> 18:17 30:17 35:18 42:6 48:15,20 57:12 65:6 81:17 84:6 87:10 94:5 100:19 106:22 107:17 109:5 <b>oil</b> 1:3,6 3:12 3:14 4:3 5:2 6:2 7:3,21,23 8:3 17:3,11 42:1,3 46:3,5 50:7 54:19 67:11 78:3 88:23 96:2,4 98:9 112:24 <b>okay</b> 18:10,23 19:9,21 20:8 20:14,25 21:13 21:22 22:11,14 22:20 24:21,25 25:12,22 26:2 26:19,24 27:17 28:14,18,19 29:3,13,20 30:6,14,18,23 32:22 33:5,9 33:22,24 34:4 34:17 35:16 36:1,2,21 37:7 37:12 38:6,15 38:20,25 39:2 39:4 40:3 41:4	41:9,10,15,18 42:6,24 43:4 43:13,19,22 44:17,21 45:1 45:5,16,20 46:1,10,19 47:25 48:7,15 48:20,21 49:11 49:15,20 50:1 51:1,10 52:12 53:11,16,25 54:1 55:17,21 55:22 57:6,12 57:18,24 58:6 58:12,20,23 61:7,16 62:5 65:6,18 66:19 66:21 67:15 69:18 70:2 71:5 73:4,24 74:7 75:15 76:5 78:20 79:7 81:1,24 82:18 83:10,16 84:1,12 85:1 86:18 87:2,15 87:24 88:4 89:7 91:9,19 91:22 92:1 93:13,14 94:5 94:18,21 95:8 95:12,21,24 96:11 98:8,13 98:24 99:2 101:16 102:5	102:14,18 103:11 104:23 105:10 106:3 106:18,23 107:8,23 108:9 108:18,23 109:6,18 110:3 110:6 111:17 112:1 <b>once</b> 27:18 33:10 49:16 83:12 88:12 <b>ones</b> 21:9 106:15 <b>ongoing</b> 27:13 <b>open</b> 57:9 67:21 82:19 107:2,19 108:11 <b>operating</b> 3:2 3:13 4:2,12 6:19 7:11 25:11 32:17,20 34:8,16,23 39:13 42:17 78:24 84:10 <b>operation</b> 90:1 <b>operations</b> 90:1 <b>operator</b> 61:21 63:2 <b>opportunity</b> 52:25 <b>opposition</b> 47:18 50:14 54:24
---	---	--	---

[optimistic - people]

<p><b>optimistic</b> 53:4 55:7</p> <p><b>order</b> 10:5,6,15 10:16 20:19 23:23 26:6,10 37:15,17,23,25 45:7,10,15 52:2 62:6,11 62:11,16,20,20 63:1,4 67:22 67:22,24 69:11 69:15 71:11 74:13 76:9 79:10,19 85:12 104:18,18</p> <p><b>orders</b> 67:21,25 68:1,6</p> <p><b>orientation</b> 100:17</p> <p><b>original</b> 62:21 65:13 68:6</p> <p><b>originally</b> 20:2 103:2</p> <p><b>ought</b> 43:16</p> <p><b>ouimette</b> 115:2 115:15</p> <p><b>outcome</b> 114:16 115:12</p> <p><b>outline</b> 69:7</p> <p><b>outs</b> 60:14</p> <p><b>overkill</b> 90:20</p> <p><b>overlap</b> 71:19 74:22 76:16,20</p> <p><b>overlapping</b> 71:1,2,14 72:4</p>	<p>74:15 76:11</p> <p><b>overrides</b> 60:5</p> <p><b>own</b> 47:1,4,11 47:17 103:20</p> <p><b>owner</b> 73:17</p> <p><b>owners</b> 10:5,15 60:5 68:1,15 68:17 69:13 89:24 90:22 94:25 102:20 103:18</p> <p><b>ownership</b> 48:18 72:4 99:18 102:19 110:15,21</p> <p><b>owns</b> 46:24</p> <p><b>oxy</b> 25:19 104:2 110:12 111:7</p>	<p>80:2 83:1 85:19 110:16 110:18</p> <p><b>packets</b> 107:5 110:13</p> <p><b>page</b> 63:23,25 65:9,22 66:3,8 66:9,16 99:20 102:3,16 103:8 103:12,14,21 105:20,20</p> <p><b>pages</b> 102:15 103:3 105:21</p> <p><b>parker</b> 9:16 59:20,24 60:13</p> <p><b>parker's</b> 60:9</p> <p><b>parrot</b> 5:4 30:24,25 31:8 31:12 50:6,6,9 50:11,19,21 51:2,5,11,23 52:8,25 53:1,2 54:18,18,22,23 55:5 58:10,11</p> <p><b>part</b> 24:13,23 99:20 102:21</p> <p><b>partially</b> 71:19 74:22 76:15,20</p> <p><b>participating</b> 38:7</p> <p><b>particular</b> 44:7</p> <p><b>parties</b> 17:13 19:10 20:5,9 20:15 22:1 23:24 26:5,14</p>	<p>27:10,12 28:10 28:24 29:5 31:25 32:18 33:10,23 34:5 40:11 42:10 51:17,23,25 52:22 54:17 55:7 56:15,18 56:24 57:15,16 58:8 62:1 67:13 69:16 72:5,12 77:6 80:15 86:1 90:24 97:8 98:14 100:1 104:2,9 106:1 110:1 114:12 114:14 115:8 115:11</p> <p><b>partners</b> 4:2,4 28:22</p> <p><b>party</b> 40:23</p> <p><b>paseo</b> 5:14</p> <p><b>pass</b> 52:3 108:20</p> <p><b>paula</b> 7:4 58:17 67:9</p> <p><b>pc</b> 7:14</p> <p><b>pdf</b> 63:23 65:22</p> <p><b>pecos</b> 2:10 18:6 21:24 22:15</p> <p><b>people</b> 101:2 103:25 104:21 105:21,23,24</p>
	<b>p</b>		
	<p><b>p</b> 3:1,1 4:1,1 5:1,1,4 6:1,1,5 6:14 7:1,1 8:1 8:1 17:1</p> <p><b>p.a.</b> 5:13</p> <p><b>p.c.</b> 5:5</p> <p><b>p.m.</b> 82:20 101:18 107:3</p> <p><b>package</b> 99:12 99:12,21 101:6 101:14 104:14</p> <p><b>packages</b> 99:10 105:18</p> <p><b>packet</b> 71:25 75:1 76:25</p>		

[peralta - probably]

<p><b>peralta</b> 5:14  <b>percent</b> 46:24  47:1,11 102:22  104:8  <b>perfect</b> 21:22  22:13 23:20  33:8,16 38:24  44:16 45:16  53:25 65:15  83:3 87:24  <b>permian</b> 3:2,12  4:3 5:2,2 17:11  19:8 25:10  27:14 29:1  31:1,11,23  39:5,8,13  41:17 43:2  46:6,9 50:7  54:14,19 96:2  96:5  <b>person</b> 73:8  104:19  <b>persons</b> 104:8  <b>pest</b> 71:19  <b>ph</b> 43:8,8 100:6  <b>phone</b> 73:16  <b>picture</b> 44:24  <b>pinch</b> 60:14  <b>pipe</b> 43:15  <b>pizza</b> 71:20  <b>plan</b> 37:6  <b>planning</b> 36:22  55:12 73:11  <b>plans</b> 46:18,25  47:10 100:20</p>	<p><b>plat</b> 72:3  <b>plats</b> 99:18  <b>play</b> 51:8  <b>please</b> 17:7  23:25 24:11  31:16 34:1  39:6 50:2  51:11 53:18  58:23 64:15  67:7,18 82:24  88:19 93:16  99:1 106:24  110:6  <b>plenty</b> 100:1  <b>pllc</b> 6:21  <b>plus</b> 101:13,13  101:13  <b>pmvance</b> 7:8  <b>point</b> 29:4  40:20 47:17  56:25 67:1  72:20 73:10  77:11 80:23  86:7 108:14  <b>pool</b> 46:22 59:1  59:3,3 60:6  71:24 74:25  76:24 81:10,21  81:21,23 82:8  82:10 83:5  85:4 87:5,6,6  87:13,16 96:20  99:3,6,8  104:10,19,20  105:1,5,6,8,11</p>	<p>106:12 110:11  <b>pooled</b> 69:16  72:5,13 77:7  80:15 82:7  86:1 97:8  106:2  <b>pooling</b> 9:9,12  13:20 14:8,19  47:2,9 59:18  62:21 68:14  69:15 71:11  74:13 76:9  79:10,19 82:23  85:12 87:25  97:3 99:13  104:7 110:17  <b>pools</b> 87:1  100:7  <b>possible</b> 19:14  <b>postal</b> 111:8  <b>potential</b> 21:20  <b>powering</b> 113:1  <b>precedent</b>  47:13,18  <b>prefer</b> 21:10,11  33:6,6 56:24  57:5 93:4  <b>preference</b> 21:3  27:21,23 28:6  30:8 44:14  <b>preferred</b>  100:17  <b>prehearing</b>  20:18 23:23  26:6,10 37:15</p>	<p>37:17,23,25  45:7,10,15  <b>preliminary</b>  89:21 90:9  92:15  <b>premature</b>  47:16  <b>prepared</b> 43:20  115:3  <b>present</b> 7:20  8:2  <b>presentation</b>  40:15,20 50:14  54:25 98:6  <b>pretty</b> 37:19  102:20  <b>prevention</b>  90:3  <b>previously</b>  45:13 59:21  64:24 68:7  73:3 80:6,8  86:15 90:10,14  97:4,10 99:16  100:9 106:15  110:19 111:2  <b>pride</b> 5:11  31:14,19 32:18  33:14  <b>primarily</b> 63:6  <b>print</b> 102:9  <b>prior</b> 29:7 55:6  114:5  <b>probably</b> 53:8  94:21 105:9</p>
---	--	--	--

[problem - reason]

<p><b>problem</b> 21:25 49:3 52:14 <b>problems</b> 49:13 99:19 <b>proceed</b> 19:11 19:14 32:12 36:4 37:4 40:4 40:18 42:15 43:15 46:12 58:21,24 88:20 98:25 110:4 <b>proceeding</b> 41:3 42:12 53:15 54:15 67:16 73:10 88:25 113:6 115:4 <b>proceedings</b> 114:3,5,6,9 115:6 <b>processed</b> 53:12 <b>produce</b> 63:7 63:19 74:24 76:23 <b>produced</b> 71:23 <b>production</b> 3:3 3:14 34:21,25 58:14 80:11 109:24 <b>productive</b> 51:7 <b>professional</b> 13:22</p>	<p><b>proposal</b> 60:7 72:5 99:23,25 103:24 110:22 <b>proposals</b> 19:16 43:7 55:15 56:1,15 57:2 <b>proposed</b> 14:15 15:4 59:16 100:13 101:7 <b>protection</b> 90:4 <b>provide</b> 89:25 105:18 <b>provided</b> 59:17 59:18 68:14 110:20 <b>provides</b> 111:3 <b>public</b> 114:19 <b>publication</b> 9:19 10:11,21 14:14,25 15:14 15:23 16:10,19 60:23 66:5,15 68:23 72:16 75:9 77:8 80:19 86:3 91:2 101:3 111:8 <b>published</b> 60:24 68:24 97:16 101:4 <b>pulling</b> 35:21 <b>pulls</b> 35:19 <b>purpose</b> 1:7 40:13 68:2</p>	<p><b>put</b> 21:3 30:3 33:10 37:18 54:2 57:21 <b>q</b> <b>qualified</b> 99:16 100:9 114:7 <b>quarter</b> 59:8,8 59:9 74:18 89:14,16 <b>question</b> 48:16 57:20 63:22 64:18 66:2 91:25 94:22 103:11,18 <b>questioning</b> 51:4 <b>questions</b> 44:23 44:25 59:25 60:1 61:3,14 65:25 66:20 68:11,25 69:25 74:5 75:22 77:20 81:9 83:12,14 86:25 88:11 91:5,16 91:21 94:3 95:13 96:12 98:2 105:13 108:19 111:25 <b>queue</b> 57:3 <b>quick</b> 106:6 <b>quickly</b> 73:18 <b>quiet</b> 66:11</p>	<p><b>r</b> <b>r</b> 3:1 4:1 5:1 6:1 7:1 8:1 10:6,16 17:1 67:23,24 <b>r22567</b> 62:12 62:20 <b>raise</b> 21:18 93:17 <b>range</b> 59:11,13 62:25 71:16,23 74:17,19 76:13 76:19,23 79:15 79:24 85:7,16 89:15,17 96:23 99:9 <b>rather</b> 20:3 <b>rcx</b> 9:2 <b>rdx</b> 9:2 <b>reach</b> 105:2 106:11 <b>reached</b> 104:17 <b>react</b> 46:18 <b>ready</b> 19:13 37:4 46:14 58:21 108:5,6 110:4 <b>real</b> 64:3 92:3 <b>realize</b> 48:23 56:15 <b>really</b> 26:12 31:3 55:25 73:18 106:17 <b>reason</b> 26:9 43:23 44:4 66:4 102:22,23</p>
--	---	---	--

[reason - ryan]

<p>103:5,21 111:9  <b>recall</b> 27:11  <b>receipts</b> 65:14  <b>received</b> 61:11  62:3 64:6  65:23 69:22  70:13 72:14  73:16 74:3  75:20 77:18  80:17 81:6  83:21 86:22  88:9 90:25  91:13 94:12,18  97:24 101:22  109:14 111:21  112:9,15,21  <b>recently</b> 56:4  <b>record</b> 10:4,14  59:23 61:5  67:2,3,5,25  68:9,15,17  69:2 72:21  75:13 77:12  80:23 82:19  86:8 91:6 97:6  97:12 107:2,19  108:11 109:12  114:9 115:5  <b>recorded</b> 114:6  <b>recording</b>  114:8 115:4  <b>reduced</b> 114:7  <b>references</b> 92:8  <b>referring</b> 51:22</p>	<p><b>refiled</b> 87:21  <b>refiling</b> 27:12  <b>reflected</b> 42:9  55:1  <b>regarding</b> 66:5  <b>regards</b> 87:1  94:19,22 95:9  105:3  <b>regional</b> 90:16  100:16  <b>regular</b> 21:5  <b>relate</b> 66:11  <b>related</b> 63:6  114:11 115:7  <b>relative</b> 114:13  115:10  <b>relatively</b> 47:21  <b>relevant</b> 66:14  <b>remedy</b> 102:9  <b>remington</b> 27:4  <b>report</b> 35:19  111:9  <b>reported</b> 2:14  <b>reporter</b> 93:16  93:23  <b>represented</b>  17:16,18 29:1  <b>representing</b>  17:22 23:9  31:1 34:3  41:22 50:7  <b>request</b> 19:20  23:24 40:11  63:20</p>	<p><b>required</b> 27:12  47:2  <b>requires</b> 69:13  <b>resolution</b> 29:5  29:18  <b>resolved</b> 33:1  63:13  <b>resolving</b> 63:12  <b>resources</b> 1:2  4:3 5:19,21 6:2  6:10 7:2 32:9  33:25 39:6,8  39:20 41:1  58:19 84:22  98:16  <b>respect</b> 53:11  <b>responsible</b>  63:14  <b>restate</b> 87:12  <b>restrictions</b>  63:12  <b>result</b> 103:9  <b>return</b> 101:5  <b>returned</b> 101:2  <b>returns</b> 65:14  72:14,16 80:16  80:18 90:25  91:1  <b>review</b> 78:13  84:13 89:2  108:19  <b>reviewed</b> 56:25  57:2  <b>revise</b> 37:15,17</p>	<p><b>revised</b> 68:14  68:15 83:2  101:18 107:6  109:9  <b>revision</b> 102:2  <b>right</b> 25:2,3,6  28:20 29:20  30:4 41:18  44:20 48:20  50:20 57:1  66:7,16 71:8  82:9 88:4 93:7  93:9,17 96:13  107:1 108:23  <b>rights</b> 90:4  <b>riley</b> 5:2 28:25  31:1,11  <b>rock</b> 6:10 39:19  41:1  <b>rodriguez</b> 12:5  12:13,21 13:5  80:4,5 85:21  86:13  <b>roof</b> 71:20  <b>room</b> 2:10 18:3  18:6 32:8 48:2  48:5 57:7,20  57:24 109:3  <b>rotate</b> 102:15  <b>ryan</b> 4:13  13:21 17:20,21  17:25 18:2,8  22:20,23,25  23:1 42:16,17  42:19,21 45:2</p>
---	--	--	---

[ryan - set]

45:3 97:4	<b>saying</b> 36:12,13 37:7 50:19	28:19 32:4 35:12,13,13,22	13:16,23 14:9 14:20 15:8,10
<b>s</b>	<b>says</b> 34:23 35:8 102:17 111:9	40:3 43:6 46:2 46:17 50:18	15:12,17,19,21 16:4,6,8,13,15
<b>s</b> 3:1 4:1 5:1 6:1 7:1 8:1 9:6 10:1 11:1,7,15 11:23 12:1,9 12:17,25 13:1 13:9,17 14:1 15:1 16:1 17:1	<b>schedules</b> 19:20	51:10 56:5,18 63:22 73:4,12	16:17 59:19 60:10,18 65:1
<b>sabinal</b> 6:19 78:23 79:3 84:9	<b>scrolling</b> 66:8	93:9,10,11 99:24 100:5,12	68:6,20 72:8 99:14 110:18
<b>sabre</b> 34:23 35:1	<b>scully</b> 13:24 97:10	109:12 110:1 110:12	110:25 111:3
<b>sample</b> 60:6 68:21 72:11 80:14 90:23 110:22	<b>seal</b> 92:17	<b>seek</b> 47:3,9 94:14 99:7	<b>semelback</b> 43:8
<b>san</b> 7:16 61:23 71:12,24 74:13 74:25 76:9,24	<b>seals</b> 11:5,13,21 72:8,25 75:4 77:4	<b>seeking</b> 62:8 65:16 67:25	<b>send</b> 82:16 104:4
<b>sand</b> 59:3	<b>second</b> 43:25 44:9 48:10	69:10,16 74:12 76:8 85:12	<b>sending</b> 56:1
<b>sandra</b> 3:14 42:1,4	99:7 100:14 101:18 109:9	96:20	<b>sense</b> 27:11
<b>sands</b> 89:19	<b>section</b> 46:23 46:23 59:9,12	<b>seeks</b> 46:22 59:1,15 60:6	<b>sensibility</b> 49:6
<b>santa</b> 1:3 2:13 3:8 4:8 5:15,23 6:6 7:7 25:9 31:22 39:11 43:1 46:8 54:12 58:18 67:9 109:23	60:12,13 62:24 72:10 74:18 76:18,22 80:11 89:14,16 90:17 90:18 99:4,5 100:11 110:9 111:5	71:11 79:10,16 79:25 85:4,9 85:17 89:10 99:3 110:8,11	<b>sent</b> 55:15 72:12,13 75:7 77:6 78:14 80:14,16 86:1 86:2 90:23,25 94:23 103:24
<b>save</b> 28:12	<b>sections</b> 71:15 71:22 74:16 76:12 79:14,23 85:6,15 96:23 99:8 100:4	<b>seem</b> 104:7	<b>separate</b> 24:19 51:16,18,20
<b>saw</b> 18:1	<b>see</b> 17:22 18:4 18:7 21:4 24:18 25:21	<b>seems</b> 56:17 103:13,18 104:9	<b>separately</b> 71:4
		<b>seen</b> 79:1	<b>september</b> 26:23 28:8,14
		<b>self</b> 9:13,15,17 10:7,9,17,19,24 11:4,6,10,12,14 11:18,20,22 12:4,6,8,12,14 12:16,20,22,24 13:4,6,8,12,14	<b>services</b> 6:13 39:19
			<b>set</b> 20:5,14 21:23 22:22 26:6 27:18,19 28:4 36:16,17 43:17 44:12 52:16 53:22 56:5 57:4 58:7

[set - spring]

<p>103:2  <b>sets</b> 51:16  63:22  <b>setting</b> 72:13  80:15 90:24  <b>settled</b> 29:16  <b>several</b> 49:22  78:15 103:7  <b>shaheen</b> 5:12  31:17,18,25  32:2,7,12,14  33:5,7,12,14,17  33:21  <b>shane</b> 11:5,13  11:21 72:8,25  <b>shanor</b> 4:6  17:18 39:8  70:22 74:10  78:5 84:4  88:18  <b>sharon</b> 5:12  31:18  <b>sheet</b> 35:7  87:11  <b>sheila</b> 8:3 18:11  18:22 20:18  22:14 29:9,21  30:1,15 35:5  35:16 37:1,13  45:6,18 47:23  48:2 57:7,19  108:25  <b>shoberg</b> 8:5 9:3  13:13 90:7,10  91:20 93:7,11</p>	<p>93:13,19 94:9  95:15  <b>short</b> 22:5  51:24  <b>shortly</b> 37:2  <b>show</b> 86:2  <b>shown</b> 24:13,14  63:3  <b>sick</b> 17:4 18:13  <b>signature</b> 68:18  69:13,14  114:17 115:14  <b>signed</b> 92:10  <b>significant</b> 63:9  <b>silverback</b> 7:11  61:20 62:8  63:2,9,18  <b>silverback's</b>  63:7  <b>similar</b> 102:22  112:6  <b>simple</b> 106:6  <b>simply</b> 32:5  106:15  <b>single</b> 110:14  <b>sir</b> 25:12 39:1  43:12,13 45:25  55:14 62:7,14  64:20,23 65:12  65:17 66:24  79:7 84:25  93:6 98:19  102:4 105:5,12  106:17 108:8  108:21 110:5</p>	<p><b>site</b> 102:11  <b>sitting</b> 18:4,5  <b>situated</b> 89:13  <b>situation</b> 26:13  <b>skills</b> 114:10  115:6  <b>slip</b> 72:15  80:18 91:1  <b>sloan</b> 10:8,18  68:7,10  <b>sloan's</b> 68:12  <b>snow</b> 3:14,14  3:15 42:1,2,3,5  45:21  <b>snows</b> 44:23  <b>soon</b> 19:14  94:14  <b>sorry</b> 18:12,17  20:20 23:7  27:2 29:24  30:1 31:6  42:17 47:24  62:17 67:8  78:22 82:2,3,4  84:8 93:25  98:11 102:7  <b>sounds</b> 33:3  45:17 47:20  94:12  <b>south</b> 2:12  59:11,13 62:24  62:25 71:16,23  71:24 74:17,18  74:25 76:13,18  76:22,24 79:13</p>	<p>79:14,22,23,23  85:7,15,16  89:14,16 96:23  99:4,4,5,8  110:10  <b>southwest</b>  74:18 87:14,16  89:16  <b>spacing</b> 59:5,16  62:24 71:2,3  71:14,20 72:4  74:15,22 76:11  76:16 79:13,22  85:5,14 96:22  96:24 103:2  110:9  <b>speak</b> 32:15  53:17  <b>specifically</b>  102:14,15  <b>spell</b> 35:9  <b>spending</b> 47:19  <b>sperling</b> 3:17  17:10  <b>spoke</b> 74:23  <b>spoken</b> 32:14  41:1  <b>spread</b> 17:5  <b>spreadsheet</b>  100:24 102:3  103:9,14,20  105:20,25  <b>spring</b> 6:23  46:22 59:2,3  79:11,20 80:12</p>
---	--	--	---

[spring - sure]

<p>81:21,23 82:5  82:8,11 87:9  99:6,9 100:4,6  100:15 105:9  110:9  <b>spur</b> 4:2 28:22  30:21  <b>sshaheen</b> 5:16  <b>st</b> 2:12  <b>standard</b> 59:4  60:3 62:23  63:1 71:14  74:15 76:11  79:12,21 85:14  96:21 103:2  <b>standup</b> 47:5  110:8  <b>start</b> 19:3  22:15 36:2  81:1 111:18  <b>started</b> 25:24  <b>state</b> 1:1 74:21  74:23 89:11,12  89:22 90:9  92:6,17 93:2  94:13 110:14  114:20  <b>statement</b> 9:13  9:15,17 10:7,9  10:17,19,24  11:4,6,10,12,14  11:18,20,22  12:4,6,8,12,14  12:16,20,22,24  13:4,6,8,12,14</p>	<p>13:16,23 14:9  14:20 15:8,10  15:12,17,19,21  16:4,6,8,13,15  16:17 59:19  60:2,10,18  65:1 68:6,12  68:20 72:8  99:15 110:18  110:21 111:1,3  111:6  <b>status</b> 17:6  20:2 24:13,19  26:16,18 27:10  27:15,18,19  28:4 30:12  32:19 47:6,20  48:3,6,24  51:13 53:14,22  54:3 56:14,23  57:5,8,13,21  58:7 100:24  <b>staying</b> 17:4  <b>stephanie</b>  59:16  <b>steps</b> 26:18  <b>steptoe</b> 6:21,24  78:23 84:9  <b>steward</b> 4:3  70:19,22 71:11  73:19 74:11,12  76:3,7  <b>steward's</b> 76:8  <b>stonewall</b> 35:8</p>	<p><b>stopped</b> 66:9  <b>straight</b> 92:4  108:3  <b>stratigraphic</b>  60:12 72:10  80:11 89:19  90:17  <b>street</b> 3:7,18  7:6  <b>structural</b>  111:5  <b>structure</b> 72:9  80:10 90:18  100:11,12  111:4  <b>stuck</b> 66:10  <b>stuff</b> 102:7  <b>sub</b> 60:3 61:4  68:13 69:1  111:13  <b>submit</b> 56:9  64:14 82:25  92:11  <b>submittal</b> 66:4  <b>submitted</b> 65:1  71:25 75:1  76:25 80:2  85:19 90:5  95:3,7 97:1  <b>subpart</b> 100:22  101:13,14  <b>subparts</b> 61:10  63:24 65:20  73:25 97:18  101:13</p>	<p><b>subsea</b> 60:11  72:9 80:10  90:18 111:4  <b>substantial</b>  63:11  <b>suggest</b> 32:18  47:6  <b>suggestion</b> 56:7  56:9,13  <b>suite</b> 5:6,22  6:22  <b>suits</b> 66:11  <b>summary</b> 72:6  <b>superfluous</b>  66:13  <b>supplement</b>  65:13  <b>supplemental</b>  64:4,14 65:21  104:13  <b>supplemented</b>  64:10  <b>supplementing</b>  64:7  <b>supporting</b>  75:8 77:7 86:2  <b>suppose</b> 37:18  <b>supposed</b> 17:21  48:24  <b>sure</b> 18:14  24:12 26:4  29:2 31:3,10  42:8 52:19  56:13 64:3  66:10,15 106:7</p>
---	---	---	--

[sure - think]

<p>106:9  <b>swore</b> 91:24  <b>sworn</b> 93:5,20  94:3 114:5  <b>system</b> 29:12</p>	<p><b>talking</b> 47:16  50:20 51:19  <b>tank</b> 59:3  <b>tap</b> 6:10 39:19  41:1  <b>tascosa</b> 4:4  88:16,18 89:10  89:21,25 90:5  <b>tascoso</b> 95:3  <b>taylor</b> 10:25  11:11,19 72:2  72:25  <b>technical</b> 7:23  18:9 31:9  58:17 64:15  108:14,16  <b>tell</b> 24:5 29:2  52:22 64:2  93:21 103:19  <b>telling</b> 104:4  <b>tentatively</b>  21:23  <b>terms</b> 51:21  57:3  <b>testified</b> 59:21  68:8 73:3 80:6  80:9 90:10,14  93:22 97:5,11  110:19 111:2  <b>testifying</b> 114:5  <b>testimony</b> 65:2  72:2,11 75:3,4  75:6 77:2,3,5  80:4,7,9,14  85:21,23,25</p>	<p>90:7,12,22  <b>thank</b> 17:25  19:21,24 22:18  22:19,23 23:1  23:2,20 24:16  25:12 27:6,25  28:16,17,18  30:19,23 31:5  31:6,11,12  32:6,9 33:3  34:9,22 35:4  38:2,11 39:3,4  39:9,16 40:2  41:7,9 42:17  42:19 43:13  46:13 47:15  48:14 49:5,19  50:3,8 51:15  53:2,24 54:9  54:16,20,21  55:10,24 58:9  58:10,11,25  61:18,19 62:18  66:1,19,23,24  67:2,19 70:5  70:15,16,18,23  71:10 72:24  73:22 74:9  77:24,25 78:10  78:19,21 79:7  79:9 82:13  83:3,16 85:1,3  86:12,18 87:19  88:13,14 89:9  91:22 93:23</p>	<p>94:5,12,21  95:12,15,16,17  95:22,24,25  96:17,19 98:5  98:7,20 101:16  101:25 105:12  109:16,17  111:17 112:24  112:25 113:3  <b>thanks</b> 23:15  53:19  <b>theenergylaw...</b>  7:17  <b>things</b> 29:7  40:17 58:1  <b>think</b> 18:8  19:18 20:8  22:1,2,5 23:12  25:2 26:1  27:10,15 28:20  32:25 33:7  36:7,16 40:16  43:16 45:12  46:2 47:15,20  48:6,10 50:12  51:7 52:3,15  52:18 53:3,4  53:10,16 55:19  56:4,5,22  70:25 71:3  73:5,10 88:11  88:21 93:4  99:20 101:8  102:5 104:15  105:19,22</p>
<p><b>t</b></p>			
<p><b>t</b> 5:12 9:6 10:1  11:1 12:1 13:1  14:1 15:1 16:1  <b>tab</b> 97:3,3,9,14  97:17,22  <b>table</b> 80:11  103:19  <b>tables</b> 18:6  <b>take</b> 22:1 28:6  49:22 52:2  63:24 66:25  71:4 75:15  107:9,11 108:4  108:10  <b>takeaway</b>  63:17  <b>taken</b> 61:5,17  66:22 69:3  70:11 72:22  74:8 75:14,24  77:13,23 80:24  82:21 86:9  88:11 91:7  95:18 98:5  101:15 111:14  112:3,8,14,19  114:3,12 115:9  <b>talk</b> 40:8 71:8</p>			

[think - understanding]

<p>106:5 107:4,5  <b>thinking</b> 87:3  <b>third</b> 107:6  <b>thomas</b> 10:8,18  68:7  <b>thought</b> 18:1  26:15 29:13  <b>three</b> 33:23  57:16 60:16  70:24 71:1  94:23 95:3  101:8 107:4  <b>thursday</b> 2:8  21:14,24  <b>tied</b> 36:6  <b>time</b> 2:9 20:6  20:10,13 28:12  37:24 39:25  40:17 44:24  47:19 49:1  52:20 53:5,13  55:9 56:17  61:6 63:4,18  82:2  <b>timely</b> 60:24  68:21,23 97:16  101:3  <b>times</b> 65:10  <b>title</b> 10:5,15  44:23,25 66:11  68:1,15,17  103:5  <b>today</b> 17:22  21:19,20 25:21  25:23 26:7</p>	<p>113:1  <b>together</b> 24:20  70:24 87:23  <b>tomorrow</b>  82:17,18 87:22  106:5  <b>took</b> 101:7  <b>top</b> 26:1  <b>topic</b> 35:7  <b>totally</b> 103:6  <b>township</b> 59:11  59:13 62:25  71:16,23 74:17  74:18 76:13,18  76:22 79:14,23  85:7,16 89:14  89:16 96:23  99:9 110:10  <b>tracking</b> 64:5  <b>tract</b> 60:4  102:19 110:21  <b>tracts</b> 72:3  99:18  <b>transaction</b>  27:14  <b>transcriber</b>  115:1  <b>transcript</b>  115:3,5  <b>transcriptionist</b>  114:8  <b>transit</b> 111:10  <b>traurig</b> 25:18  <b>travel</b> 26:13  49:13</p>	<p><b>tried</b> 23:12  <b>trouble</b> 31:7,8  102:11  <b>true</b> 114:9  115:5  <b>truth</b> 93:21,21  93:22  <b>try</b> 92:1  <b>trying</b> 32:7  56:5 68:17  82:3 93:7  <b>tuesday</b> 29:6  50:12 54:24  65:13 97:1  <b>turn</b> 18:11  69:18 93:6  <b>turns</b> 73:8  <b>two</b> 29:15 30:8  30:20 36:7,13  37:5 40:23  51:6,16 56:25  57:1 60:19,24  63:22 64:2,17  67:21 68:13,19  82:7 88:12  100:2 103:3  105:17 107:4,9  107:11 108:6  108:12 109:1  109:13  <b>tx</b> 4:16 6:23  7:16  <b>tyler</b> 14:11,22  100:8</p>	<p><b>type</b> 90:16  <b>typewriting</b>  114:7</p> <hr/> <p style="text-align: center;"><b>u</b></p> <hr/> <p><b>unable</b> 69:14  <b>uncommitted</b>  59:2 60:5  62:22 71:12  74:13 76:9  79:11,20 85:12  96:20  <b>under</b> 23:23  39:21,22 46:23  61:6,17 66:22  68:1 69:3  70:11 72:22  74:8 75:14,25  77:13,23 80:24  82:21 86:10  88:12 91:7  95:19 98:5  101:15 107:11  108:10 111:14  112:3,8,14,19  <b>underlying</b>  59:4 62:23,24  71:13 74:14  76:10 79:12,21  85:13 110:9  <b>understand</b>  28:11 32:16  37:8 38:24  57:13  <b>understanding</b>  19:25 20:7</p>
--	--	---	--

[understanding - witnesses]

<p>25:14 26:8,14 29:14,17 30:2 36:24 40:14,18 95:6 107:17 <b>understood</b> 104:11 <b>undertake</b> 52:1 <b>unfortunate</b> 26:13 <b>unit</b> 59:6,16 62:24 71:14,18 71:19,20 72:4 74:15,20,21,22 76:11,14,15,16 79:13,17,22 80:1 85:5,9,14 85:17 89:11,12 89:22,25 90:2 90:8,16 95:4 96:22,24 103:2 <b>unitized</b> 89:18 90:1 <b>units</b> 71:2,3 100:17 110:9 <b>unmute</b> 31:2 <b>unrelated</b> 66:12 <b>update</b> 26:17 <b>updated</b> 88:1 <b>uploading</b> 102:11 <b>usual</b> 97:2,7,13 99:17 100:11 <b>utilize</b> 47:3</p>	<p style="text-align: center;"><b>v</b></p> <p><b>vacate</b> 26:5 <b>vacated</b> 23:24 26:10 <b>valid</b> 92:20 <b>vamonos</b> 71:21 71:21 <b>vance</b> 7:4 58:16 58:17,22,25 61:16,18 67:8 67:9,13,14,17 67:19 69:6,8 69:10 70:15,16 <b>various</b> 27:13 <b>videoconfere...</b> 3:16 4:13 5:4 5:12 6:4,12,20 7:13,22,24 8:5 <b>virtually</b> 21:25 22:16 <b>voice</b> 29:24 <b>voluntary</b> 68:17 69:14 89:12 90:21</p> <p style="text-align: center;"><b>w</b></p> <p><b>w</b> 3:14 42:1,4 <b>wait</b> 18:10 <b>waived</b> 25:23 <b>walk</b> 63:5 <b>walt</b> 76:15 <b>want</b> 19:11 26:3 28:7 32:12 36:3 40:4 42:15 43:10,15 44:12</p>	<p>46:11 52:22 53:13 64:14 104:3 <b>wanted</b> 31:10 40:16 <b>wants</b> 56:9 106:1 <b>warranted</b> 51:24 52:4,6 <b>warren</b> 10:25 11:11,19 72:2 72:25 75:3 77:2 <b>waste</b> 90:3 <b>way</b> 20:7 43:18 45:12 47:24 53:18,19 70:24 <b>wayne</b> 35:8,14 <b>we've</b> 23:8 25:20 45:12 62:3 63:15 97:12 <b>weather</b> 39:21 39:23 <b>webex</b> 18:20 <b>wednesday</b> 106:7,16 <b>week</b> 21:6,7 48:25 92:10 <b>weeks</b> 9:14 51:8 56:25 57:1 59:20,24 60:2 103:7 108:6</p>	<p><b>weigh</b> 52:25 <b>weird</b> 65:10 <b>welcome</b> 40:1 <b>wells</b> 43:8 47:3 47:5 55:16 62:10 63:7,14 63:19 71:21 74:24 76:23 80:12 95:3 100:2,6,13,15 100:20 106:12 110:11 <b>wendell</b> 2:11 <b>went</b> 43:7 56:15 <b>west</b> 4:15 71:15 71:15,22 74:16 74:16,17 76:12 76:21 96:22 <b>white</b> 72:15 80:18 91:1 <b>win</b> 47:13 <b>wishing</b> 104:9 <b>withdrawal</b> 41:6 <b>withdrawn</b> 19:15 <b>witness</b> 8:5 9:2 93:16,20 94:3 95:16 114:4 <b>witnesses</b> 21:15 21:24 22:15 38:3,13,17,20 51:4</p>
--	--	--	---

[wolfcamp - young]

<p><b>wolfcamp</b> 80:12 85:8,13 87:14,16 100:4 <b>wonder</b> 18:2 21:6 <b>wonderful</b> 28:23 30:18 38:2,20 41:15 50:1 88:19 89:7 96:11,17 110:3 <b>work</b> 18:19 28:11 40:17 44:24 <b>working</b> 60:5 89:23 94:24 <b>works</b> 27:24 83:24 <b>worksheet</b> 24:13 34:24 50:13 55:1 <b>wozniak</b> 5:5 29:1 30:25 50:7 54:19 <b>wrap</b> 29:7 <b>wrong</b> 36:6 87:11</p>	<p style="text-align: center;"><b>y</b></p> <p><b>y</b> 110:12 <b>yeah</b> 18:4 22:12 27:8 29:15 35:23 38:9 41:3 48:4 49:10 52:12 55:24 87:11 104:15 105:10 <b>year</b> 28:8 62:8 63:2,18 <b>years</b> 18:16 <b>yep</b> 35:15 37:6 66:7 81:14 <b>yeso</b> 62:22 <b>yesterday</b> 26:13 65:9,11 65:14 73:17 99:22 101:18 102:10 <b>young</b> 15:9,18 16:5,14 110:19</p>
<b>x</b>	
<p><b>x</b> 9:1,6 10:1 11:1 12:1 13:1 14:1 15:1 16:1 <b>xto</b> 3:3 34:11</p>	