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OCD HEARING

Moderated by Hearing Examiner, Gregory Chakalian  
Thursday, January 9, 2025  
9:00 a.m. MDT

Meeting held via Zoom platform  
Meeting adjourned at 2:50 p.m. MDT

REPORTED BY: KRISTINE KACZOR, RPR  
NM CCR #545

JOB NO: 6972843

1 HEARING EXAMINER: Good morning it is  
2 January 9, 2024. My name is Gregory Chakalian. I'm  
3 the hearing examiner and today we have Dean McClure  
4 as our -- please let me know if you need someone to  
5 speak louder. Okay. We will start with line number  
6 one on our docket. This docket was published  
7 yesterday. This is case number 24845. It is joined  
8 with 24846, 24847, and 24848. May I have entries of  
9 appearance, please.

10 MS. VANCE: Good morning. Paula Vance with  
11 the Santa Fe office of Holland & Hart on behalf of  
12 Mewbourne Oil.

13 MS. BENNETT: Good morning Dina Bennett for  
14 Franklin Mountain Energy 3.

15 MS. BRADFUTE: Good morning, Mr. Hearing  
16 Examiner. This is Jennifer Bradfute on behalf of --  
17 Energy, Inc.

18 HEARING EXAMINER: Good morning. Let's  
19 start with you Ms. Bennett, did you object in  
20 withdrawn objection?

21 MS. BENNETT: Yes.

22 HEARING EXAMINER: At this point do you  
23 have any objections to any of the exhibits.

24 MS. BENNETT: No.

25 HEARING EXAMINER: Okay. Great. And do

1 you have any other role that you want to play in  
2 today's hearing.

3 MS. BENNETT: No, just monitoring.

4 HEARING EXAMINER: Ms. Bradfute, did you  
5 enter an objection?

6 MS. BRADFUTE: No entry.

7 HEARING EXAMINER: Great. Have you  
8 reviewed the exhibits?

9 MS. BRADFUTE: Yes, I have.

10 THE COURT: Do you have any objection to  
11 them?

12 MS. BRADFUTE: No. No objection. COG  
13 Operating seeks review if necessary.

14 HEARING EXAMINER: Thank you. Ms. Vance?

15 MS. VANCE: Thank you, Mr. Hearing  
16 examiner. So in these consolidated cases Mewbourne  
17 seeks to prove in the bone spring formation the pool  
18 is the feather stone bone spring east pool and the  
19 24270 and this is all underlying acreage and  
20 township 20 south range 36 east and that's Lee  
21 County, New Mexico, and this is all concerning  
22 acreage in section seven. And 18 in -- and I'll  
23 just go through the cases very quickly on the  
24 spacing units.

25 So case number 24845 is the west half, west

1 half acreage that I just described seeks to  
2 dedicated this to the Goat Rope 18. Then case  
3 number 24846 is the east half of the west half and  
4 that's going to be the Goat Rope to that spacing  
5 unit. And then we have the case number 24847, which  
6 is the west half of the east half and that would be  
7 Goat Rope 525H. And then case number 24848, which  
8 is the east half of the east half and that will be  
9 the Goat Rope 527H, and those are all state comwells  
10 in these cases.

11 We have included a copy of the application  
12 provided a copy the compulsory self-affirm  
13 statements of landman Hudson Burnson and geologist  
14 Charles, both of whom have previously testified  
15 before the division and their credentials have been  
16 accepted as a matter of record in both Mr. Burnson  
17 and Mr. Crosby with us today if the technical  
18 examiner has any questions. Mr. Burnson's statement  
19 is Exhibit A and includes all the standard exhibits.  
20 And then Mr. Crosby's statement is Exhibit B and  
21 includes all of the standard geology exhibits.

22 HEARING EXAMINER: I have a question about  
23 the exhibit packet. I have one from December and  
24 one from a couple of days ago. Which is the good  
25 one?

1 MS. VANCE: Which case number?

2 THE COURT: Let's start with 24848.

3 MS. VANCE: It should be the latest one. I  
4 believe Mr. McClure may have reached out to me. I  
5 know I got a couple of requests from him to update  
6 some items on a number of different hearing packets,  
7 so I'm assuming it's probably the latest filed  
8 application -- or I'm sorry hearing packet.

9 HEARING EXAMINER: So they both have the  
10 same number of pages so that doesn't differentiate  
11 them. Neither one say amended hearing packet, so  
12 should I just assume that the one from the  
13 January 2nd is the good one and we can remove the  
14 December 1.

15 MS. VANCE: I believe so. If you give me  
16 one moment I can tell you exactly what was updated.  
17 Let me just check my email here.

18 HEARING EXAMINER: And Freya, are you able  
19 to remove as we go through?

20 MS. TSCHANTZ: Yes, I can.

21 MS. VANCE: Actually, this is one where it  
22 was all the hearing packets. And I believe there  
23 was a map that was overlaying the structure cross  
24 section and we just went in, took that out so you  
25 can see the entire cross section without any overlay

1 there. So it's all with those.

2 HEARING EXAMINER: So, Freya in all four  
3 cases would you remove the December exhibit packet and  
4 just keep the January December packet.

5 MS. TSCHANTZ: Yes.

6 THE COURT: Thank you. Okay. Please  
7 proceed.

8 MS. VANCE: In these cases, Mr. Crosby did  
9 not observe any faulting or other geographical --  
10 immaterial to these wells. And then lastly we have  
11 all of the required notice a compulsory self-affirm  
12 statement from myself with a sample of the letter  
13 notice that was timely mailed back in September, and  
14 then the notice of publication affidavit. Again,  
15 that was published in September so unless there are  
16 any other questions I would ask that the exhibits  
17 and sub-exhibits be admitted into the record and  
18 that these cases be taken under advisement.

19 HEARING EXAMINER: Okay. In these four  
20 cases are there any objections to the January  
21 exhibit packet? Not hearing any. Exhibits will be  
22 allowed in all four cases are admitted into evidence  
23 and I turn to Mr. McClure for questions.

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

1 THE COURT: Thank you. Then we will take  
2 these four cases and under advisement and we are off  
3 the record in these cases. Thank you, Ms. Vance.

4 Okay. I'm now starting with 24849. It is  
5 number five on our list entries of appearance.

6 MS. BENNETT: Good morning Dina Bennett on  
7 behalf of Avant Operating.

8 HEARING EXAMINER: Were there any other  
9 parties that you know of, Ms. Bennett?

10 MS. VANCE: Yes. I apologize. Paula Vance  
11 with the Santa Fe office of Holland & Hart on behalf  
12 Matador Production.

13 HEARING EXAMINER: Have you entered an  
14 objection?

15 MS. VANCE: I believe so, yes, and we have  
16 withdrawn that.

17 HEARING EXAMINER: Are you taking this case  
18 over for Mr. Feldmore?

19 MS. VANCE: I am.

20 HEARING EXAMINER: So do you know whether  
21 they were withdrawn?

22 MS. BENNETT: They withdrew.

23 HEARING EXAMINER: Have any other parties  
24 that you know of entered an appearance?

25 MS. BENNETT: Thank you. In this case,

1 Avant Operating seeks approval of a nonstandard unit  
2 and also an order pooling uncommitted interest  
3 owners and the Wells in this case will be called.  
4 The sapphire wells and include the usual exhibits.  
5 Exhibit A is the application or the compulsory  
6 pooling checklist XR. Exhibit A1 is the  
7 application. Exhibit A2 is the -- self who's  
8 previously testified before the division.

9 Exhibit B Josh Pain, exhibit C is my notice  
10 information, and Exhibit D is the self-affirmed  
11 statement of Alexey Zaitsev. He has not previously  
12 testified before the division, but we included a  
13 copy of his resume. And his resume reflects that he  
14 has experience and education in Petrillium.

15 HEARING EXAMINER: So before we continue  
16 with your presentation, I see several exhibit  
17 packets. Can we remove the one from September?

18 MS. BENNETT: Yes.

19 HEARING EXAMINER: Okay. So Freya, would  
20 you please remove the September 26 exhibit packet,  
21 which would leave the January 2nd as the only one.  
22 And then what page would the CV be on.

23 MS. BENNETT: The CV is Exhibit D2, which  
24 is Page 178 of the PDF.

25 HEARING EXAMINER: Okay. And do we have --

1 how do you say his name?

2 MS. BENNETT: Alexey Zaitsev. And, yes, he  
3 should be on.

4 HEARING EXAMINER: Good morning. Would you  
5 turn your camera on, sir?

6 MR. ZAITSEV: Good morning.

7 HEARING EXAMINER: Good morning. There you  
8 are. Would you raise your right hand, please?

9 ALEXEY ZAITSEV,  
10 having been first duly sworn to state the whole  
11 truth, testified as follows:

12 MR. ZAITSEV: Yes, I do.

13 HEARING EXAMINER: Great. Would you state  
14 and spell your name for the record?

15 MR. ZAITSEV: Alexey Zaitsev, A-L-E-X-E-Y  
16 Z-A-I-T-S-E-V.

17 HEARING EXAMINER: Okay. And what field of  
18 expertise do you seek to be qualified before this  
19 division?

20 MR. ZAITSEV: Reservoir engineering.

21 HEARING EXAMINER: Okay. And what  
22 education do you have that goes toward that?

23 A. I received a Bachelor of Science from Texas  
24 Tech University back in 2016 and petroleum  
25 engineering.

1 Q. In what?

2 A. In petroleum engineering, so part of the  
3 petroleum is reservoir engineering course, such as  
4 information evaluation and property and reservoir  
5 engineering and so on.

6 Q. So that was in 2016. And what experience  
7 do you have since then to qualify you?

8 A. I've worked as both a petroleum engineer  
9 and the reservoir engineer since then. I worked for  
10 two years as a petroleum A & D Corporation as well  
11 as for six years as a reservoir engineer from both A  
12 & D Corporation and Avant Operating.

13 Q. Okay. What's your title now?

14 A. I'm titled currently as senior reservoir  
15 engineer.

16 Q. Okay. And you were saying A & D  
17 engineering? Is that what you were saying?

18 A. I did work for one year for Troost, which  
19 is an investment bank as an A & D engineer where I  
20 oversaw acquisitions of various companies. Yes,  
21 sir.

22 Q. Okay. Okay. You are deemed qualified as  
23 an expert in petroleum reservoir engineering before  
24 this division from here on out, so thank you very  
25 much. Keep your camera on. We may have some

1 questions for you. But Ms. Bennett, please proceed.

2 MS. BENNETT: Thank you, very much. And  
3 so, just to recap in this case Avant is seeking  
4 approval, which is why we've include additional  
5 exhibits prepared by Mr. Zaitsev to support  
6 nonstandard unit portion of the application.

7 And also one other quick note is that in  
8 conversations with Mr. McClure and also with Avant,  
9 it came to light that Avant had understood that one  
10 party had been acquired by another party, but, in  
11 fact, that hadn't occurred. And that party is VDR  
12 and they're shown on the pooled party list as of  
13 today, but our intent is to remove them and resubmit  
14 an amended exhibit packet because they will not be  
15 pooled agreement with them. We would need to come  
16 back and pool them at a later date?

17 HEARING EXAMINER: Do you have a page  
18 number of the exhibit that you're going to amend?

19 MS. BENNETT: Yes. It is page number 62 of  
20 181.

21 THE COURT: MVDR you said?

22 MS. BENNETT: Yes.

23 HEARING EXAMINER: So you are not seeking  
24 to pool out?

25 MS. BENNETT: Partly. That's correct.

1 HEARING EXAMINER: Because you are. . .

2 MS. BENNETT: The Avant is in discussions  
3 with MVDR at this time.

4 HEARING EXAMINER: For what purpose?

5 MS. BENNETT: With the goal of entering a  
6 JOA.

7 HEARING EXAMINER: So you don't -- if you  
8 don't put one in place you'll have to come back and  
9 seek to pool them, but if you do, you don't have to,  
10 so you're going to remove them from the interest to  
11 be pooled?

12 MS. BENNETT: Yes.

13 HEARING EXAMINER: Okay. I understand.  
14 Okay. So continue.

15 MS. BENNETT: With that, I would ask that  
16 the exhibits be admitted into the record in case  
17 24848, and I'm happy to answer any questions that  
18 the division may have.

19 HEARING EXAMINER: Perfect. Ms. Vance, any  
20 objections to the exhibits?

21 MS. VANCE: No, Mr. Hearing Examiner.

22 HEARING EXAMINER: Your exhibits in this  
23 case, Ms. Bennett, are all received into evidence  
24 for your January 2nd, 2025 exhibit packet. I'll  
25 turn to Mr. McClure for any questions for any of the

1 witnesses.

2 MR. MCCLURE: Thank you, Mr. Hearing  
3 examiner. I have a quick clarifying question for  
4 Ms. Bennett and then a question for the land man.

5 HEARING EXAMINER: Okay. Do you have the  
6 land man with us, Ms. Bennett? What's that person's  
7 name?

8 MS. BENNETT: Tiffany Sarantinos.

9 HEARING EXAMINER: Would you please turn  
10 your camera on?

11 (Attempting to swear in Ms. Sarantinos.)

12 HEARING EXAMINER: I can't hear you. Can  
13 you unmute yourself and say it again? Now I don't  
14 see you muted, but I still can't hear you. I wonder  
15 if your microphone is on. It is on. Well, I can't  
16 hear you. Maybe you can go and join Mr. Zaitsev in  
17 his office. While you're working on your  
18 microphone, let's deal with Ms. Bennett and the  
19 question from Mr. McClure.

20 MR. MCCLURE: Ms. Bennett, just to confirm,  
21 it looks like there was a cover letter that was  
22 submitted January 3rd. It talks about the revised  
23 exhibit packet. This is referencing the January 2nd  
24 exhibit packet, correct?

25 MS. BENNETT: That's correct when I filed

1 the January 2nd exhibit packet, I had included that  
2 cover lever, but somehow it got lost in the ether,  
3 so when you emailed me on January 3rd I realized  
4 that that had not made it into the case file. So I  
5 filed it on January 3rd, but it does relate back to  
6 the January 2nd filing. And I will prepare a  
7 revised cover letter and submit that when I submit  
8 the revised exhibits showing the pooled parties.

9 MR. McCLURE: Thank you. I suspect this is  
10 what went on. I just want to make sure what we're  
11 looking at.

12 MS. BENNET: Thanks for clarifying.

13 HEARING EXAMINER: There we go. You keep  
14 getting muted for some reason, and we can't hear  
15 you. Do you want to dial in or something like that.

16 MS. SARANTINOS: That's what I did.

17 THE COURT: Great. So you heard what I  
18 asked you when you raised your -- raise your right  
19 hand. What is your answer?

20 TIFFANY SARANTINOS,  
21 having been first duly sworn to state the whole  
22 truth, testified as follows:

23 MS. SARANTINOS: I do.

24 HEARING EXAMINER: You do. You can put  
25 your hand down. Mr. McClure.

1 MR. McCLURE: Thank you, Mr. Hearing  
2 Examiner. Ms. Serantino, if I can draw your  
3 attention to Page 62 of 181. This is your summary  
4 of enter and working interest owners table.

5 A. Uh-huh.

6 Q. MVDR Resources, LLC, do they own a working  
7 interest in the opposed area?

8 A. They do, yes.

9 Q. Was notice of this application provided to  
10 them?

11 A. They received their Well proposals. And so  
12 this is the party that we're actually removing from  
13 the the docket today. I'm not sure if you caught  
14 that at the beginning, but we're removing MVDR from  
15 being a pooled party.

16 Q. So is it accurate to say that they were not  
17 provided notice of this application?

18 A. Yes. I think through the virtue of just  
19 title and just misinterpretation. We've been in  
20 close contact. In fact, they have JOA. And there's  
21 an offer for an acquisition, but just to be safe  
22 we're going to say that correct notice was not  
23 received and that we're removing them.

24 Q. Okay. So just to confirm, then, they were  
25 not provided notice of this application?

1 A. Correct.

2 Q. Okay. Thank you.

3 MR. McCLURE: Mr. Hearing Examiner, I have  
4 no further questions, but this is the case that I  
5 was curious about whether notice was going to need  
6 to be provided to all interest owners regardless of  
7 whether they're being pooled.

8 HEARING EXAMINER: Thank you, Mr. McClure.  
9 Are there any other questions for anyone, or are we  
10 done with this case?

11 MS. BENNETT: Mr. Hearing Examiner, may I  
12 provider one bit of clarifying information?

13 HEARING EXAMINER: Sure. Let me just get  
14 Mr. McClure to answer the question. Mr. McClure,  
15 are you finished with all your questions?

16 MR. McCLURE: I apologize, Mr. Hearing  
17 Examiner, I didn't catch what you were asking. I  
18 am. That is all the questions I have for this case.

19 HEARING EXAMINER: Okay. Ms. Bennett?

20 MS. BENNETT: Thank you. So, when we  
21 realized -- when Avant and myself realized that MVDR  
22 did not have notice of the hearing, we did -- Avant  
23 reached out to MVDR and has been engaged in  
24 discussions with them since that time and is working  
25 towards a voluntary agreement. And so, I think that

1 they did have notice of the hearing not within the  
2 20 days, but we definitely told them of today's  
3 hearing date.

4 But I would also just point out that the  
5 OCD rules, and I failed to bring my rule book with  
6 me today of all days require notice to parties being  
7 pooled, not to all interest owners under 19 -- I  
8 think it's 19.15.412. Don't quote me on that. So I  
9 don't think that the defect in notice for MVDR would  
10 impede the division from issuing an order in this  
11 case. And, in fact, the division's practice has  
12 been to not require notice if you're not pooling  
13 parties.

14 HEARING EXAMINER: But you're -- them  
15 anyway by removing them from the pool party list?

16 MS. BENNETT: Exactly.

17 HEARING EXAMINER: So, why are you telling  
18 me about that?

19 MS. BENNETT: In response to Mr. McClure's  
20 comment that he was curious whether notice was  
21 appropriate given that one working interest owner  
22 was not notified.

23 THE COURT: Mr. McClure, does that raise  
24 any further question for you or are you satisfied?

25 MR. McCLURE: Mr. Hearing Examiner, I guess

1 I am still curious as to wherein rule it states that  
2 an interest owner does not need to be pooled -- or  
3 if an interest owner does not need to be noticed if  
4 they're not being pooled.

5 MS. BENNETT: So it is 19.15.412. And it's  
6 subsection A. And the rule says that the applicant  
7 shall give notice to each owner of an interest the  
8 applicant proposes to be pulled pooled. And so, if  
9 an applicant is not proposing to pool a working  
10 interest owner, they do not need to give notice to  
11 that working interest owner.

12 And, in fact, there are a number of  
13 situations when we don't give notice to working  
14 interest owners when they've already entered into a  
15 JOA, for example. There's no need to provide them  
16 notice of a compulsory pooling hearing if they're  
17 not going to be pooled. And so that's 19.15.412A,  
18 1A.

19 HEARING EXAMINER: Thank you, Ms. Bennett.  
20 Ms. Vance, the other day at a hearing you said  
21 something that I think goes to that. Do you  
22 remember what you were talking about? You said  
23 well, we're not seeking to pool that party.

24 MS. VANCE: That's right.

25 HEARING EXAMINER: I remember that. I

1 wonder if that's what you were referring to.

2 MS. VANCE: Sounds pretty close to it.

3 Yes.

4 HEARING EXAMINER: Mr. Rankin, you solved  
5 many riddles with that citation today. Thank you.  
6 Can we take this case under advisement once the  
7 amended packet is received, Mr. McClure?

8 MR. McCLURE: Mr. Hearing Examiner, I mean,  
9 I'm reading the rule currently, but if the applicant  
10 is confident that that's how that that what's in  
11 rule, then I see no reason why we couldn't take it  
12 under advisement.

13 HEARING EXAMINER: Okay. Well, I heard a  
14 citation from 1915412A. I don't hear any objections  
15 to that interpretation. So for now, Ms. Bennett,  
16 when will you be submitting the amended hearing  
17 packet?

18 MS. BENNETT: If I could have Monday  
19 through close of business, that would be great.

20 THE COURT: Perfect. Monday, let's get the  
21 date here. That is the 13th. So we have -- we'll  
22 leave the record open until close of business 13th  
23 of January for an amended exhibit packet with cover  
24 letter. We will remove everything already submitted  
25 once we receive that, and then we will take this

1 case under advisement, so thank you for your  
2 presentation.

3 Moving on it looks like I'm going to call  
4 these cases, but they have been objected to these  
5 are Matador Production cases number six and seven on  
6 hour docket is 24864 and 65. Entries of appearance,  
7 please.

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

11 HEARING EXAMINER: Thank you.

12 MS. BENNETT: I'm not sure if anyone is on  
13 right now.

14 HEARING EXAMINER: I'm not sure either, but  
15 they're the objecting party and they represent XTO  
16 as far as I know. Do we have anyone from XTO with  
17 us today? These cases are on the docket, or is  
18 there an objection from Fasken? Ms. Vance, what do  
19 you know?

20 MS. VANCE: Yes. I believe -- if you give  
21 me one moment. That's correct. Fasken also did  
22 file an entry of appearance and objection.

23 HEARING EXAMINER: So do you have a multiple  
24 objections or just one objection?

25 MS. VANCE: Okay. So it looks like XTO did

1 withdraw their objection, so it should just be  
2 Fasken at this point.

3 MS. SHAHEEN: My apologies. I did not  
4 realize we would be discussing these cases this  
5 morning. Sharon Shaheen Santa Fe Office of Spencer  
6 Fane on behalf of Fasken. And, yes, late on  
7 Tuesday, I filed an entry of appearance and  
8 objection to moving forward by affidavit in these  
9 two cases on behalf of Fasken.

10 HEARING EXAMINER: What is the objection?

11 MS. SHAHEEN: They received very late  
12 notice, and they intend to -- they hope to negotiate  
13 a term assignment, and they need some time to get  
14 that done.

15 HEARING EXAMINER: Okay. So it sounds like  
16 there's a good chance of resolving the objection?

17 MS. SHAHEEN: Yes, that's the hope.

18 THE COURT: Okay. Ms. Vance, do you know  
19 why there was late notice in this case?

20 MS. VANCE: I believe maybe what  
21 Ms. Shaheen is saying is because the notice would be  
22 timely, but maybe it got to their office later  
23 because of the holidays, I'm not sure, but I believe  
24 that the notice is timely, but receipt of it may  
25 have been, you know, late to their office because of

1 the holidays.

2 HEARING EXAMINER: So we'll move the --

3 MS. SHAHEEN: Actually, I believe the  
4 notice was sent to the incorrect address. An old  
5 office.

6 HEARING EXAMINER: Thank you, Ms. Shaheen.  
7 So Ms. Vance, we're going to move these two cases to  
8 the January 23rd docket for a status conference.

9 MS. VANCE: That works for us.

10 HEARING EXAMINER: Okay. And you don't  
11 have to do that. We do that automatically now that  
12 we have a new system, if we get an objection to a  
13 case that's being heard by affidavit, we will move  
14 it ourselves to the next status conference docket.  
15 You don't have to pay for that. Anything further,  
16 Ms. Vance?

17 MS. VANCE: No.

18 HEARING EXAMINER: Ms. Shaheen?

19 MS. SHAHEEN: Not from Fasken.

20 HEARING EXAMINER: Thank you. We're off  
21 the record.

22 Moving on to case number eight. Catamount  
23 Energy. This is case 24987. Entries of appearance,  
24 please.

25 MS. VANCE: Good morning, Mr. Hearing

1 Examiner. Paula Vance with the Santa Fe office of  
2 Holland & Hart on behalf of the applicant, Catamount  
3 Energy Partners.

4 HEARING EXAMINER: And, can you verify that  
5 there's no other parties entered?

6 MS. VANCE: That's correct. There are no  
7 other parties.

8 THE COURT: Please proceed.

9 MS. VANCE: Thank you. So in case number  
10 24987, Catamount seeks to create a 1440-acre more or  
11 less nonstandard horizontal Well spacing unit. And  
12 that's going to be in the mancos formation. The  
13 pool is the basin mancos pool. And the pool code is  
14 97232. And that's underlying the north half and the  
15 north half of the south half of sections 13, 14, and  
16 15 township 32 north range six west. And that's in  
17 San Juan in Rio Arriba's County's New Mexico.

18 And Catamount seeks to pull the uncommitted  
19 mineral interest owners and approval of the  
20 nonstandard horizontal spacing unit. And Catamount  
21 seeks to dedicated this unit to the NLS32 tack six,  
22 tack 153H, 4H and 5H. So this this case we have  
23 included a copy of the application. We have  
24 provided the compulsory pulling checklist as well as  
25 the self-affirmed statement of land man, Denise

1 Greer and geologist Rustle, goes by Rusty Kelly.

2 And both have actually testified before  
3 the division. I did include Mr. Rustle's resume,  
4 just a slight oversight, he also appears before the  
5 oil commission in Colorado, and they require a  
6 resume with every packet and submission. So he has,  
7 actually, testified before, just a little mix  
8 between the states there.

9 HEARING EXAMINER: So are you saying then  
10 that both of your experts -- so you have two  
11 experts?

12 MS. VANCE: That's right. Land man and a  
13 geologist and both have previously testified before  
14 the division and their credentials have been  
15 accepted as a matter of record.

16 HEARING EXAMINER: In their current area of  
17 expertise.

18 MS. VANCE: That's correct.

19 HEARING EXAMINER: But you don't have a  
20 reservoir engineer for today?

21 MS. VANCE: No, I do not. It's just that  
22 we included a copy of Mr. Kelly's resume, and I just  
23 didn't want to -- I mean, if you want to ask him  
24 questions, or if you need me to update the hearing  
25 packet to remove his resume, I'm happy to do that,

1 too.

2 HEARING EXAMINER: Thank you.

3 MS. VANCE: Ms. Greer's statement is  
4 Exhibit A and includes all of the standard exhibits  
5 along with a offset diagram showing the acreage of  
6 the effected parties for the NSP along with a list  
7 of the parties that were notified of the NSP  
8 request. And that would be Exhibit A6 for  
9 reference.

10 And then Mr. Kelly's statement is Exhibit B  
11 along with all the standard geology exhibits. And  
12 Mr. Rustle did not observe any faulting pinch-outs  
13 or geologic impediments to the horizontal drilling  
14 of these wells. And then, lastly, we have the  
15 notice, which is myself affirmed statement along  
16 with a sample notice letter that was timely sent out  
17 on November 15th, 2024.

18 And then, the notice of affidavit of  
19 publication. And we have two because we have two  
20 counties involved. And so, both of those were  
21 timely, both published in November. And unless  
22 there are any questions I would ask that the  
23 exhibits and sub-exhibits be admitted into the  
24 record, and that this case be taken under advisement  
25 at this time.

1 HEARING EXAMINER: Are there any objections  
2 to the exhibits? Not hearing any, your exhibits are  
3 admitted into evidence. Let's go to Mr. McClure to  
4 see if he has any questions for your witnesses.

5 MR. McCLURE: Mr. Hearing Examiner, I do  
6 have a question for the land man.

7 HEARING EXAMINER: Can we get the land man  
8 on the screen.

9 MS. VANCE: Yes. I believe she is up and  
10 available right there.

11 THE COURT: Great. Good morning,  
12 Ms. Greer. Would you raise your right hand, please.

13 DENISE GREER,  
14 having been first duly sworn to state the whole  
15 truth, testified as follows:

16 MS. GREER: I do.

17 HEARING EXAMINER: Would you state and  
18 spell your name for the record.

19 MS. GREER: Denise Greer, D-E-N-I-S-E  
20 G-R-E-E-R.

21 HEARING EXAMINER: Thank you. Mr. McClure.

22 Q. Thank you. Ms. Greer, sitting here looking  
23 at the application packet.

24 MR. McCLURE: Ms. Vance, is the one is  
25 uploaded, is that the most recent exhibit packet?

1 Because I thought we had an exhibit packet that had  
2 the list of offset operators included in it.

3 MS. VANCE: Yes. I sent one yesterday so  
4 I'm not sure if maybe it may not have gotten  
5 uploaded yet, but I did provide an updated version  
6 to both yourself and Freya.

7 MR. McCLURE: Thank you. I remember seeing  
8 the email, and I'm just looking at the one we have.

9 HEARING EXAMINER: So, Mr. McClure, hold on  
10 a second. Freya, do we have something in the queue?

11 MS. TSCHANTZ: Let me check.

12 HEARING EXAMINER: Ms. Vance, when did you  
13 say you sent it?

14 MS. VANCE: I believe it was yesterday.  
15 Let me check my email.

16 HEARING EXAMINER: And if we need other  
17 break with we can always take a break, but I think  
18 Freya can release it from the queue read into the  
19 case.

20 MS. TSCHANTZ: There are no pending  
21 exhibits right now.

22 HEARING EXAMINER: Do you want to send it  
23 again, Ms. Vance?

24 MS. VANCE: Yes. It looks like it was sent  
25 yesterday at 1:21 p.m., so . . .

1 HEARING EXAMINER: Well, it's not in the  
2 imaging and Freya doesn't have it, so why don't you  
3 send it again to Freya and to Dean. And in the  
4 meantime let's take a break for a moment and let me  
5 -- Mr. Rankin, can you approach the -- and turn on  
6 the microphone here. I want to ask you a question  
7 about something you said earlier.

8 MR. RANKIN: Good morning, Mr. Chandler.

9 HEARING EXAMINER: Good morning,  
10 Mr. Rankin. And this is basically the rule that you  
11 read earlier. Where did you get the version of the  
12 rule that you read earlier?

13 MR. RANKIN: The one that I gave Ms. --

14 HEARING EXAMINER: Yes.

15 MR. RANKIN: Oh, I got it from the NMAC  
16 code website.

17 HEARING EXAMINER: Do you mean the saved  
18 archives?

19 MR. RANKIN: I'll upload the website and  
20 I'll tell you in a minute. It's the -- SCRA.

21 HEARING EXAMINER: Right. I know that's  
22 the official -- there we go. Their website was  
23 having difficulty because it seems to me that  
24 Mr. McClure has a different version, and I want to  
25 look at the version you -- so give me a minute

1 because I'm on the state archives now. Okay. And  
2 I'm going to go to 12.

3 So Mr. Rankin, I see 19154A1A, which I  
4 think is what you were quoting before. It says,  
5 compulsory pooling and statutory utilization. It  
6 says, "the applicant shall give notice to each owner  
7 of an interest in the mineral estate of any portion  
8 of the lands the applicant proposes to be pooled."  
9 And I'll stop there. The way you read it before,  
10 the interpretation seemed a bit more narrow. What  
11 -- the way I read this, any interest in the area  
12 seems to be fair game for notice. You seem to read  
13 it more narrowing.

14 MR. RANKIN: I think the question -- if you  
15 keep reading the whole entry --

16 HEARING EXAMINER: Yes.

17 MR. RANKIN: It goes on to say, and whose  
18 interest has not been voluntarily committed to the  
19 area.

20 HEARING EXAMINER: Okay.

21 MR. RANKIN: I made the -- Ms. Bennett that  
22 to address the question, but I'll just say that I  
23 think the issue is either an owner of a mineral  
24 interest has to be pooled, it can be done  
25 voluntarily or by an order prior to production.

1 HEARING EXAMINER: I don't think there's  
2 any argument. I don't think anyone is arguing that,  
3 but what I'm seeking clarification by discussing  
4 this issue further is the idea was that you had to  
5 have a certain type of interest in the pool, but  
6 this sentence doesn't look like that. And I just  
7 thought I'd bring that up because I know that the  
8 division doesn't read the rule that way.

9 MR. RANKIN: I may defer to Ms. Bennett to  
10 address these question.

11 HEARING EXAMINER: Okay. Ms. Bennett?

12 MS. BENNETT: Thank you. Yes. So if you  
13 -- and, again, I was saying this on the fly, but if  
14 you look down at 19.15.4.12A -- B. Sorry B. 1B.

15 HEARING EXAMINER: I'm not there. I'm on  
16 A.

17 MS. BENNETT: Well, so A1B(3) sub-three  
18 little romonet three. It says that the applicant  
19 should give the names and addresses of the interest  
20 owners to be pooled and the percentage of their  
21 interests. So, the practice has been that -- and my  
22 understanding has been happy to hear from other  
23 folks about their understanding that the notice  
24 letters are sent to the parties that the applicant  
25 is seeking to pool. Compulsory pool, not to all

1 working interest owners.

2 If a working interest owner, for example,  
3 has reached a voluntary agreement, then they do not  
4 fall under category -- well, first, they would be  
5 excluded by 1915412A1A, which says that you don't  
6 give notice to an interest owner whose interest has  
7 been voluntarily committed. So if an interest has  
8 been voluntarily committed, then there's no  
9 requirement of notice.

10 That's what I -- how I read A1A. And, then  
11 A1B Romanet three says that you provide the  
12 information about the parties you're seeking to  
13 pool, which are uncommitted interest owners. And so  
14 the practice has been that we provide notice to the  
15 parties that were seeking -- that the applicant is  
16 seeking to pool, not all parties. For example, if a  
17 party has voluntarily committed their interest to  
18 the unit then I don't send them a notice letter  
19 because they're not being pooled they don't have an  
20 interest in the adjudication of the hearing.

21 They're not being affected by the outcome  
22 of the hearing because they've entered into a  
23 voluntary agreement with the operator. So, it's  
24 been the practice to not provide notice to folks who  
25 voluntarily agreed to join a unit, a spacing unit if

1 they've executed a JOA, for example, there's no need  
2 to provide them notice of the hearing. And the  
3 practice has also been that if a party has -- if  
4 there's been some defect in notice, that we have  
5 routinely dropped that party from -- and by "we" I  
6 mean probably everyone sitting at this dias has  
7 dropped that party from the pooling case and has  
8 worked -- the applicant then has worked into a  
9 voluntary agreement with that party.

10 And if they're unable to reach a voluntary  
11 agreement with that party then we come back, give  
12 them notice, and they can appear at a hearing if  
13 they choose not to be pooled.

14 HEARING EXAMINER: Okay. I don't think  
15 there's any -- I don't think there's any debate  
16 about that part of what you were saying. I think  
17 the question arose in the interpretation that was  
18 read out earlier by Mr. Rankin and yourself and  
19 cited to this rule. I think it was understood that  
20 you were trying to say that only certain types of  
21 interest in the mineral estate need to be noticed  
22 and here it says an interest.

23 MS. BENNETT: Right. I wasn't trying to  
24 make a distinction between any specific type of  
25 interest. Rather, I was making a distinction

1 between interest being pooled and interest not being  
2 pooled.

3 HEARING EXAMINER: Because there's a  
4 voluntary agreement.

5 MS. BENNETT: Yes.

6 HEARING EXAMINER: Right. And it says that  
7 right here in the rules, so I don't think that's a  
8 question an issue. Mr. McClure, before we go to  
9 your questions for the land man, did that discussion  
10 help at all, or does that still leave some question  
11 open in your mind?

12 MR. McCLURE: Mr. Hearing Examiner. I  
13 mean, I see, I guess, the logic of where their  
14 argument is. I think the question that the division  
15 may want to discuss is whether the voluntary  
16 agreement needs to, actually, be in place for that  
17 original 1A exemption to occur, because as of right  
18 now they don't have a voluntary agreement. They  
19 just believe they will get one. So does that, then,  
20 mean they do not need to provide notice? I'm not  
21 sure. I don't have the interpretation for that.  
22 I'm just reading the rule, I guess, and that's the  
23 question in my mind.

24 HEARING EXAMINER: Thank you.

25 MS. BENNETT: So by removing them from the

1 case, we are not no seeking to pool them. And they  
2 will, if the time comes when Avant does need to pool  
3 them they will be provided notice. So they are not  
4 being impacted by the outcome of this hearing. It's  
5 not adjudicating their interest one way or the  
6 other.

7 HEARING EXAMINER: The confusion was they  
8 were on the list.

9 MS. BENNETT: They were.

10 HEARING EXAMINER: Now you're removing them  
11 from the list, so I can see how that cures that  
12 problem. And coming back in the future might cure  
13 another problem that you may have. But I think  
14 that's what caused the whole question in the first  
15 place.

16 MS. BENNETT: I understand that.

17 HEARING EXAMINER: But I think we all  
18 discussed this, but it's good because I hasn't had  
19 this discussion in this depth before. So  
20 Mr. McClure, what Ms. Bennett is saying is had they  
21 never been on that list in the first place, you  
22 know, it might have not have raised that flag for  
23 you.

24 MR. McCLURE: Well, I mean, that is  
25 accurate. If I hadn't realized that the working

1 interest existed, then, yeah, I wouldn't have -- if  
2 I had not reviewed it somewhat the working interest  
3 was there, I wouldn't are that question in my mind.  
4 The overall question, I think, is still one that,  
5 perhaps, need some further discussion, but I would  
6 think that discussion can happen internally, though,  
7 rather than hashed out right now.

8 HEARING EXAMINER: Okay. I think that's  
9 enough on this subject. Thank you. We have the  
10 land man sworn in and ready for your question.

11 MR. McCLURE: Yes, Mrs. Greer, are you  
12 looking at the most recent exhibit packet? I think  
13 I'm looking at the one that Ms. Vance just emailed  
14 me.

15 MS. VANCE: That's correct. I emailed one  
16 to you and I also sent one to you, Mr. --

17 MS. GREER: I think I'm looking at the most  
18 recent one.

19 MS. VANCE: I'm going to forward it to  
20 Ms. Greer real quick.

21 HEARING EXAMINER: Let's take a five-minute  
22 break, that way we can get the witness oriented and  
23 we can just move smoothly from there on end, so  
24 we're off the record. Thank you.

25 (Recess was taken from 9:45 a.m. until 9:52

1 a.m.)

2 HEARING EXAMINER: We are back on the  
3 record. Ms. Greer, do you have the exhibits in  
4 front of you?

5 MS. GREER: I do.

6 THE COURT: Okay. Very good. Mr. McClure.

7 MR. McCLURE: Thank you, Mr. Hearing  
8 Examiner. Ms. Greer, if I could direct your  
9 attention to Page 40 of 67. It should be a map of  
10 the -- of, like, the offset of notice a year ago for  
11 NSB.

12 MS. GREER: Yes.

13 Q. On this map it appears that the tract  
14 directly north and directly south of the proposed  
15 NSP were noticed; is that correct?

16 A. That's correct.

17 Q. Now, the lands directly to the west and  
18 directly to the east, were they not noticed and if  
19 not, why?

20 A. They weren't because I was advised by  
21 counsel they weren't considered as a non-spacing  
22 unit which -- I think.

23 HEARING EXAMINER: Hold on, Ms. Vance. For  
24 the record let's get a clear answer and we'll come  
25 to you in just a moment.

1           So, Ms. Greer, you said they were not  
2 noticed east and west or just east or just west or  
3 both?

4           MS. GREER: East and west, I believe. I  
5 mean --

6           HEARING EXAMINER: We're trying to make a  
7 clear record, Ms. Greer. So you are saying -- would  
8 you answer the question, again? Were they noticed?

9           MS. GREER: They were not noticed.

10          HEARING EXAMINER: East and west?

11          MS. GREER: East and west.

12          HEARING EXAMINER: Okay. And you asked a  
13 second part of your question was why, Mr. McClure?

14          MR. MCCLURE: Yes that's correct,  
15 Mr. Examiner. I was sort of asking two questions  
16 together.

17          HEARING EXAMINER: That's okay. We've  
18 separated them now. Ms. Greer, why were they not  
19 noticed?

20          MS. GREER: Mr. -- said we just had to  
21 notify the ones to the north and to the south  
22 because that's where there was -- what the --  
23 spacing.

24          HEARING EXAMINER: Okay. Mr. McClure, do  
25 you have any other questions for this witness before

1 we go to Ms. Vance?

2 MR. MCCLURE: Well, I -- yes, I guess I do.

3 Q. Ms. Greer, can you describe for me what the  
4 lands to the west and the east, are those a part of  
5 a unit or are they -- or are they unleashed mineral  
6 interest maybe?

7 A. No. They're not unleashed minerals. I can  
8 tell you to the west, part of that section is in a  
9 unit and it's owned by Hill Corp. And to the  
10 east -- I'm going to correct myself here and sort of  
11 retract what I said. They would have been notified  
12 because of the same owners who owned in the unit  
13 anyhow.

14 In our proposed spacing unit, so all the  
15 owners to the east did get notice of this because  
16 they're being force pooled into the unit, and they  
17 were given a chance to participate in the wells.

18 Q. Okay. So were the owners to the --

19 A. The east was notified.

20 Q. Go ahead.

21 A. They were notified just because they're  
22 being force pooled into -- or seeking to force pool  
23 them into the unit, into the nonstandard unit.

24 Q. On Page 41 of 67, there's a list of offset  
25 affected persons; is that correct?

1 A. Page --

2 Q. It immediately follows the map that we're  
3 looking at.

4 A. Yes.

5 Q. Does this list include to the affected  
6 persons to the east, then?

7 A. It does.

8 Q. Okay. Which affected persons is there to  
9 those east tracts?

10 A. That would be Fred Turner, LLC, Glenn  
11 Turner, LLC, John Turner, LLC, Mary Francis Turner  
12 Trust and Royalty Partners.

13 Q. Thank you. And to the west, you said Hill  
14 Corp. is the affected person; is that correct?

15 A. That's correct.

16 Q. And was Heel Corp. provided notice of this  
17 application?

18 A. I can't answer that. They were on the  
19 original notice list that I provided to Holland &  
20 Hart. They just -- I'm not -- they're not on my  
21 exhibit. But they were on the original list, so  
22 they could have been notified of it. I'm looking at  
23 a spreadsheet that I, originally, sent to Holland &  
24 Hart to Mike --

25 HEARING EXAMINER: So, Ms. Greer, is the

1 answer you don't know?

2 MS. GREER: That would be correct. I can't  
3 say what actually was sent out to Holland & Hart's  
4 office.

5 HEARING EXAMINER: Okay. Mr. McClure, the  
6 answer is she doesn't know about the west with Hill  
7 Corp.

8 MR. MCCLURE: Thank you, Mr. Hearing  
9 Examiner. I believe -- yeah, I have no further  
10 questions for this witness. I'd just be interested  
11 to hear what Ms. Vance, I guess, thoughts are on the  
12 matter.

13 HEARING EXAMINER: Perfect. Ms. Greer,  
14 thank you. Ms. Vance?

15 MS. VANCE: Yes. I can definitely explain  
16 this and why Ms. Greer was advised by Mr. -- that we  
17 only had to provide notice really to the south here  
18 in the south half of the south half of 13, 14, and  
19 15. So I have up here a map of the area and you'll  
20 see, so this is --

21 HEARING EXAMINER: Which exhibit is this?

22 MS. VANCE: This is A6.

23 HEARING EXAMINER: Is this the new A6?

24 MS. VANCE: The new A6. Correct. So  
25 you'll see that this is -- you've got -- sorry, my

1 cursor is kind of moving all around here. This is a  
2 gas pool that we're in so the building blocks is  
3 320 acres. And so, this isn't an enlarged spacing  
4 unit. We are not including acreage because you'll  
5 see the building blocks are 320. And then down here  
6 we're not including this 80 acres. So you've got  
7 stacked 320, 320, and we're just excluding acreage.  
8 And the requirement under the rules, which I'll go  
9 to. Give me a second here.

10 For affected parties, and I am looking at  
11 19151615 and it would be -- let me just go up here.  
12 B5 and B, the notice requirement. So, where we are  
13 excluding acreage from the horizontal spacing unit  
14 to create an NSP, we just provide notice to the  
15 tracts that are not included in the spacing unit,  
16 which is what we did. So where as typically a lot  
17 of times during these hearings you see where we have  
18 an NSP, and it's an enlarged spacing unit and you  
19 provide notice to all of those surrounding tracts  
20 here, we are just not including certain acreage.  
21 And so we just provide notice to the tracts that are  
22 not included, which is exactly what we did.

23 MR. MCCLURE: Ms. Vance, looking at the 4H  
24 Well, would it be accurate to say that the intent is  
25 to use that as a proxy Well and bring in the south

1 half of those sections?

2 MS. VANCE: I believe so. And I -- if you  
3 give me one second here. I don't recall, but I  
4 don't -- well, we don't need to. I'm sorry. It  
5 took me a minute. It's been a -- yesterday was a  
6 long day. We don't need to because we're applying  
7 for an NSP, so the proximity tracts is irrelevant  
8 since we're applying for an NSP. Sorry.

9 MR. MCCLURE: Ms. Vance, the argument  
10 you're making is that you're removing tracts rather  
11 than adding tracts, which means that the standard  
12 HSU would have to be able to include that south half  
13 of the south half. It seems your argument was that  
14 you were going to align your 320s north/south, even  
15 though the well's orientated east/west, which is an  
16 ongoing discussion, don't get me wrong, but it's the  
17 discussion that may not be needed here assuming that  
18 the intent is to consider that 4HA proximity well.

19 MS. VANCE: I mean, if that's the  
20 division's view that's fine, but either way we're  
21 applying for an NSP. And I believe we met the  
22 intent of the notice requirement under the rules  
23 that I just explained.

24 MR. MCCLURE: Thank you, Ms. Advance. My  
25 initial review I did miss that that 4H was close

1 enough to the center of the section to bring in that  
2 south half. So I have no further questions for this  
3 case Mr. Hearing Examiner. And we take that  
4 advisement.

5 HEARING EXAMINER: We can? Okay. Great.  
6 Thank you, Ms. Vance. We'll take this case under  
7 advisement. Thank you. I'm calling number nine on  
8 the docket is SPUR Energy Partners 24989.

9 MS. HARDY: Good morning, Mr. Examiner.  
10 Dana Hardy with Hinkle Shanor on behalf of SPUR  
11 Energy Partners.

12 HEARING EXAMINER: Are you aware of any  
13 other parties.

14 MS. HARDY: There are no other parties.

15 HEARING EXAMINER: Thank you.

16 Thank you, Ms. Greer. You can turn on of  
17 your camera now.

18 MS. HARDY: In this case, SPUR seeks an  
19 order pulling on committed interests from the top of  
20 the -- formation to 5,000 feet measured depth.  
21 Underlying a 160 acre more or less standard  
22 horizontal spacing unit comprised of the north half  
23 of the south have of section seven, township 17  
24 south, range 30 east in Eddy County SPUR seeks to  
25 dedicate the unit to the MEREX seven federal 10H and

1 51H wells.

2 Our exhibits include the self affirm  
3 statement of land man and Red Dolton and geologist  
4 Matthew Vanwi, both of whom have previously  
5 testified before the division and been recognized as  
6 experts in their respectful fields. SPUR is only  
7 pulling overriding royalty interest here as all  
8 working interests are committed to the wells. We  
9 filed amended exhibits yesterday at Mr. McClure's  
10 request to include API numbers for the wells that  
11 are identified on the cross section exhibit, which I  
12 believe is B3.

13 As set out in Exhibit C, we timely sent our  
14 notice letters on November 15th and timely published  
15 notice on December 7th. So unless there are  
16 questions, I request that the exhibits be admitted  
17 and that the case be taken under advisement. Thank  
18 you.

19 HEARING EXAMINER: Are there any  
20 objections? Not hearing any, your exhibits are  
21 admitted into evidence. Are there any questions,  
22 Mr. McClure, for her witnesses?

23 MR. MCCLURE: Mr. Examiner, I have no  
24 questions for this case.

25 HEARING EXAMINER: Very good. And Freya

1 are there multiple exhibit packets that you have to  
2 remove some?

3 MS. TSCHANTZ: I believe so, and I will do  
4 that.

5 HEARING EXAMINER: Thank you, Ms. Hardy,  
6 your case is taking under advisement. Moving on to  
7 number 10 on the docket. It is 24993, Mewbourn Oil.

8 MS. HARDY: Mr. Examiner, Dana Hardy with  
9 Hinkle Shanor on of behalf Mewbourn Oil company.

10 HEARING EXAMINER: We had Holland & Hart  
11 representing them. Did that did that substitute,  
12 counsel?

13 MS. HARDY: No. The spreadsheet incorrect  
14 on several of these cases.

15 HEARING EXAMINER: I agree.

16 MS. HARDY: No, she wasn't handling the  
17 case.

18 HEARING EXAMINER: Do you know of any other  
19 parties?

20 MS. HARDY: There are no parties.

21 HEARING EXAMINER: Please proceed.

22 MS. HARDY: Mewbourn seeks an order pulling  
23 on committed interest in the Wolfcamp formation  
24 underlying a 1269.92-acre more or less nonstandard  
25 horizontal spacing unit comprised of sections 19 and

1 20 township 21 south, range 27 east in Eddy County.  
2 Mewbourn seeks to dedicated the unit to the canal  
3 2019, fed com 712H, 714H, 716H and 718H wells.

4 Our exhibits include the self-affirm  
5 statements of land man Brad Dunn and geologist  
6 Charles Crosby, both of whom have previously  
7 testified and been recognized as experts in their  
8 fields. As set out in Exhibit C, we timely sent our  
9 notice letters on December 6th and December 19th,  
10 and timely published notice on December 12th. We  
11 did file admitted exhibits yesterday at  
12 Mr. McClure's request to correct the pool name and  
13 code. So with that, I request the exhibits be  
14 admitted and that the case be taken under  
15 advisement.

16 HEARING EXAMINER: Are there any other  
17 objections? Not hearing any, your exhibits are  
18 admitted into evidence. Freya, would that mean that  
19 there's a duplicate exhibit packet in this case?

20 MS. TSCHANTZ: If there is, I will remove  
21 it.

22 HEARING EXAMINER: Thank you.

23 Mr. McClure, any questions for Ms. Hardy's  
24 witnesses?

25 MR. MCCLURE: Mr. Examiner, I have no

1 questions for this case.

2 HEARING EXAMINER: Very good. This case  
3 will be taken under advisement. Moving now to  
4 number 11 on the docket. It is BTA Oil Producers  
5 25002.

6 MS. McLEAN: It's me, Jackie McLean from  
7 Hinkle Shanor on behalf of BTA. The next several  
8 cases, so 11, 12, 13, 14, those are all ours just to  
9 let you know.

10 HEARING EXAMINER: And are you presenting  
11 all of them?

12 MS. McLEAN: I'll be presenting two and  
13 then Ms. Hardy also. Case number 18 is ours.

14 THE COURT: Okay.

15 MS. McLEAN: And I think those were the  
16 only other errors just so you know who to look at.

17 HEARING EXAMINER: Ms. McLean, are there  
18 any other parties that you know of in this case?

19 MS. McLEAN: Yes. Permian Resources is in  
20 this case.

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

24 HEARING EXAMINER: Ms. Vance, had you filed  
25 an objection?

1 MS. VANCE: No.

2 HEARING EXAMINER: You did not. Have you  
3 reviewed the exhibits?

4 MS. VANCE: I have. We're just preserving  
5 rights.

6 HEARING EXAMINER: Fine. So you don't  
7 object to any of exhibits?

8 MS. VANCE: No.

9 HEARING EXAMINER: Ms. McLean.

10 MS. McLEAN: Thank you. In case number  
11 25002, BTA applies for an order pooling all  
12 uncommitted interest in the Pennsylvanian shelf  
13 formation underlying a 6140-acre nonstandard  
14 horizontal spacing unit comprised of the west half  
15 southwest corner of section 12, west half west half  
16 of section 13, west half north west corner of  
17 section 24, the east half southeast corner of  
18 section 11, the east half east half of section 14,  
19 and the east half northeast corner of section 23  
20 township 17 south range 35 east and Lee County.

21 And this unit will be dedicated to the box  
22 elder 22115241312 state com number 3H and 4H wells.  
23 The exhibits submitted by BTA in this case include  
24 the self-affirm statements of land man  
25 Christine Ramos and geologist the David -- Tron,

1 both of whom have previously testified before the  
2 division and have been recognized as experts. And I  
3 also wanted to note that Yates Energy, who is  
4 indicated as highlighted party to be pooled has  
5 signed a JOA and are no longer being pooled in this  
6 case. They did receive notice of the hearing.

7 HEARING EXAMINER: Does that mean you're  
8 going to file an amended exhibit to remove them?

9 MS. McLEAN: We were hoping not to, but  
10 that's how we're going to say it on the record, but  
11 if the division requires us to do so, we can.

12 HEARING EXAMINER: Let me ask Mr. McClure.

13 MR. MCCLURE: Mr. Hearing Examiner, they're  
14 going to need to refile an amended exhibit packeting  
15 anyway, so they might as well update that.

16 HEARING EXAMINER: Perfect. Thank you.  
17 Looks like -- coming.

18 MS. McLEAN: Yes. Okay. So, we'll add  
19 that to the list. And then Exhibit C, the notice  
20 exhibit, it shows the notice letters were timely  
21 sent to December 11th, 2024 and notices published on  
22 December 12. So I know there's going to be  
23 questions, but I ask that the exhibits submitted for  
24 case number 25002 be admitted into evidence and the  
25 case be taken under advisement.

1 HEARING EXAMINER: Are there any  
2 objections? Not hearing any, your exhibits are  
3 admitted. Mr. McClure, any questions for  
4 Ms. McLean's witnesses?

5 MR. MCCLURE: Mr. Examiner, I don't have  
6 any questions. I just have a request in regards to  
7 the pools. Administrative checklist. Ms. McLean,  
8 there's a pool that's established in a hearing  
9 border as a little piece of this. The northwest  
10 border of section 24 is, actually, within the vacuum  
11 Cisco Canyon northeast pool. The pool code for that  
12 is 972 vil 2. Do you need know to repeat any of  
13 that for you?

14 MS. McLEAN: Vacuum Cisco Canyon northeast  
15 pool, code 972 02.

16 MR. MCCLURE: Yes. And that was the  
17 northwest quarter of section 24.

18 MS. McLEAN: So, would you like, then, to  
19 see 102s?

20 MR. MCCLURE: Yeah. At the time of  
21 submission of APD, they'll definitely need to be  
22 C102s, so yes if you update the C102, then, yes, we  
23 should have two separate C102s, one for each pool  
24 for each of the wells included. And then I'll also  
25 want the quasipooling administrative checklist to be

1 amended to include both pools.

2 MS. McLEAN: Okay. We can do that.

3 MR. MCCLURE: Thank you. Nothing further  
4 for me to this case Mr. Hearing Examiner.

5 HEARING EXAMINER: Thank you. So  
6 Ms. McLean, do you want to just repeat on the record  
7 what you're going to amend in the your exhibit  
8 packet?

9 MS. McLEAN: Yes. We are going to amend  
10 Exhibit A3 to remove the Yates from being pooled.  
11 Then we're going to amend the compulsory pooling  
12 checklist to include both pools. And we will add  
13 two new C102s to the packet. One for each well that  
14 reflects that vacuum Cisco Canyon pool.

15 THE COURT: Thank you. Okay. How long do  
16 you need?

17 MS. McLEAN: Can we have till Monday just  
18 with the C102?

19 HEARING EXAMINER: So we have January 13th  
20 close of business. Does that work for you?

21 MS. McLEAN: That works.

22 HEARING EXAMINER: Okay. We'll leave the  
23 record open in this case. So we're in recess in  
24 25002. I'll call 25003.

25 MS. McLEAN: Jackie McLean on behalf of

1 Steward Energy.

2 HEARING EXAMINER: And do you know whether  
3 they were any other parties in this case?

4 MS. McLEAN: There are none.

5 HEARING EXAMINER: Okay. Please proceed.

6 MS. McLEAN: Thank you. In case number  
7 25003, Steward applies for an order pooling all  
8 uncommitted interests and the San Andres formation  
9 underlying a 479.62-acre more or less standard  
10 horizontal spacing unit, comprised of the west half  
11 of section two, and the northwest quarter of section  
12 11 township 13 south range 38 east in Lee County.

13 And this unit will be dedicated to the  
14 vents Federal 5H well and it's in proximity tract  
15 unit. Our exhibits include the self-affirm  
16 statements of land man Cooper Newlan and geologist  
17 the James Vess and while Mr. Vess has previously  
18 testified as an expert in geology, Mr. Newlan has  
19 not. And we have attached his resume as Exhibit A1  
20 to the packet that was submitted in this case. And  
21 it is Page 7 of the PDF.

22 HEARING EXAMINER: Thank you. I see  
23 Mr. Newlan on the camera. Mr. Newlan will you raise  
24 your right hand please.

25 COOPER NEWLAN,

1 having been first duly sworn to state the whole  
2 truth, testified as follows:

3 MR. NEWLAN: I do.

4 HEARING EXAMINER: Would you state and  
5 spell your name for the record.

6 MR. NEWLAN: My name is Cooper Newlan,  
7 C-O-O-P-E-R, N-E-W-L-A-N.

8 HEARING EXAMINER: And are you seeking to  
9 be admitted as a -- or recognized as an expert as a  
10 land man before this division?

11 A. Yes, sir.

12 Q. What education do you have toward that?

13 A. In 2014, I received my degree in energy  
14 Commerce from Texas Tech.

15 Q. Okay. And since that time, what experience  
16 do you have?

17 A. I began in the field working for a broker  
18 putting together the City of Midland play for David  
19 Errington, and then I crew-chiefed a team doing the  
20 same thing at Big Spring --

21 THE COURT: Mr. Newlan, before you continue  
22 I'm sorry, I can barely hear you, and I don't think  
23 the court reporter is going to be able to pick up  
24 this. Would you speak up louder and start from your  
25 experience, again, what goes towards your expertise

1 as a land man.

2 A. Yes, sir. I apologize about that. I began  
3 in the field working for a broker putting together  
4 in the City of Midland for David H. Errington, and  
5 then I crew-chiefed a group for the same broker,  
6 different client doing the same thing in Big Spring,  
7 Texas, and then I got on with Steward Energy, and  
8 I've been handling everything, as they say, cradle  
9 to grave, and I put together every exhibit for the  
10 commission for Steward Energy for RVP.

11 Q. Okay. And how long have you been with  
12 Steward?

13 A. Six years.

14 Q. And what is your title there?

15 A. Senior land man.

16 Q. Okay. From here on in, you're recognized  
17 as an expert in land man matters before this  
18 division. Okay. Ms. McLean, you were saying?

19 MS. McLEAN: Yes, thank you. Then we have  
20 Exhibit C, and notice exhibit and notice was timely  
21 sent on December 11th and published on December  
22 15th. With that, I ask that exhibits submitted for  
23 case number 25003 be admitted to evidence and that  
24 the case be taken under advisement.

25 HEARING EXAMINER: Are there any

1 objections? Not hearing any, your objections are  
2 admitted into evidence. Mr. McClure?

3 MR. MCCLURE: Mr. Hearing Examiner, I do  
4 have questions for both the land man and geologist.

5 HEARING EXAMINER: Let's start with the  
6 land man.

7 MR. MCCLURE: Mr. Newlan, can I direct your  
8 attention to Page 16 of 47. This is the start of  
9 the breakdown of summary of interest.

10 A. Yes, sir.

11 MS. MCLEAN: Would you like me to share my  
12 screen?

13 HEARING EXAMINER: Yes, please. Hold on,  
14 Mr. Newlan, we're going to share a screen so we can  
15 all see what Mr. McClure is referring to.

16 MR. MCCLURE: Mr. Newlan, are you looking  
17 at the same thing we are?

18 A. Yes, sir.

19 Q. Okay. Looking specifically at Carnegie  
20 Energy, LLC, do you see the line I'm referring  
21 there?

22 A. Yep.

23 Q. Now in the right column it says committed  
24 AFE executed. Does that mean that Carnegie is  
25 committed, or does it mean that they're being

1 requested to being pooled here?

2 A. I mean, they just have agreed to the  
3 development and signed an AFE. I'm not really sure  
4 what else to say, other than that they are going to  
5 participate in drilling the well.

6 Q. So is Steward Energy asking the division to  
7 force pool them?

8 A. Yes, sir, just in the event that they don't  
9 pay their fair share of the drilling costs when the  
10 time comes.

11 Q. Are they signed on to a JOA?

12 A. No, sir. They just signed and executed the  
13 AFE well proposal that we sent in compliance with  
14 the notice standards of the commission.

15 Q. I mean, so when it says committed there,  
16 you're referring to or singled a well, but not the  
17 entire pooled area; is that accurate to say, then?

18 A. Well, if they don't want to participate in  
19 the future well, if you go to drill if you'd like it  
20 to have them pooled, so we can recoup the drilling  
21 cost that they are not going to commit to.

22 Q. So, their inclusion in -- let me back up.  
23 In this table here, there is a section that's listed  
24 as uncommitted. And they are included under that.  
25 Do you see what I'm referring to?

1           A. Yes. And they haven't responded to any  
2 notices that we've sent nor signed any AFE.

3           Q. But you just said that Carnegie Energy did  
4 sign -- did agree to participate in this -- well?

5           A. Yes. And then when we good to send the  
6 second round of the final AFE before drilling and if  
7 they don't pay their share fair share, we would like  
8 to have the ability to force pool them if they're  
9 not going to participate in the well.

10          Q. But they agreed to participate in the well  
11 at this point; is that correct?

12          A. Yes. And this is just a perspective notice  
13 to comply with the notice standards, and then we'll  
14 send secondary final AFE 30 days before drilling.  
15 And if they don't want to pay their fair share, we  
16 would like to have that ability to force pool them  
17 in the event that they walk back their commitment at  
18 this point in time.

19                 MS. McLEAN: May I?

20                 MR. MCCLURE: So Ms. McLean, if you have  
21 anything to share as long as the Hearing Examiner is  
22 fine with it.

23                 THE COURT: Mr. McClure, to keep this  
24 record clean, let's finish with any questions for  
25 this witness, and then we'll good to Ms. McLean.

1 Let's do it that way. So are you done asking  
2 questions to Mr. Newlan?

3 MR. MCCLURE: Mr. Hearing Examiner, I am  
4 done asking questions for Mr. Newlan.

5 THE COURT: Okay. So, why don't you ask  
6 Ms. McLean whatever you want to and then we can go  
7 to the other witness, if necessary.

8 MR. MCCLURE: Ms. McLean, if you have any  
9 clarity, I guess, to offer in this situation,  
10 please, feel free to do so.

11 MS. McLEAN: Yes. So I think that the  
12 issue here is that Carnegie and some of other  
13 parties have signed an AFE an affidavit for  
14 expenditure. So they've agree at this time ahead of  
15 the pooling to pay their share of the well cost.  
16 They have not signed on to a JOA, which would be,  
17 you know, they are committed, quote, to the spacing  
18 unit. Be under the rules and the hearing order,  
19 Steward is going to have to have to repropose these  
20 wells after we get the order.

21 At that time, if Carnegie decides they  
22 don't want to sign the AFE, we have the order that  
23 shows that their pool and we can add the 200 percent  
24 penalty on top of that, if necessary. So at this  
25 time they have executed an AFE, but I think that

1 Mr. Newlan and in abundance of caution and Carnegie,  
2 they have not entered an appearance, they have not  
3 objected in this proceeding, he wishes to pull them  
4 in case once they repropose those wells. They  
5 decide they are not going to pay their share of the  
6 well fees and costs. Does that clarify things a  
7 little more?

8 MR. MCCLURE: Yes, Ms. McLean, yeah. It  
9 does clarify. Thank you.

10 THE COURT: Do you have any other questions  
11 Mr. McClure?

12 MR. MCCLURE: Yes, I do, Mr. Examiner, for  
13 the geologist.

14 HEARING EXAMINER: Geologist, okay. Let's  
15 get the geologist under oath. What is the name of  
16 the geologist?

17 MS. McLEAN: James Vess.

18 THE COURT: So Mr. Vess, would you raise  
19 your right hand.

20 JAMES VESS,  
21 having been first duly sworn to state the whole  
22 truth, testified as follows:

23 MR. VESS: I do.

24 HEARING EXAMINER: Thank you. Would you  
25 state and spell your name for the record.

1 MR. VESS: James Vess. J-A-M-E-S, V-E-S-S.

2 HEARING EXAMINER: And I think Ms. McLean  
3 said that you had previously been qualified before  
4 this division as an expert.

5 A. Yes, sir.

6 Q. In what field?

7 A. Geology.

8 Q. Okay. Thank you.

9 Mr. McClure?

10 MR. MCCLURE: Thank you, Mr. Hearing  
11 Examiner. Mr. Vess, can I draw your attention to  
12 your cross-section. That's on Page 28 of 47.

13 A. Yes, sir, I'm here.

14 Q. On this cross-section, is the formation --  
15 is any formation tops depicted here?

16 A. You can see the black lines are the  
17 formation tops. However, they are not labeled.

18 Q. Can you describe for me which formation  
19 tops those would be, then?

20 A. Yes, sir. The top marker there would be  
21 the top of the Pimarker, P-I-M-A-R-K-E-R. That's  
22 kind of regional top that's used for depicting the  
23 top of the reservoir in the San Andros. And then  
24 that bottom black marker would be our base of  
25 Dolomite reservoir. The interval of interest in the

1 green bracket is kind of the top of the reservoir to  
2 base a reservoir. And then we have internal  
3 formation target that we identify within that  
4 interval of interest for horizontal targeting.

5 Q. So it's the top of the Grayburg -- or  
6 excuse me. The top of the San Andros and the top of  
7 the Corieta depicted here?

8 A. No, sir. It's the top of the Pimarker,  
9 which is a sub-marker within the San Andros. And  
10 then that bottom marker you see in the cross-section  
11 is the base of the Dolomite reservoir within the  
12 San Andros. The Glorieta is much further down, not  
13 depicted on the cross-section. And the top of the  
14 San Andros is above the marker not depicted in the  
15 cross-section. So these are sub-markers within the  
16 San Andros formation.

17 Q. Okay. Thank you, Mr. Vess. What I'm going  
18 to ask is if we can resubmit this exhibit with those  
19 sub-markers depicted there, I guess, since we don't  
20 have any actual formation tops on this area that  
21 we're seeing here?

22 A. How would you like them marked? With just  
23 a name or a depth or both?

24 Q. Well, yeah, if you want to put a line  
25 across -- if it's these black lines that's fine. If

1 you can identify the black lines as such, I guess,  
2 just off to the side, some sort of label?

3 A. Not a problem.

4 MR. McCLURE: Thank you, Mr. Vess.

5 Thank you, Mr. Hearing Examiner. I have no  
6 further questions for this case.

7 HEARING EXAMINER: Ms. McLean -- thank you,  
8 Mr. Vess and Mr. Newlan. Ms. McLean, when will you  
9 file the amended exhibit?

10 MS. McLEAN: I'd like to ask Mr. Vess when  
11 he think he might have that prepared.

12 MR. VESS: I can send that over to you here  
13 in the next 30 to 45 minutes.

14 MS. McLEAN: Okay. We should be able to  
15 get it in by tomorrow, then.

16 HEARING EXAMINER: So, we will set a  
17 deadline for January 10, close of business for an  
18 amended exhibit packet with a cover letter and we  
19 will leave the record open until that time. And  
20 then we'll take it under advisement. Thank you,  
21 again. And we're in recess in this case.

22 I'm now going to call BTA Oil Producers.  
23 It is number 13 on our docket, 25004.

24 MS. HARDY: Mr. Examiner, Dan Hardy with  
25 Hinkle Shanor on behalf of BTA Oil Producers.

1 HEARING EXAMINER: Are there any other  
2 parties that you know of?

3 MS. HARDY: There are not.

4 HEARING EXAMINER: Please proceed.

5 MS. HARDY: Thank you. BTA seeks an order  
6 polling on committed interest in the Pennsylvanian  
7 shell formation underlying a 319.42-acre, standard  
8 horizontal spacing unit comprised of the east half  
9 of the west half of section 33, township 16 south  
10 range 36 east. And lot three, the southeast corner  
11 of the northwest corner and east half of the  
12 southwest corner, which is the east half, west half  
13 equivalent of irregular section 4, township 17 south  
14 range 36 east in Lee County. The unit will be  
15 dedicated to the Capitan 2230133-4 state com 23H  
16 well. Our exhibits include the self-affirm  
17 statements of land man Adams Davenport and geologist  
18 JT Trong, both of whom have, previously, testified  
19 before the division and been recognized as experts  
20 in their fields.

21 We filed an amended exhibit packet  
22 yesterday morning that includes updated version of  
23 exhibits A3 and A5 with respect to the identity of  
24 the pooled parties. As set out in Exhibit C, we  
25 timely sent our notice letters on December 9th and

1 11th, 2024 and timely published notice on December  
2 11, 2024. With that, I request that the exhibits be  
3 admitted and that the case be taken under  
4 advisement.

5 HEARING EXAMINER: Are there any  
6 objections? Not hearing any, your exhibits are  
7 admitted into evidence.

8 Freya, would you remove any older exhibit  
9 packets than the one that was just filed?

10 MS. TSCHANTZ: Yes.

11 HEARING EXAMINER: Thank you.

12 Mr. McClure, any questions for Ms. Hardy's  
13 witnesses?

14 MR. MCCLURE: Mr. Examiner, I have no  
15 questions for this case.

16 HEARING EXAMINER: This case will be taken  
17 under advisement. Thank you. I'm calling number  
18 14, 25005.

19 MS. HARDY: Mr. Examiner, Dana Hardy on  
20 behalf of COG Operating, LLC.

21 MS. BENNETT: Good morning, Mr. Examiner.  
22 Deana Bennett on behalf of Cimarex Energy and only  
23 monitoring the case and preserving rights as  
24 necessary.

25 HEARING EXAMINER: Thank you. Ms. Hardy.

1 MS. HARDY: Thank you. COG seeks an order  
2 approving a 1268.12-acre more or less nonstandard  
3 overlapping horizontal spacing unit comprised of all  
4 irregular -- six and seven township 24 south, range  
5 33 east in Lee County and seeks to pool uncommitted  
6 interest in the Bone Spring formation within the  
7 unit excluding the Avalon interval, which is defined  
8 as the depths of 9,175 feet to 10,090 feet TBD.

9 COG seeks to dedicated the unit to the  
10 Macho Nacho state com 601H, 603H, 605H, and 607H  
11 well. Our exhibits include the self-affirmed  
12 statements of land man Michael Potts and geologist  
13 Ben Breyman, both of whom, previously, testified and  
14 been recognized as experts in their respective  
15 fields. And here, COG is only pooling overriding  
16 royalty interest as all working interest are  
17 committed to the wells. As set out in Exhibit C, we  
18 timely sent our notice letters on December 11th and  
19 timely published also on that date. With that, I  
20 request the exhibits be admitted and that the case  
21 be taken under advisement.

22 HEARING EXAMINER: Are there any  
23 objections?

24 MS. BENNETT: No objections.

25 HEARING EXAMINER: Your exhibits are

1 admitted into evidence.

2 Mr. McClure?

3 MR. MCCLURE: Mr. Hearing Examiner, I have  
4 a question for the geologist.

5 HEARING EXAMINER: Can we get your  
6 geologist on the screen?

7 MS. HARDY: I am looking to see if he is  
8 here. I am not seeing Mr. Breyman on the line,  
9 Mr. Examiner.

10 HEARING EXAMINER: Do you want to take a  
11 five-minute break so you can get him on the line,  
12 and we'll use that for other purposes?

13 MS. HARDY: Yes, please.

14 HEARING EXAMINER: We're going to take a  
15 five-minute break. We're off the record. Thank  
16 you.

17 (Recess was taken.)

18 HEARING EXAMINER: Good morning.

19 (Hearing Examiner's microphone volume  
20 low.)

21 MR. RODRIGUEZ: Michael Rodriguez with  
22 Civitas Permian Operating and I'd like to  
23 consolidate this case with 25012, if possible.

24 HEARING EXAMINER: I had called 25010 and  
25 25012. Mr. Rodriguez entered an appearance. I

1 asked if he was presenting them together, he said  
2 yes, I asked if there was any other parties, he said  
3 no. So, please proceed.

4 MR. RODRIGUEZ: Thank you. In these cases,  
5 Civitas seeks orders to extend time to commence  
6 drilling operations under order numbers R22603A and  
7 22604A. The exhibit packets submitted in these  
8 cases are identical and include the self-affirm  
9 statement of land man Chat Matney who has testified  
10 previously before the division as an expert in  
11 patrol and land managers. And it also contains the  
12 sample notice of hearing letters, which were sent  
13 out on December 19th, 2024, and the notice of  
14 hearing which was published also on December 19,  
15 2024.

16 HEARING EXAMINER: Mr. Rodriguez, is  
17 December 19 timely.

18 MR. RODRIGUEZ: Yes, it should be.

19 THE COURT: Well, let's calculate it, if  
20 you don't mind. The actual notice is 20 days,  
21 right?

22 MR. RODRIGUEZ: Correct.

23 HEARING EXAMINER: So, let's just check.  
24 Looks like 20 days was yesterday, so I think you're  
25 going to be okay. And published when?

1 MR. RODRIGUEZ: The publication was  
2 published on December 19th, the same day so that be  
3 should be within the ten-day notice.

4 HEARING EXAMINER: That will be ten working  
5 days, right?

6 MR. RODRIGUEZ: Correct.

7 HEARING EXAMINER: And you said that was  
8 the 19th?

9 MR. RODRIGUEZ: Yes.

10 HEARING EXAMINER: Don't count the 25th. I  
11 don't think we count holidays, do we.

12 MR. RODRIGUEZ: No, we don't.

13 HEARING EXAMINER: I didn't think so.  
14 Thank you. Yes, you're fine.

15 MR. RODRIGUEZ: Sounds good. And the  
16 reason for the extension applications are delays in  
17 federal permitting. And, therefore, at this time I  
18 request the exhibits be admitted into the record and  
19 the cases be taken into advisement.

20 HEARING EXAMINER: Are there any  
21 objections? Not hearing any. The exhibits in both  
22 cases are admitted into evidence. Mr. McClure, do  
23 you have any questions on either case?

24 MR. MCCLURE: Mr. Hearing Examiner, I do  
25 not have any questions, but I do have a request for

1 Mr. Rodriguez.

2 Sir, are you familiar with the proper  
3 website address for the OCD.

4 MR. RODRIGUEZ: The proper website address?

5 MR. MCCLURE: That's correct.

6 MR. RODRIGUEZ: I am.

7 MR. MCCLURE: And it will be fine for these  
8 cases, but in the future, please ensure that you  
9 double check your templates to ensure that the  
10 proper website address is included in the written  
11 notices.

12 MR. RODRIGUEZ: Okay. Okay. So, the  
13 notice letters that were sent out have the incorrect  
14 OCD website?

15 MR. MCCLURE: Yeah. If I can draw your  
16 attention to Page 17 of 19. I believe both cases  
17 are the same page. The top paragraph, let me get it  
18 pulled up on my side.

19 MR. RODRIGUEZ: Okay. I see that. Yes, I  
20 think I borrowed these letters from an old template.

21 MR. MCCLURE: Yeah. And currently the old  
22 website automatically forwards people to the new  
23 website, but if at some point in the future that no  
24 longer happens, this is definitely going to be a  
25 issue, I guess.

1 MR. RODRIGUEZ: No problem. Would you like  
2 me to submit -- well, I guess I can't really submit,  
3 but going forward I'll make sure to make that  
4 change.

5 MR. MCCLURE: Thank you, sir.

6 Thank you, Mr. Hearing Examiner, I have  
7 nothing further for either of these cases.

8 HEARING EXAMINER: Okay. Thank you. We'll  
9 take these two cases under advisement. I was  
10 wondering why they're listed as miscellaneous as  
11 opposed to AMD.

12 MR. RODRIGUEZ: I was going to ask the same  
13 thing. I'm not sure.

14 HEARING EXAMINER: I know that you guys  
15 filed these and you select drop down menus, so I  
16 didn't know if. . .

17 MR. RODRIGUEZ: We don't choose that  
18 portion. We just submit the applications for  
19 hearing.

20 HEARING EXAMINER: So the hearing clerk  
21 chooses that.

22 MR. RODRIGUEZ: Someone at the OCD will.

23 HEARING EXAMINER: Thank you. All right.  
24 So we're off the record in those two cases.  
25 Ms. Hardy, is your witness with us?

1 MS. HARDY: He is, Mr. Hearing Examiner.

2 THE COURT: Let me recall case number  
3 25005. What is the witness's name?

4 MS. HARDY: Ben Breyman.

5 HEARING EXAMINER: Mr. Breyman?

6 MR. BREYMAN: Yes, I'm here. Sorry about  
7 that.

8 HEARING EXAMINER: And, we're waiting for  
9 you to turn your camera on. There you go.  
10 Mr. Breyman, would you, please, raise your right  
11 hand.

12 BEN BREYMAN,  
13 having been first duly sworn to state the whole  
14 truth, testified as follows:

15 MR. BREYMAN: I do.

16 THE COURT: Would you state and spell your  
17 name. And it sounds like you're going to be needing  
18 to project your voice a little more.

19 MR. BREYMAN: Okay. Yes.

20 HEARING EXAMINER: Would you state and  
21 spell your name for the record.

22 MR. BREYMAN: Yes. It is B-E-N,  
23 B-R-E-Y-M-A-N.

24 HEARING EXAMINER: And is that pronounced  
25 Ben Breyman?

1 MR. BREYMAN: Yes, sir.

2 HEARING EXAMINER: Okay. Thank you.

3 Mr. McClure?

4 MR. MCCLURE: Thank you, Mr. Hearing  
5 Examiner. Mr. Breyman, if I can -- hopefully your  
6 screen is big enough to see what you're looking at,  
7 but you're probably familiar with my question  
8 anyway. If I can direct your attention to your  
9 cross-section, that's Page 39 of 107.

10 A. Yes.

11 Q. Listed on this cross-section is a third  
12 Bone Spring target interval and a Wolfcamp shell  
13 interval. Why is the Wolfcamp shelf interval  
14 included on the cross-section?

15 A. That is included because the Wolfcamp shell  
16 interface. And so I have both of those targets on  
17 there because of that.

18 Q. That wolf camp target interval is -- is it  
19 associated with this case in any way?

20 A. It is not. In this case, we are just  
21 dealing what the Bone Spring. That's something that  
22 I could go in there and edit and update.

23 Q. Okay. Thank you, Mr. Breyman, that  
24 answered my questions, but I will request that we  
25 submit an amended exhibit packet with that Wolfcamp

1 target interbowl removed?

2 A. Okay. I can do that.

3 HEARING EXAMINER: Thank you, Mr. McClure.

4 Mr. Breyman, have you been qualified as an  
5 expert for this division before?

6 A. Yes.

7 Q. In what field?

8 A. Are you talking oil and gas field for the  
9 area Lee County?

10 Q. No. I'm asking you what --

11 A. Geology expertise.

12 Q. Yes, that's what I'm asking. What's the  
13 answer?

14 A. Geology, yes.

15 Q. Thank you. How long will it take for you  
16 to amend your exhibit?

17 A. I can have that done by the end of the day  
18 today.

19 HEARING EXAMINER: Okay. Ms. Hardy, when  
20 do you want to submit an amended exhibit packet?

21 MS. HARDY: At the end of the day tomorrow  
22 would be fine.

23 HEARING EXAMINER: So we'll set a deadline  
24 of January 10, close of business for an amended  
25 exhibit packet with a cover letter explaining.

1 Okay. We're off the record in this case. We'll  
2 leave the record open, as I said, and we'll take  
3 that under advisement once that packet is submitted.  
4 Thank you. I'm now moving on to number 17 and 18.  
5 Well, let's just go to 17. And this is 3R  
6 Operating. It is 25022.

7 MS. McLEAN: Jackie McLean from Hinkle  
8 Shanor on behalf 3R, and it is consolidated with  
9 25023. This is another one of those that listed  
10 Holland & Hart.

11 HEARING EXAMINER: Sounds good. So they  
12 are -- they're not consolidate in my record, but  
13 you'll present them in consolidated?

14 MS. McLEAN: Yes.

15 HEARING EXAMINER: So let me call 25023,  
16 also. Ms. McLean, are there any other parties that  
17 you know of?

18 MS. McLEAN: There are not.

19 THE COURT: Please proceed.

20 MS. McLEAN: Thank you. In 25022 and  
21 25023, 3R seeks to pool additional interests in the  
22 units created by order numbers R22846 and R22847.  
23 The exhibits that we submitted include the  
24 self-affirm statement of land man Brian Van Severan,  
25 who has previously testified as a land man and has

1       been recognized as an expert in his field. And then  
2       I set out in Exhibit B, notice letters were sent on  
3       December 11th, 2024 and notice was published on  
4       December 14th.

5               With that, I ask that the exhibits be  
6       submitted for case numbers 25002 -- or 25022 and  
7       25023 and that the cases be taken under advisement.

8               HEARING EXAMINER: Any there any  
9       objections? Not hearing any, your exhibits are  
10      admitted in both cases. What is the good cause for  
11      extension?

12              MS. McLEAN: We are pooling additional  
13      interest in the unit. We're not seeking an  
14      extension of time.

15              HEARING EXAMINER: So the AMD is wrong?

16              MS. McLEAN: We're still amending the order  
17      because we're asking that the additional entries be  
18      pulled under the term of order numbers R22847 and  
19      R22 -- what's the other order? R22846 and R22847.  
20      So it's still amending the order, but we are only  
21      seeking to pull the additional interest.

22              HEARING EXAMINER: So you're not seeking  
23      additional time, you're just trying to broaden the  
24      scope of the order?

25              MS. McLEAN: Yes. We've discovered more

1 parties that needed to be pooled.

2 THE COURT: And that's considered amended.  
3 I didn't know that. Good thinking.

4 MS. McLEAN: Yes.

5 HEARING EXAMINER: Okay. Mr. McClure, any  
6 questions in these cases?

7 MR. MCCLURE: Mr. Hearing Examiner, I do  
8 have questions for the land man.

9 HEARING EXAMINER: And who is the land man.

10 MS. McLEAN: Brian Vanstavern, and he  
11 should be on the line.

12 HEARING EXAMINER: Thank you.

13 MR. VANSTAVERN: I am here. Can everybody  
14 see me?

15 HEARING EXAMINER: Not yet. There you are.  
16 Okay. Would you raise your right hand, please.

17 BRIAN VAN SAVEREN,  
18 having been first duly sworn to state the whole  
19 truth, testified as follows:

20 MR. VANSTAVERN: I do.

21 Q. Would you state and spell your name for the  
22 record?

23 A. My name is Brian Vanstavern. B-R-I-A-N,  
24 V-A-N S-T-A-V-E-R-E-N.

25 Q. Okay. And you're an expert in the field of

1 land man; is that right?

2 A. That's correct.

3 Q. And you've been previously recognized as  
4 such before this division?

5 A. Yes.

6 Q. Thank you. Mr. McClure?

7 MR. MCCLURE: Thank you, Mr. Hearing  
8 Examiner. Mr. Vanstavern, on your self-affirmed  
9 statement for each of these cases, there's a  
10 footnote that references that the intended  
11 horizontal spacing unit will be 640 acres for both  
12 of these cases; is that correct?

13 A. I believe that is correct, yes.

14 Q. Okay. Please provide us with an amended  
15 compulsory pooling administrative checklist that  
16 identifies the correct HSU?

17 A. Okay.

18 Q. Are you familiar with what I'm asking  
19 for -- I have no further questions for this witness,  
20 Mr. Hearing Examiner.

21 THE COURT: Okay. Mr. Vanstaveren, do you  
22 understand what he's asking?

23 MS. McLEAN: I think that we're in charge  
24 of this checklist. And I believe for the cases, so  
25 3R acquired this interest. This was originally

1 pooled -- let me go to the case file here.

2 MR. VANSTAVEREN: I believe it was flat  
3 creek.

4 MS. McLEAN: Flat Creek, right, pooled this  
5 some time back. 3R acquired those interests. When  
6 Flat Creek filed the original application on the  
7 checklist, it said that they were asking for either  
8 a 640-acre or 480-acre spacing unit to -- you about  
9 the federal lease and what they would approve. And  
10 at this point it's been resolved and it will be a  
11 640-acre spacing, but that was done by Flat Creek's  
12 counsel with the initial application.

13 So I'm happy to amend -- I guess,  
14 Mr. McClure, my question would be -- I don't know  
15 how we would amend the entire initial exhibit  
16 packet. Do you just want us to file a checklist  
17 with the cover sheet?

18 MR. MCCLURE: I was going to say I do not  
19 want the original application by any stretch. Now  
20 whether you should submit this entire packet that  
21 you submitted for this case with the addition of the  
22 compulsory pooling administrative checklist as a  
23 supplemental exhibit. I'll leave in the Hearing  
24 Examiner's discretion.

25 HEARING EXAMINER: So, Ms. McLean, you know

1 what Mr. McClure wants, right?

2 MS. McLEAN: Yes.

3 HEARING EXAMINER: Okay. And you don't  
4 normally -- do you normally include the checklist in  
5 an exhibit packet?

6 MS. McLEAN: Well, not with a reopen -- not  
7 with an application to amend a prior order, but I  
8 think I could just do, you know, our cover page that  
9 says we are adding a compulsory pooling checklist  
10 and then submit the whole exhibit packet.

11 HEARING EXAMINER: So you're going to  
12 submit a cover letter with the supplemental exhibit?

13 MS. McLEAN: Correct.

14 HEARING EXAMINER: Okay. Perfect.

15 Mr. McClure, can we take this case under advisement,  
16 or these cases under advisement once Ms. McLean  
17 submits that?

18 MR. MCCLURE: Yes, we can, Mr. Hearing  
19 Examiner.

20 THE COURT: Very good. So Ms. McLean, is  
21 that for both cases 22 and 23?

22 MS. McLEAN: Let me double check the  
23 exhibits here. I think it is or both. Yes, it is.  
24 So I'll do it for both.

25 HEARING EXAMINER: And when will you be

1 able to do that?

2 MS. McLEAN: I'll probably do it today.  
3 It's just something that I can do on my own.

4 HEARING EXAMINER: Why don't we say  
5 tomorrow close of business deadline the 10th of  
6 January. We'll leave the record open for that and  
7 we'll close the record and take these two cases  
8 under advisement. Thank you. We're off the record  
9 in those cases. Calling now Marathon Oil Permian,  
10 case number 25024. It is number 19 on our docket.

11 MS. BENNETT: Good morning, Mr. Examiner.  
12 Dina Bennett on behalf of Marathon Oil Permian, LLC.

13 HEARING EXAMINER: Good morning. Do you  
14 know if there are any other parties entered?

15 MS. BENNETT: There are no other parties.

16 HEARING EXAMINER: Please proceed.

17 MS. BENNETT: Thank you. In this case  
18 Marathon seeks to amend order number R23066 to add  
19 additional parties. Very similar to the case that  
20 preceded this. In the exhibit packet we've included  
21 the declaration of Ryan Gyllenband, who's previously  
22 testified before the division and his qualifications  
23 have been accepted as a matter of record as a land  
24 man. We also included the application, the order  
25 that we're seeking to amend, and a list of the

1 additional interest owners to be pooled as well as  
2 the summary of context with those interest owners.

3 And, finally, we've included my notice  
4 declaration and notice was timely mailed on  
5 December 16th and the publication was on  
6 December 21st, which I just confirmed. My chair was  
7 timely. And the reason for the amendment is to add  
8 a few additional parties that have -- were  
9 identified after the order in this case was  
10 originally issued. And with that, I would ask that  
11 the exhibits in case number 25024 be admitted into  
12 the record and the case be taken under advisement.

13 HEARING EXAMINER: Are there any  
14 objections? Not hearing any, your exhibits are  
15 admitted into evidence. Mr. McClure, are there any  
16 questions for Ms. Bennett's witnesses.

17 MR. MCCLURE: Mr. Hearing Examiner, I do  
18 have a question for the land man.

19 HEARING EXAMINER: What is the land man's  
20 name.

21 MR. BENNETT: Ryan Gyllenband.

22 HEARING EXAMINER: There he is. Okay.

23 RYAN GYLLENBAND,  
24 having been first duly sworn to state the whole  
25 truth, testified as follows:

1 MR. GYLLENBAND: I do.

2 HEARING EXAMINER: Excellent. Would you  
3 state and spell your name for the record, please.

4 A. Ryan Gyllenband, R-Y-A-N  
5 G-Y-L-L-E-N-B-A-N-D.

6 Q. Thank you. And you've been previously  
7 qualified as an expert as a land man before this  
8 division, sir?

9 A. Yes, Mr. Examiner.

10 Q. Thank you.

11 Mr. McClure?

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

13 Mr. Gyllenband, can I draw your attention to your  
14 self-affirmed statement paragraph 11. This is  
15 Page 4 of 40.

16 A. Yes, sir.

17 Q. In this paragraph it appears that  
18 Marathon's requesting overhead rates of 10,000 per  
19 month for drilling and a thousand dollars per month  
20 for producing; is that correct?

21 A. Yes, sir.

22 Q. Now the approved rates in order are 23066  
23 is \$8,000 per month for drilling and \$800 per month  
24 while producing. Is Marathon asking to amend that  
25 portion of the order?

1           A. No, sir. I think that was a mistake. We  
2 should amend that and reduce it to the 8 thousand  
3 and 800.

4           Q. Okay. So then we can ignore those rates in  
5 this paragraph 11 of your self-affirmed statement;  
6 is that correct?

7           A. Yes, sir.

8           Q. Okay. Thank you, sir.

9           Thank you Mr. Hearing Examiner, I have no  
10 further questions for this case.

11           HEARING EXAMINER: Can we take this under  
12 advisement?

13           MR. MCCLURE: Yes, we can, Mr. Hearing  
14 Examiner.

15           HEARING EXAMINER: Thank you, Ms. Bennett.  
16 Thank you very much, Mr. Gyllenband. Moving on to  
17 Matador Production. This is 25034 and 24 -- sorry.  
18 25036.

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

22           HEARING EXAMINER: Are there any other  
23 parties that you know of?

24           MS. VANCE: No, I don't believe so.

25           HEARING EXAMINER: Do you want to present

1 these two together?

2 MS. VANCE: Yes. Thank you. So in both of  
3 these cases Matador is seeking to pool an  
4 800.29-acre more or less spacing unit. One is for  
5 the Bone Spring, and then one is for the Wolfcamp.  
6 And I'll walk through those. So both include  
7 acreage comprising the west half of sections three  
8 and ten of township 21 south, range 32 east, and  
9 that's in Lee County, New Mexico.

10 In case number 25034, that's the Bone  
11 Spring case. Matador seeks to dedicated that  
12 spacing unit to the proposed Electra special 0310  
13 fed com 101H, 121H, 131H, 135H, 122H, and 132H. And  
14 the 135H I will note is a proximity well allowing  
15 for the enlarged spacing unit. And then we have  
16 case number 25036. And that is the Wolfcamp case  
17 and that is Matador seeks to dedicated that spacing  
18 unit to the proposed Electra special 0310 fed com  
19 202H. In these cases we have included a copy of the  
20 application, provided the compulsory pooling  
21 checklist as well as the self-affirmed statements of  
22 land man Hox Holder and self-affirmed statement of  
23 geologist Anna Thorson, both of whom have previously  
24 testified before the division and their credentials  
25 have been accepted as a matter of record.

1           Mr. Holder's statement is Exhibit A and  
2 includes all the required land man exhibits. And  
3 then Ms. Thorson's statement is Exhibit B and  
4 includes the required geology statements.  
5 Ms. Thorson did not observe any faulting -- any  
6 faulting pinch outs or other geological impediments  
7 to the horizontal drilling of these wells. And  
8 then, lastly, is the notice which includes my  
9 self-affirmed statement of notice with a sample  
10 letter that was timely mailed out on December 20th  
11 and it times out today. I know. I was calculating  
12 this yesterday.

13           And then the notice of publication of the  
14 affidavit of notice of publication, which was dated  
15 December 20th as well and it timed out yesterday.  
16 If there aren't any questions I would ask that the  
17 exhibits and sub-exhibits be admitted into the  
18 record and that the cases be taken under advisement  
19 at this time.

20           HEARING EXAMINER: Thank you, Ms. Vance.  
21 Are there any objections? Not hearing any, the  
22 exhibits in both cases are taken into evidence.  
23 Mr. McClure, any questions on these two cases?

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

1 THE COURT: Perfect. These two cases are  
2 taken under advisement. Moving on to 22 and 23 on  
3 the docket. Both of them are Flat Creek Resources.  
4 25046, 25053.

5 MS. SHAHEEN: Good morning, Mr. Hearing  
6 Examiner. Sharon Shaheen. Santa Fe Office of  
7 Spencer Fane on behalf of Flat Creek in the first  
8 case. I believe Mr. Savage is entering an appearance  
9 in the second case -- oh, I'm sorry. No. My  
10 confusion. I'm entering an appearance in both  
11 cases. These are the. . .

12 MR. SAVAGE: Mr. Hearing Examiner, we're  
13 entering an appearance under two separate cases in  
14 25053.

15 MS. SHAHEEN: Well, that's true. I'm not  
16 completely confused. Yes. I'm entering an  
17 appearance in the first case and that has to do with  
18 the Jawbone well.

19 MS. KESSLER: And Mr. Examiner,  
20 Jordan Kessler on behalf of EOG in the second case.

21 HEARING EXAMINER: Thank you, Ms. Kessler.  
22 So before I go to you, Ms. Shaheen, are you  
23 entering an appearance in both cases?

24 MS. SHAHEEN: No. I'm only entering an  
25 appearance in the first case.

1 HEARING EXAMINER: So, then, you're  
2 entering an appearance in 25046.

3 MS. SHAHEEN: That's right, and I  
4 apologize. Yes, 25046.

5 HEARING EXAMINER: Let's just take that  
6 case by itself because it sounds like there's other  
7 parties, including Mr. Savage who hasn't entered an  
8 appearance yet in 25053. So, back to 25046. How do  
9 you want to proceed?

10 MS. SHAHEEN: I would like to proceed  
11 presenting this case by affidavit.

12 HEARING EXAMINER: Please.

13 MS. SHAHEEN: In this case, Flat Creek  
14 seeks to force pool the overriding -- owners and the  
15 royalty owners in the Bone Spring formation and the  
16 1280-acre spacing unit comprised of section two and  
17 township 25 south range 26 east. And section 24  
18 township 24 south range 26 east in Eddy County  
19 New Mexico dedicated to three Jawbone wells. Both  
20 the witnesses, Mr. Gregory and Mr. Anderson have  
21 previously testified before the division as expert  
22 witnesses and have had their credentials accepted.

23 These wells were previously pooled as  
24 standard units and each of the three wells have  
25 already been drilled. In order to have common

1 facilities and compliance with the BLM requirements,  
2 we needed to pool a larger unit. And the division  
3 has already administratively approved the  
4 nonstandard proration unit, and we simply seek to  
5 pool the overrides and the royalty owners here today  
6 in the larger unit.

7 The notice letter was sent out timely on  
8 December 17th. That publication was occurred on  
9 December 21st, which is also timely. With that, I  
10 would ask that the division admit these exhibits  
11 into the record and take this case under advisement.

12 HEARING EXAMINER: So Ms. Shaheen, you have  
13 an order in place, but you're not seeking to amend  
14 that order, you're seeking a new order.

15 MS. SHAHEEN: That's correct.

16 THE COURT: Okay. Are there any  
17 objections? No. Not hearing any, your exhibits in  
18 25046 are admitted. Mr. McClure, are there any  
19 questions in this case?

20 MR. MCCLURE: Mr. Hearing Examiner, I guess  
21 I was hoping to ask Ms. Shaheen a little bit more  
22 questions about the topic that you had raised. The  
23 existing orders.

24 HEARING EXAMINER: Go ahead.

25 MR. MCCLURE: Ms. Shaheen, are you aware of

1 whether Flat Creek is asking the division to do  
2 anything with the existing three orders?

3 MS. SHAHEEN: That's a good question that  
4 had not occurred to me. We could ask that those be  
5 terminated after this unit has been approved. After  
6 an order has been issued in this case. I wouldn't  
7 want to do that until an order has been issued in  
8 this case because we've already drilled the wells,  
9 so that would be a little awkward.

10 MR. MCCLURE: Thank you, Ms. Shaheen. So,  
11 essentially, once this -- once an order is issued  
12 for this case, then those existing three orders are  
13 no longer needed for anything; is that correct?

14 MS. SHAHEEN: I believe that is correct. I  
15 haven't thought that through, but I believe that, I  
16 don't know why we would need those other orders.  
17 We've submitted a full application package with the  
18 checklist for the larger unit. And the working  
19 interest owners are all participating voluntarily.  
20 So I don't believe there's a need for the other  
21 orders.

22 MR. MCCLURE: Okay. Thank you.  
23 Mr. Hearing Examiner, I have nothing further for  
24 this case.

25 HEARING EXAMINER: Do we have a procedure

1 for, let's say a superceding order or do we not,  
2 Mr. McClure?

3 MR. MCCLURE: Mr. Hearing Examiner, I don't  
4 see an issue. We just added additional ordering  
5 paragraph for an order issue here whether we  
6 terminated or used the terminology, supercede.

7 HEARING EXAMINER: Thank you, Ms. Shaheen,  
8 we'll take that case under advisement. Let's move  
9 now to 25053.

10 MR. SAVAGE: Good morning, Mr. Hearing  
11 Examiner. Good morning, technical examiner.  
12 Darin Savage with Abadie & Schill, LLC, appearing on  
13 behalf of -- Permian owner 1LLC referred to here in  
14 as a Flag Creek Resources.

15 HEARING EXAMINER: Are there any parties  
16 parties besides Ms. Kessler that you know of.

17 MR. SAVAGE: No.

18 HEARING EXAMINER: Okay.

19 And Ms. Kessler.

20 MS. KESSLER: Good morning, Mr. Examiner.  
21 Jordan Kessler on behalf of EOG just preserving  
22 rights here. I will not be objecting.

23 THE COURT: Perfect. Thank you.

24 Mr. Savage?

25 MR. SAVAGE: Thank you. Case 25053 covers

1 lands in section 13, 14, and 15 and township 19  
2 south range 27, Eddy County New Mexico. The land  
3 man, Mike Gregory, has testified previously before  
4 the division and his credentials have been accepted  
5 as an expert witness in petroleum land matters. The  
6 geologist, Tom Anderson, has testified previously  
7 before the division as an expert witness and his  
8 credentials have been accepted as a matter of  
9 record.

10 In this case, Flat Creek seeks an order  
11 pooling all committed interests in the Bone Spring  
12 formation designating as an oil pool underlying  
13 nonstandard 968-acre more or less spacing unit  
14 comprised of south half northwest quarter, and  
15 southwest quarter of section 13. The south half  
16 north half and south half of section 14. And the  
17 south half northeast and the southeast quarter of  
18 section 15. The unit will be dedicated to the  
19 Cardigan fed com wells 132H, 133H, and 134H. Flat  
20 Creek will be applying for the approval of the  
21 nonstandard spacing unit. Orientation of the wells  
22 is laid down east to west and the wells standard,  
23 half standard locations.

24 Mr. Gregory's Exhibit A for case 25053  
25 includes his layman statement. C102, ownership

1 breakdown will propose a letter with AFE chronology  
2 of context. And Mr. Anderson's Exhibit B includes  
3 his self-affirm statement along with the standard  
4 suite with the five geology exhibits showing  
5 potential for development of the unit as described  
6 in his statement. Exhibit C provides the  
7 self-affirm statement of notice -- and publication  
8 notice notice was timely mailed. Flat Creek found  
9 all working interest owner to be locatable. Letters  
10 to two interest owners are listed as still in  
11 transit.

12 Letters to overriding royalty interest  
13 owners are listed as in transit. And six letters to  
14 already royalty interest owners were returned. And  
15 those letters were mailed on December 18th. And  
16 then we also did a publication by notice and that  
17 was timely on December 21st. And that was to  
18 account for any unforeseen contingencies regarding  
19 notice.

20 Mr. Hearing Examiner, I'd like to take a  
21 moment to point out that this case, 25053, it will  
22 supplant cases 24808, 24809, and 24810 that were  
23 filed by Flat Creek to cover the same lands and are  
24 subject to a prehearing order dated November 11th,  
25 2024. Permian Resources had objected to those cases

1 and contested hearing was set for February 4th,  
2 2025. Permian Resources and Flat Creek were able to  
3 reach a resolution.

4 They're differences over the subject plans  
5 and that's what Permian resources received notice in  
6 this case; did not enter an appearance, but they did  
7 withdraw their objections to the previous cases.  
8 So, Flat Creek will address this with the prehearing  
9 order vacated or amended as needed and dismiss those  
10 cases currently filed.

11 HEARING EXAMINER: Okay. So let me  
12 understand what you're saying. If I looked at the  
13 February 4 docket, is that what you're referring to?

14 MR. SAVAGE: Yeah. There's a prehearing  
15 order that --

16 HEARING EXAMINER: Let me just get to the  
17 docket. So, I have -- on February 4, I have the  
18 following cases. I have Alpha Energy's. You're not  
19 talking about that case, are you?

20 MR. SAVAGE: No, sir.

21 HEARING EXAMINER: You're talking about  
22 Flat Creek cases?

23 MR. SAVAGE: Flat Creek.

24 HEARING EXAMINER: Okay. Yeah. I do see  
25 case numbers 24807, 08, 09, and 10 on that special

1 docket. Are you saying that you'll be dismissing  
2 those four cases?

3 MR. SAVAGE: We'll be dismissing 24808  
4 through 24810. And then we'll be addressing the  
5 24807 by requesting an amended prehearing order or  
6 vacating it.

7 HEARING EXAMINER: Okay. And it's set for  
8 -- so, 24807 is set for contested hearing. What are  
9 you going to ask me?

10 MR. SAVAGE: I'll have to confirm with my  
11 client, but it would be whether or not that goes  
12 forward, if the objection is still in place that  
13 would go forward as a contested hearing. If the  
14 rejection is resolved, it would go forward by  
15 affidavit.

16 HEARING EXAMINER: It wouldn't go by  
17 affidavit on that day. It would be moved to a  
18 different day. When do you anticipate advising the  
19 division whether the objection is withdrawn?

20 MR. SAVAGE: I'll confer with my client as  
21 soon as this hearings are concluded and we can email  
22 Ms. Chance on that.

23 MS. HARDY: We had objected on behalf of  
24 Permian Resources to the cases that Mr. Savage is  
25 referencing. And we did withdraw or objection

1 yesterday.

2 HEARING EXAMINER: Did or didn't?

3 MS. HARDY: We did. To 24808 through  
4 24810, but we did not withdraw our objection to  
5 24807.

6 HEARING EXAMINER: Okay.

7 MS. HARDY: Okay. So I don't know if that  
8 case will be dismissed or what the plan is, but. . .

9 MR. SAVAGE: I'll confer with our client,  
10 see what the status of that is. Obviously, it's  
11 still in place and there's an objection on it. So  
12 the prehearing order that governs that case, that  
13 governs the other cases that are being dismissed, we  
14 would like to address that by requesting an  
15 amendment to that prehearing order, and we'll give  
16 the specification on that when we find out what the  
17 details are.

18 HEARING EXAMINER: Well, if there's --  
19 okay. I'm not sure -- so we're not talking about  
20 the case that I called right now. We're talking  
21 about a different case. So, let me call that case.  
22 24807. Entries of appearance, please.

23 MR. SAVAGE: Darin Savage with Abadie &  
24 Schill appearing on behalf of Flat Creek Resources.

25 MS. HARDY: Dana Hardy with Hinkle Shanor

1 on behalf of Permian Resources.

2 HEARING EXAMINER: And were there any other  
3 -- before we go, were there any other parties  
4 entered that case, Mr. Savage?

5 MR. SAVAGE: I would have to look at that  
6 docket or look at the case itself.

7 HEARING EXAMINER: I don't see anyone else.  
8 Well, Ms. Shaheen did represent them, but not any  
9 longer. I don't see anyone else, so we can take  
10 about this case. So this case is set for a  
11 contested hearing February 4. Are you saying you're  
12 not going to be prepared for a contested hearing on  
13 February 4?

14 MR. SAVAGE: No, I'm not saying that at  
15 all.

16 HEARING EXAMINER: Okay. Then, what are  
17 you saying.

18 MR. SAVAGE: I'm saying that this  
19 particular current case is going to the supplant a  
20 number of those cases that were set for  
21 February 4th. The 24807 is still objected to. You  
22 know, so it would still be a contested hearing,  
23 which we would be prepared for unless there's a  
24 resolution between the parties, in which case we  
25 would ask for a revision of the prehearing

1 statement. Prehearing order.

2 HEARING EXAMINER: I'm not sure that we  
3 need to revise a prehearing statement. If the case  
4 is not objected to, then it will just move on its  
5 own to a different docket hearing by affidavit. I'm  
6 not worried about the prehearing -- about amending  
7 the prehearing order. And I know that three of the  
8 four cases are now, you're going to be dismissing.

9 MR. SAVAGE: Yes, sir.

10 HEARING EXAMINER: Okay. When do you think  
11 you'll be filing a dismissal?

12 MR. SAVAGE: We should do that by Monday.

13 THE COURT: All right. So back to the case  
14 at hand. And that's case number 25053. Are you  
15 finished with your presentation, or are you asking  
16 me to accept the --

17 MR. SAVAGE: Yes, sir. I move to that the  
18 Exhibits A, B, and C and also addressed and entered  
19 into the record for this case.

20 HEARING EXAMINER: Are there any  
21 objections? Not hearing any objections, your  
22 exhibits are admitted into evidence. Mr. McClure,  
23 do you have any questions for case number 25053?

24 MR. MCCLURE: Mr. Hearing Examiner, I'm  
25 making sure I'm looking at the right case. 25053, I

1 do not have any questions for that case.

2 HEARING EXAMINER: Very good. We'll take  
3 that case under advisement. Thank you, Mr. Savage.

4 MR. SAVAGE: Thank you. Sir.

5 THE COURT: Calling number 24. Now, number  
6 24 we're going to move to the end of our docket so  
7 I'm not going to call OXY USA for now, but I will  
8 come back to number 24 at the end of our docket.  
9 Let's finish out our docket by calling WPX Energy  
10 25058.

11 MR. SAVAGE: Good morning, Mr. Hearing  
12 Examiner. Good morning, Technical Examiner.  
13 Darin Savage with Abadie & Schell appearing on  
14 behalf of applicant WPX Permian Energy, LLC.

15 HEARING EXAMINER: Do you know if there's  
16 any other parties entered in appearance?

17 MR. SAVAGE: No, sir. There is not.

18 HEARING EXAMINER: Please proceed.

19 MR. SAVAGE: Case 25058 covers lands and  
20 east half of sections 26 and 35 and township 26  
21 south range 29 east Eddy County New Mexico. The  
22 land man, Tim Prout, has testified previously for  
23 this division and his credentials have been accepted  
24 as a land man expert witness in land matters. The  
25 geologist, Russel Goodin, G-O-O-D-I-N, has testified

1 previously before the division as an expert witness  
2 in geology and his credentials have been accepted as  
3 a matter of record.

4 In this case, WPX seeks an order pooling  
5 all committed interests in the Bone Spring formation  
6 oil pool underlying a standard format 30.14 acre  
7 more or less spacing unit comprised of the east half  
8 of sections 26 and 35. The unit will be dedicated  
9 to the steel guitar 2635 fed com wells as seven  
10 initial wells, orientation of the wells and unit are  
11 standard north to south and the location of the  
12 wells are nonstandard. WPX will be applying  
13 administratively for approval of nonstandard  
14 locations. On Mr. Prout's exhibit for this case  
15 includes his land man self-affirmed statement.

16 C102 ownership breakdown -- proposal letter  
17 with AFE and chronology of context. The geologist  
18 Exhibits B for this case include his self-affirmed  
19 statement along with four standard geology exhibits  
20 showing the potential for development of the unit as  
21 described in this statement. Exhibit C provides the  
22 self-affirm statement of notice for mailing  
23 publication. Notice was timely mailed. WPX found  
24 all working owners to be locatable. The letter to  
25 Pioneer Natural Resources is listed as in transit.

1           Letters to XGO Holdings, LLC, Reed and  
2           Stevens were returned. However, WPX contacted XTO  
3           and reached Stevens. They both waived notice  
4           thereby satisfying that, in our opinion satisfying a  
5           requirement of notice as shown in Exhibit C4.  
6           Letters to five overriding royalty interest owners  
7           are in transit. Notice by publication was timely  
8           published to account for any unforeseen  
9           contingencies. The letters were sent December 19th  
10          and publication of this was December 21st.

11           Mr. Hearing Examiner, at this time I move  
12          to Exhibits A, B, and C and all sub-exhibits be  
13          admitted into the record for this case and that the  
14          case be taken under advisement.

15           HEARING EXAMINER: Are there any  
16          objections? Your objections are admitted into  
17          evidence. Are there any other questions,  
18          Mr. McClure?

19           MR. MCCLURE: Mr. Hearing Examiner, can I  
20          request a ten-minute recess before we conclude this  
21          case?

22           THE COURT: Yes.

23           MR. MCCLURE: Thank you, Mr. Hearing  
24          Examiner.

25           HEARING EXAMINER: All right. The time now

1 is 11:23 a.m. and we'll come back on the record at  
2 11:33 a.m. Off the record.

3 (A recess was taken.)

4 THE COURT: It is 10:32. We are back on  
5 the record after a ten-minute break. Mr. McClure,  
6 are you ready to proceed?

7 MR. MCCLURE: Yes, I am, Mr. Hearing  
8 officer.

9 HEARING EXAMINER: Which witness did you  
10 have a question for?

11 MR. MCCLURE: I'm going to have a question  
12 for the land man. I think I can just make a request  
13 of Mr. Savage for the geologist.

14 HEARING EXAMINER: Sounds good. So  
15 Mr. Savage, who's your land man.

16 MR. SAVAGE: Mr. Hearing Examiner, the land  
17 man is Tim Prout.

18 HEARING EXAMINER: Would you turn your  
19 camera on, Mr. Prout?

20 MR. PROUT: Yes, sir. Well, it's not  
21 working here.

22 HEARING EXAMINER: Mr. Prout, if you need  
23 some time to get your camera working we can go into  
24 recess on this case and then come back after the  
25 next case. Does that work for you?

1 MR. PROUT: I think it's turning on.

2 HEARING EXAMINER: I think you're right.  
3 Do you have a little slider over the, actual, camera  
4 on your laptop that maybe you need to slide?

5 MR. PROUT: No, sir.

6 HEARING EXAMINER: No cover?

7 MR. PROUT: No, sir.

8 THE COURT: All right. Well, we can't see  
9 you so that's not working. We're starting to run  
10 late. Why don't you get your camera working and  
11 we'll come back to you. We'll go on recess on this  
12 case. And I'm going to call case 25073, 74, and 75.  
13 Entries of appearance, please.

14 MS. McLEAN: Yes. Jackie McLean with  
15 Hinkle Shanor on behalf of Permian Resources.

16 HEARING EXAMINER: Thank you. Are you  
17 presenting all three together?

18 MS. McLEAN: Yes, that's correct.

19 THE COURT: Do you know of any other  
20 parties who have entered?

21 MS. McLEAN: There are no other parties.

22 HEARING EXAMINER: Feel free.

23 MS. McLEAN: Thank you. In case numbers  
24 25073, 25074, and 25075 Permian Resources seeks to  
25 pool all uncommitted interests from the top of the

1 Bone Spring formation to the base of the second  
2 Bone Spring interval only due to a depth severance  
3 in the acreage. And Permian Resources is seeking to  
4 pool the entirety of sections 14 and 13 township 20  
5 south range 28 east in Eddy County with the  
6 exception of the south half north half of section 13  
7 and that acreage will not be stranded because it is  
8 currently producing acreage with another well. And  
9 we've included that in the testimony as well. And  
10 these facing units will be dedicated to the wombat  
11 13 fed com unit 121H, 123H, and 124H wells.

12 We filed amended exhibits at the request of  
13 Mr. McClure yesterday and these exhibits include the  
14 self-affirm statements of land man, Ryan Kurry, and  
15 geologist, Christopher Canton, both of whom had  
16 previously testified. As set out in Exhibit C for  
17 each case, notice letters were timely sent on  
18 December 12th and notices published on  
19 December 19th. With that, I ask that exhibits be  
20 admitted in case numbers 25073 through 25075 and  
21 that the cases be taken under advisement.

22 HEARING EXAMINER: Thank you. Any there  
23 any objections? The exhibits are admitted into  
24 evidence. Mr. McClure, any questions on these three  
25 cases.

1 MR. MCCLURE: Mr. Hearing Examiner, I have  
2 no questions for any of these three cases.

3 HEARING EXAMINER: And you said that you  
4 filed an amended exhibit packet. Freya, would you  
5 take out anything that conflicts?

6 MS. TSCHANTZ: Yes.

7 HEARING EXAMINER: Thank you, very much.  
8 These cases are taken under advisement.

9 Mr. Prout, do we have your camera on?

10 MR. SAVAGE: Mr. Hearing Examiner, may I  
11 ask a question real quick?

12 HEARING EXAMINER: Yes.

13 MR. SAVAGE: So those witnesses who have to  
14 call in, is there a procedure for swearing them in  
15 and having them answer questions with just audio or  
16 do you need to see?

17 HEARING EXAMINER: I like to see them.

18 MR. SAVAGE: Yes, sir.

19 HEARING EXAMINER: I'm the judge of  
20 credibility as is Mr. McClure, and it's very hard to  
21 judge someone's credibility when you can't see them.

22 MR. SAVAGE: Yes. Understood.

23 THE COURT: So Mr. Prout, we still don't  
24 have your camera on. Do you want to try to join  
25 with your phone or something that has a camera? Oh,

1 there you are. Okay. I see you. Sir. Would you  
2 unmute your microphone so I can hear you.

3 MR. PROUT: Yes, sir.

4 HEARING EXAMINER: I can hear you. Would  
5 you raise your right hand.

6 TIM PROUT,  
7 having been first duly sworn to state the whole  
8 truth, testified as follows:

9 MR. PROUT: Yes, sir.

10 THE COURT: Would you state and spell your  
11 name for the record.

12 A. Yes. Tim Prout, T-I-M, P-R-O-U-T.

13 Q. Thank you. And have you been previously  
14 qualified as an expert before this division?

15 A. Yes, sir.

16 Q. In what field?

17 A. Land.

18 Q. Okay. Mr. McClure?

19 MR. MCCLURE: Mr. Hearing Examiner, was  
20 that me you were asking?

21 HEARING EXAMINER: Yes, sir.

22 MR. MCCLURE: Thank you, Mr. Hearing  
23 Examiner.

24 Mr. Prout, I guess I don't know if you have  
25 access to your screen or not. I was wondering if I

1 can draw your attention to Page 36 of 131. This  
2 page has a table with, I think the overall ownership  
3 of the proposed unit.

4 A. Yes, sir.

5 Q. Okay. Below that table it has a statement  
6 uncommitted working interest owner seeking to  
7 compulsory pool. Do you see the statement I'm  
8 referring to?

9 A. Yes, sir.

10 Q. Okay. Is this just referring to the higher  
11 table where the individual tracts are deviated out  
12 and some working interest owners are listed and some  
13 committed and some are list as committed?

14 A. Yes, sir. The only working owner interest  
15 that are in this list that's committed is WPX.

16 Q. Okay. So WPX is asking to force pool  
17 pretty much every other -- well, every other working  
18 interest other than itself; is that correct?

19 A. Yes, sir.

20 Q. Thank you, sir. Can you briefly rehash  
21 what Mr. Savage was referring to when he was talking  
22 about XTO Holdings at Reed and Stevens?

23 A. Yes, sir. We sent the letters via  
24 certified mail, and as we usually do to the last  
25 known address that we were aware of. And when we

1 discovered that the letters had been returned, we  
2 reach out to both parties and Reed Stevens had been  
3 acquired by Permian Resources, and we were unaware  
4 and XTO was, actually, aware of the proposals. And  
5 I'm not sure why it was returned, but both parties  
6 waived. And between the letters and compliance with  
7 the rules and the intended recipients waiving we  
8 believe that the notice issue was resolved and no  
9 longer an issue.

10 Q. So just to confirm, I have a handle on the  
11 situation. Essentially, the written notice was  
12 provided to the incorrect address for both Reed and  
13 Stevens and XTO Holdings; is that correct?

14 A. Correct. It was the last known address we  
15 had.

16 Q. And, to cure notice your intent was to  
17 provide -- or have them provide you a waiver of  
18 protest?

19 A. Yes, sir.

20 Q. Okay. Thank you, Mr. Prout. I have no  
21 further questions for this witness, but Mr. Savage,  
22 the cross-section within the geology exhibits, it's  
23 on Page 64. Are you with me, Mr. Savage?

24 MR. SAVAGE: Yes, sir.

25 MR. MCCLURE: Can we resubmit an amended

1 exhibit that has the API numbers for each of these  
2 wells included?

3 MR. SAVAGE: Yes, we can do that.

4 MR. MCCLURE: Thank you, Mr. Savage.

5 Thank you, Mr. Hearing Examiner. I have no  
6 further questions, and I think we can take the case  
7 under advisement.

8 HEARING EXAMINER: Thank you.

9 MR. MCCLURE: Or excuse me, after the  
10 amended exhibit packet. I apologize.

11 HEARING EXAMINER: I knew what you meant.  
12 Thank you very much. Okay. So Mr. Savage, when  
13 will you be able to file the amended hearing?

14 MR. SAVAGE: Monday would be helpful.

15 HEARING EXAMINER: That's the 13th, I  
16 think. So close of business on the 13th. 25058,  
17 the record will remain open until that time and then  
18 we will take it under advisement. And thank you,  
19 Mr. Prout for your participation. I'm now going to  
20 call three Mewbourne cases. 25109, 25110 and 25111.

21 MS. VANCE: Good morning/afternoon,  
22 Mr. Hearing Examiner. Paula Vance with the Santa Fe  
23 office of Holland & Hart on behalf of Mewbourn.

24 HEARING EXAMINER: Thank you. Are there  
25 any other parties that you know of?

1 MS. VANCE: I believe that COG entered an  
2 appearance in our last case.

3 HEARING EXAMINER: Ms. Vance, you know who  
4 the name of the counsel?

5 MS. VANCE: I believe it is either Ms. Ryan  
6 or Ms. Hatly. If you give me just one moment to  
7 double check.

8 UNKNOWN SPEAKER: I'm online. Sorry about  
9 that. ConocoPhillips entered an appearance in this  
10 case, but we are not objecting to a proceeding.

11 HEARING EXAMINER: Okay. And I didn't  
12 quite get your entry of appearance. Would you state  
13 it for the record?

14 MS. RYAN: Beth Ryan on behalf of COG  
15 operating.

16 THE COURT: In which case?

17 MS. RYAN: I'm sorry. Is this case 25111?

18 THE COURT: That's one of the three cases I  
19 called.

20 MS. RYAN: Yes. So just 25111. Not the  
21 others.

22 THE COURT: All right.

23 Ms. Vance?

24 MS. VANCE: Yes. And I'm going to present  
25 the case number 25109 and 25110, first, and I'll do

1 that third case last. Just so you know our land man  
2 has not previously testified, so I don't know you'd  
3 -- we've included a copy of her resume and if you'd  
4 like to swear her in now.

5 HEARING EXAMINER: Let's wait till after  
6 and see if Mr. McClure has any questions and  
7 normally I would get them qualified for the future,  
8 but we're running late and we have a longer case  
9 coming up so.

10 MS. VANCE: Sure. Okay. So I'll start  
11 with case number 25109 Mewbourne seeks to pool the  
12 uncommitted mineral interest in the Bone Spring  
13 underlying a 1572.79-acre more or less horizontal  
14 well spacing unit. And this is a nonstandard  
15 spacing unit, but Mewbourne has applied for an NSP  
16 administrative lease through a separate process.  
17 And for this particular case, the acreage includes  
18 the south half equivalent of irregular section seven  
19 as well as the entirety of irregular sections 18 and  
20 19. And that is in township 19 south, range 36 east  
21 in Lee County New Mexico. And for that particular  
22 spacing unit, Mewbourne seeks to dedicated the  
23 initial or the proposed black pearl 719 fed com 526H  
24 and 528H.

25 And then in case 25110, Mewbourne seeks to

1 pool the uncommitted mineral interest, again, in the  
2 Bone Spring formation, both are the same pool, which  
3 is the pearl Bone Spring south and the pool code is  
4 49685. And in this particular case, it's a  
5 1574.79-acre more or less horizontal well spacing  
6 unit. And it is comprised of the entirety of  
7 irrelevant section 31. And that's township 18 south  
8 range 36 east. And then the entirety of irregular  
9 section six and then the north half of irregular  
10 section seven. And then that's in township 19 south  
11 range 36 east and that's in Lee County as well.

12 So, basically, case number 25110 is the  
13 north, and then case number 25109 is the south. So  
14 they butt up against each other. And then with that  
15 second case Mewbourne seeks to, initially, dedicated  
16 the flying Dutchman 731, state com 526H and 528H to  
17 that spacing unit. We have included in our cases,  
18 the hearing packets, a copy of the application, the  
19 compulsory pulling checklist as well as the  
20 self-affirm statement of landman Payton Warren,  
21 again, she has not previously testified and we have  
22 included her resume. And then we've also include  
23 the statement of our geologist, Charles Crosby who  
24 has previously testified before the division and his  
25 credentials have been accepted as a matter of

1 record.

2 So, with Ms. Warren, we have included her  
3 statement, which is Exhibit C, all of the requisite  
4 land exhibits are included. And then Mr. Crosby his  
5 statement is Exhibit D along about all the required  
6 geology exhibits. In cases, Mr. Crosby did not  
7 observe any faulty pinch outs or other geologic  
8 impediments to the drilling of these wells. And  
9 then we have included my self-affirmed statement,  
10 which is Exhibit E and includes a sample copy of the  
11 notice letter which is dated on December 20th, 2024,  
12 which times out today. And our -- I did notice  
13 because I calculated it. Our notice of publication  
14 is not timely. And so, it was published on  
15 December 24th, 2024, so I would just ask that the  
16 record stay open to allow for the notice of  
17 publication to be perfected.

18 I believe we do need to rely on it. I  
19 won't take up the division's time, but I don't  
20 believe all the noticed was delivered so, yes.  
21 We'll need to rely on that notice of publication.  
22 So I would just ask that the record stay open and  
23 possibly if the division would allow it for us to  
24 come back at the January 23rd docket to be able to  
25 perfect notice. And with that, unless there are any

1 questions, I would ask that the exhibits and  
2 sub-exhibits be admitted into the record and that  
3 these cases be taken under advisement at this time.

4 HEARING EXAMINER: Are there any  
5 objections? Not hearing any, I'm admitting the  
6 exhibits in these two cases into evidence.

7 Mr. McClure, any questions on these two cases?

8 MR. MCCLURE: Mr. Hearing examiner, I have  
9 no questions for these two cases nor the third case,  
10 but I will have requests for each of the cases. And  
11 understanding that the applicant asked to continue  
12 these cases due to notice, I wonder if maybe we  
13 should give her an opportunity to reevaluate whether  
14 she believes public notice was published in a timely  
15 manner.

16 MS. VANCE: I believe that's what I have  
17 discussed, Mr. McClure, which is we recognize that  
18 our two publication in these particular cases, which  
19 are 25109 and 25110 were published on December 24th  
20 so they are not timely. And so we are just asking  
21 for the record to stay open and we'll come back on  
22 the January 23rd docket to perfect notice at that  
23 point, but we recognize that it's not timely.

24 MR. MCCLURE: Well Ms. Vance, I think you  
25 misunderstood what I was getting at. Are you sure

1 that between 4th would be untimely. What date did  
2 you calculate as being required for public notice  
3 for this hearing?

4 MS. VANCE: Well, I use a little date  
5 calculator on the internet. And, so. . .

6 HEARING EXAMINER: I'll calculate it. So  
7 Mr. McClure, we don't count the 24th, that's the day  
8 it was sent. We don't count the 25th and we're not  
9 going to count the first. We also don't count  
10 weekends. So we have 26, 27, 30, 31. Two, three,  
11 so that's six days. The third is the 6th day. And  
12 then we have seven, eight, nine, ten. Ten would  
13 being today.

14 MS. VANCE: I have tomorrow when I use the  
15 little date calculator thing.

16 HEARING EXAMINER: We're going to come back  
17 anyway. Well, I mean -- so Mr. McClure, are you  
18 suggesting that it is timely even sending it out on  
19 the 24th?

20 MR. MCCLURE: I mean, I believe it is, but  
21 I would -- my review would conclude that the 24th  
22 was timely, yes.

23 THE COURT: So, you know, Ms. Vance there's  
24 no one to object to it, and the division seems to  
25 the think the 24th fits, so. . .

1 MS. VANCE: We're perfectly fine with that.

2 HEARING EXAMINER: So Mr. McClure, what do  
3 you want Ms. Vance to amend in these two cases.

4 MR. MCCLURE: Ms. Vance, the cross-section  
5 within the geology exhibit for both of these first  
6 two cases include the small map that's overlaying  
7 it. I have the page numbers if that would be  
8 beneficial to you, but if you're already familiar  
9 with what I'm referring to.

10 MS. VANCE: I'm there, and I can see it and  
11 that's easy to remove.

12 MR. MCCLURE: Thank you, Ms. Vance. If we  
13 can submit an amended exhibit packet with those --  
14 with that map removed from both of these exhibit  
15 packets.

16 MS. VANCE: Not a problem.

17 HEARING EXAMINER: Ms. Vance, how long do  
18 you need to amend the exhibit packets in both of  
19 these cases?

20 MS. VANCE: I can get that done this  
21 afternoon.

22 HEARING EXAMINER: How about tomorrow?  
23 We'll give you a close of business on the tenth as  
24 the deadline for these two cases.

25 MS. VANCE: Sure. I'm just checking. I

1 can remove it right now. I can send it to you to  
2 the division this afternoon.

3 HEARING EXAMINER: But you need a cover  
4 letter, so let's just. . .

5 MS. VANCE: Tomorrow.

6 HEARING EXAMINER: Tomorrow at 5 o'clock to  
7 give you the time you need. And then Freya will  
8 take out any other exhibit packets so that we don't  
9 get confused. So we are in recess on these two  
10 cases. We did not qualify your expert this time.  
11 So next time they appear, we'll get them qualified,  
12 okay?

13 MS. VANCE: Okay. And can I go over my  
14 last case with you?

15 HEARING EXAMINER: Please. Are you not  
16 handling Oxy.

17 MS. VANCE: No. Mr. Rankin, my  
18 counterpart, he will be doing that case.

19 HEARING EXAMINER: Now. He's not here now.  
20 Is he here. Oh, he is here. Will you let him know  
21 we're going to start Oxy in just a couple of  
22 minutes. I mean, it depends because that, you know,  
23 he has to go back to the office. I can hold out if  
24 you can hold out.

25 Mr. McClure will be done so we don't have

1 to worry about Mr. McClure's feeding habits. And  
2 when it comes to Ms. Chance, I mean, Ms. Chance if  
3 you want to leave or grab something while we're  
4 doing the hearing, you know, you could always end  
5 the recording after you come back later. We'll just  
6 have some dead space, that's all. So that way we're  
7 not torturing everyone at once. Your witnesses are  
8 available for the Oxy case?

9 MS. VANCE: Yes. It's the same two  
10 witnesses. I'm sorry. Did you say -- I'm sorry.  
11 You said Oxy.

12 HEARING EXAMINER: For the Oxy case will  
13 your witnesses be -- are they there.

14 MS. VANCE: I believe. I saw  
15 Mr. Janacheck, he was on there and I saw a couple of  
16 others, so I believe they're all there.

17 HEARING EXAMINER: So we'll get to that.  
18 So, why don't you present your last case, Ms. Vance.  
19 As briefly as possible.

20 MS. VANCE: As briefly as possible. So, in  
21 case number 25111, Mewbourne seeks in order  
22 approving a 640-acre more or less overlapping  
23 nonstandard horizontal well spacing unit in the Bone  
24 Spring formation and the pool is the Benson Bone  
25 Spring and the pool code is 5200. And that is

1 underlying the north half of section 12. And that's  
2 in township 19 south, range 30 east, and then we  
3 have the in addition to all of irregular section  
4 seven in township 19 south, range 31 east. And,  
5 again, that's in Eddy County New Mexico.

6 And then pooling all the uncommitted  
7 interest owners in that acreage. And in this case  
8 Mewbourne seeks to dedicated the spacing unit to the  
9 Zeekie 127 fed com 611.H and then 613H. As I noted  
10 we requested approval for the overlap overlapping  
11 spacing unit. However, we sent out notice which  
12 we've included a copy of along with the tracking  
13 information. No objections were received and so we  
14 would just ask to drop that request from the  
15 application. It's not necessary at this point.

16 In this case, we've included the copy of  
17 the application provided the compulsory pooling  
18 checklist as well as the self-affirm statement of  
19 the land man Payton Warran and geologist, Charles  
20 Crosby. Ms. Warran's statement is Exhibit C.  
21 Again, I've include a diagram of the overlap along  
22 with all the requisite land exhibits. And then  
23 Mr. Crosby's statement is Exhibit D along with all  
24 the required geology exhibits. In this case  
25 Mr. Crosby did not observe any faulting pinch outs

1 or geological impediments to the horizontal drilling  
2 of this well or these wells.

3 And then, lastly, is myself affirmed  
4 statement of notice along with a sample copy of my  
5 of the letter that went out, which was timely. It  
6 went out on December 20th, 2024. And then our --  
7 the affidavit of notice of publication is also  
8 included and that time, that was sent out on  
9 December 21st, 2024. And unless there are any  
10 questions I would ask that this case and the  
11 exhibits and sub-exhibits be admitted into the  
12 record, and that this case be taken under advisement  
13 noting that if there is a diagram or a map over the  
14 cross-section we'll remove that and I will re-file  
15 as a revised exhibits for Mr. McClure.

16 HEARING EXAMINER: Are there any objections  
17 to the exhibits? Not hearing any, your exhibits are  
18 admitted into evidence.

19 Mr. McClure, any questions on 25111?

20 MR. MCCLURE: Mr. Hearing Examiner,  
21 actually, a question did come up after Ms. Vance's  
22 presentation, but she can probably address it  
23 because it's related to her presentation.

24 HEARING EXAMINER: All right. What is the  
25 question?

1 MR. MCCLURE: Ms. Vance, you referenced  
2 that the overlapping spacing unit is no longer an  
3 acreage. Can you rehash what you said about that.

4 MS. VANCE: Sure we provided notice which  
5 is, first of all, if you go to Page 17 of 51, you'll  
6 see a diagram that I put together that shows the  
7 proposed spacing unit along with the existing  
8 spacing units. And then if you go to page -- let me  
9 see here.

10 MR. MCCLURE: Ms. Vance, if I can interrupt  
11 you. Maybe I misheard you. Did you say that  
12 there's no that you're no longer requesting the  
13 overlapping spacing unit or not?

14 MS. VANCE: We're no longer requesting  
15 approval because we haven't gotten any objections,  
16 so there's no need -- I mean, if you -- that's  
17 typically how we've treated it. If there's no  
18 objection then there's no requirement -- there's no  
19 need to request for approval, but if that needs to  
20 be stated in the order that's fine, but, again,  
21 there's been no objections received from any of the  
22 affected parties.

23 MR. MCCLURE: No, Ms. Vance. I wasn't  
24 referring anything on that. I was just -- when you  
25 were going through your presentation, I

1 misunderstood and I thought that you meant that  
2 there was no longer going to be an overlapping space  
3 unit, but now I understand where you're coming from.  
4 So I have no further questions, but I will request  
5 that you resubmit a -- go ahead Ms. Vance.

6 MS. VANCE: I was going to say, I don't  
7 believe that this structural cross-section had a map  
8 over it, but you tell me if you're seeing something  
9 and I'm again happy to fix it.

10 MR. MCCLURE: Ms. Vance, yeah, this case  
11 has a different request I guess for myself, not the  
12 cross-section. I request a amended compulsory  
13 pooling administrative checklist. The reason being  
14 that section seven has an additional pool included  
15 within it. That being the Hackberry Bone Spring  
16 north.

17 MS. VANCE: Can I -- oh, please, go ahead.

18 MR. MCCLURE: Yeah. The pool code is  
19 97056.

20 MS. VANCE: And you said that is 97056.

21 MR. MCCLURE: That is correct.

22 MS. VANCE: In section irregular section  
23 seven.

24 MR. MCCLURE: That is correct. All of  
25 section seven is that pool. And then the pool that

1 you currently have on the compulsory pooling  
2 checklist is in section 12. So that pool is correct  
3 for section 12.

4 MS. VANCE: Okay. That's not a problem.

5 HEARING EXAMINER: Ms. Vance, how much time  
6 do you need to submit?

7 MS. VANCE: Tomorrow.

8 HEARING EXAMINER: So we will set a  
9 deadline of close of business on January 10 and then  
10 we will take the case under advisement once we get  
11 your amended exhibit packet. And Freya will remove  
12 the conflicting existing packet. Are you done with  
13 that case?

14 MS. VANCE: I sure am.

15 HEARING EXAMINER: Thank you for your  
16 participation, Ms. Vance, have a nice day. I am now  
17 calling the last case on our docket. This is OXY  
18 USA. It was number 24 if our docket. It is case  
19 number 25054.

20 MR. RANKIN: Good morning, Mr. Examiner.  
21 Adam Rankin with the Santa Fe office of Holland &  
22 Hart appearing on behalf of applicant in this case.  
23 We have three witnesses to present today. My  
24 estimation is that the presentation of the witnesses  
25 will take probably about two hours in total because

1 they have to present their testimony.

2 HEARING EXAMINER: Hold on one second.  
3 Mr. Rankin, it's my understanding that our two  
4 technical examiners do have questions for your  
5 witnesses and have reviewed all of the exhibits  
6 presented? Why do you feel as though you need two  
7 hours to present your case?

8 MR. RANKIN: Well, Mr. Hearing Examiner, I  
9 guess my thought would be -- it's possible I suppose  
10 that we could just have the examiners ask questions  
11 of our witnesses. However, there has been no  
12 testimony submitted. Written testimony. So all we  
13 had filed so far is the application and supplement  
14 exhibit packet.

15 HEARING EXAMINER: There's no self-affirmed  
16 statement.

17 MR. RANKIN: There are no self-affirmed  
18 statement.

19 HEARING EXAMINER: Well, I think we could,  
20 depending on the technical examiners and what they  
21 want to hear, and what I'll do is I'll take five  
22 minutes and talk to both of them and ask them how  
23 detailed of a summary of each of the three witnesses  
24 they would like to hear. Does that work for you?

25 MR. RANKIN: That works for me.

1 HEARING EXAMINER: All right. So, I'm  
2 going to give you an opportunity to make a brief  
3 opening statement. Let's get the exhibits submitted  
4 into evidence first.

5 MR. RANKIN: So Mr. Examiner, last week we  
6 filed with in preparation for today's hearing an  
7 exhibit packet. The exhibit packets contain OXY  
8 Exhibits A through D. Exhibit A is a copy of the  
9 application that was filed. The application has a  
10 cover pleading summarizing what the applicant is  
11 seeking in this case. Exhibit B is an updated set  
12 of exhibits additional exhibits that were filed  
13 supplementing what was in the application and  
14 providing some additional exhibits including the  
15 resumes of two of Oxy's witnesses.

16 Exhibit C is a notice affidavit that was  
17 sent out by certified notice of affidavit, which  
18 reflects we had provided notice to each of the  
19 affected parties within a half mile of the proposed  
20 objection. It has a letter that we sent out by  
21 certified mail along with the list of the the  
22 parties affected under the division's rules showing  
23 that we have done so and that have done so timely.

24 Exhibit D is the application of  
25 publication showing we published notice of the

1 application and the newspaper of general circulation  
2 in the area and did so timely. So at this time,  
3 Mr. Examiner, I would move the admission of Exhibits  
4 A through D into the record.

5 HEARING EXAMINER: Okay. Are there any  
6 objections? Not hearing any, your exhibits are all  
7 admitted into evidence. Mr. Rankin, did you say  
8 that you -- that this is an amended exhibit packet?

9 MR. RANKIN: No. We only filed one exhibit  
10 packet, but what we did was we attached additional  
11 exhibits that were in addition to what was filed  
12 with the application, so the application had a whole  
13 series of material.

14 HEARING EXAMINER: Okay.

15 MR. RANKIN: Support and the supplemental  
16 filing -- well, the filing that we had some  
17 additional materials as well.

18 HEARING EXAMINER: Thank you. If it's  
19 acceptable to you, why don't we get all three of  
20 your witnesses sworn in. Let's get them all  
21 qualified as experts, if they're not already  
22 experts. And can you tell me if they are all  
23 previously qualified experts?

24 MR. RANKIN: They're not all. One is two  
25 are not.

1 HEARING EXAMINER: Perfect. So we'll deal  
2 with that issue. And then, why don't you think in  
3 your head between now and when we get to the  
4 question, how much time you feel each witness needs  
5 to summarize testimony that you feel would be  
6 helpful to orient the technical examiners because  
7 they're all very familiar with the exhibits. Also,  
8 I'm going to ask you if you want your three  
9 witnesses to appear as a panel.

10 MR. RANKIN: I think I would do what the  
11 examiners preference is on that point.

12 HEARING EXAMINER: Okay. I think the  
13 examiners would like the witnesses to appear as a  
14 panel, but the examiners also have the ability to  
15 direct questions to specific witnesses and if that  
16 witness doesn't have the answer, they can always say  
17 I'm not the right witness or something of that  
18 nature.

19 MR. RANKIN: That's fine. I can give a  
20 brief summary of what we're requesting here, and I  
21 think with the grace of the examiners we can walk  
22 through the exhibits quickly with each witness and  
23 make sure that they're summarizing the high points.

24 HEARING EXAMINER: That's fair.

25 MR. RANKIN: And then turn over each of the

1 witness as a panel to the division for  
2 cross-examination.

3 THE COURT: That seems like a good way to  
4 proceed. So, let me think. Let's get all three  
5 witnesses on the screen at this time. I see two  
6 people. There we go okay. All right. Would you  
7 all raise your right hand, please.

8 STEPHANIE NOONAN, STEPHEN JANACEK,  
9 EDUARDO SEOANE,  
10 having been first duly sworn to state the whole  
11 truth, testified as follows:

12 All: I do.

13 HEARING EXAMINER: Okay. I heard three I  
14 dos. Now Mr. -- okay. Would you each state and  
15 spell your name for the record. Let's start with  
16 Ms. Noonan.

17 MS. NOONAN: Hello. My name is Stephanie  
18 Noonan, spelled S-T-E-P-H-A-N-I-E, N-O-O-N-A-N.

19 HEARING EXAMINER: Okay. And Mr. Janacek.

20 MR. JANACEK: Yes. Can you hear know okay,  
21 Mr. Examiner?

22 HEARING EXAMINER: Very well.

23 MR. JANACEK: My name is Stephen Janacek.  
24 And that is spelled, S-T-E-P-H-E-N. Last name  
25 J-A-N-A-C-E-K.

1 HEARING EXAMINER: And, finally, the last  
2 witness.

3 MR. SEOENE: Yes. Good afternoon. My name  
4 is Eduardo Seoane. Last name S-E-O-A-N-E. First  
5 name Eduardo, E-D-U-A-R-D-O.

6 HEARING EXAMINER: Thank you, very much.  
7 Okay. We have the witnesses sworn in now. Now, who  
8 is the -- I think it's Mr. Janacek. Your name is  
9 familiar to me so I think you've been qualified as  
10 an expert previously. In what field.

11 MR. JANACEK: In petroleum engineering.

12

13 HEARING EXAMINER: You're a petroleum  
14 engineer.

15 Ms. Noonan, what expertise are you seeking  
16 to be qualified as an expert?

17 MS. NOONAN: I'm a petroleum geologist.

18 HEARING EXAMINER: Geologist. Very good.  
19 And Mr. -- how do you say your last name, sir?

20 MR. SEOANE: Seoane.

21 HEARING EXAMINER: Thank you, sir. What  
22 field are you seeking to be admitted as?

23 MR. SEOANE: Yes. As a completions  
24 engineer.

25 HEARING EXAMINER: As a what now?

1 MR. SEOANE: Completions engineer.

2 HEARING EXAMINER: Very good. Okay. So  
3 let's start with you, Ms. Noonan. What education do  
4 you have towards your qualification?

5 MS. NOONAN: I have a Bachelor of Science  
6 degree in geology from the University of Texas A & M  
7 at college station, and a Master's in Geological  
8 Sciences from UT Austin.

9 Q. When did you earn those degrees?

10 A. In 2011 and 2013.

11 Q. And what work have you done since you've  
12 earned those degrees that qualifies you as an expert  
13 in geology?

14 A. From 2013 until today, I have been working  
15 for OXY petroleum mostly for you Permian base and  
16 working as a geologist.

17 Q. What is your present title?

18 A. I'm a senior staff geologist.

19 Q. For what company?

20 A. Oxydental petroleum.

21 HEARING EXAMINER: Very good. You are  
22 hereby qualified as an expert in geology before this  
23 division. Now Mr. Seoane.

24 MR. SEOANE: Yes. I'm a chemical engineer  
25 from the University -- Venezuela.

1 Q. When did you earn that degree?

2 A. 2000.

3 Q. Okay. What work have you done since then  
4 to qualify yourself?

5 A. Yes. So I've been working with Oxy since  
6 2006 as a production reservoir completions engineer.  
7 I was the completions engineer supervisor in 2012  
8 for Permian. And then in 2015, I've been the  
9 completion supervisor for worldwide. And before  
10 that I worked for Schlumberger, and I've worked as a  
11 completions engineer factoring, cement, and coil.

12 Q. What is your present title?

13 A. Worldwide completion engineer supervisor.

14 Q. You are hereby qualified as a completion  
15 engineer. Is that what you want or production  
16 engineer?

17 A. Completion engineer.

18 Q. Okay. Completion engineer before this  
19 division from here on in. Okay.

20 Now Mr. Rankin, do you want to give a brief  
21 opening?

22 MR. RANKIN: Yeah, I can do a very brief  
23 opening, Mr. Examiner, in this case, Oxy seeks an  
24 order authorizing the company to inject for purposes  
25 of enhanced oil recovery a pilot project in the

1 second Bone Spring sand interval within the Bone  
2 Spring formation. That will be dedicated to the  
3 proposed project area comprised of approximately 960  
4 acres more or less in Eddy County New Mexico.

5 I'll go ahead and describe the township and  
6 locations here. It's township 24 south. Range 29  
7 east, section 17 it will be the west half. And then  
8 in section 18 is the east half of the west half and  
9 the east half of that section. I will let  
10 Mr. Janacek describe the details around the proposed  
11 project here, but, essentially, there are potential  
12 of six candidate wells that they're proposing for  
13 potential injection. They will choose only one, but  
14 they're asking for authority to inject into all of  
15 them, but will ultimately injection into only one.

16 They anticipate that if the pilot project  
17 works as expected it will benefit enhance recovery  
18 within the second Bone Spring, interval of the Bone  
19 Spring formation between approximately 9900 feet and  
20 10,100 feet true vertical depth. I'll let  
21 Mr. Janacek touch on the rest of the high level  
22 technical aspect of the proposal, but based on this,  
23 Mr. Examiner, we ask that the division approve this  
24 pod project as requested in the application.

25 And I'll -- with that, if there's any

1 questions I'll go ahead and ask Mr. Janacek to  
2 approach the stand and we'll have him review his  
3 testimony.

4 HEARING EXAMINER: Okay. And which  
5 exhibits is Mr. Janacek, personally, responsible  
6 for?

7 MR. RANKIN: Mr. Janacek is responsible for  
8 overseeing all of the exhibits, but each of the  
9 witnesses have contributed slides to -- so I'll  
10 confirm as we go through which slides they each were  
11 responsible for.

12 HEARING EXAMINER: Okay. Mr. Janacek, go  
13 right ahead.

14 MR. RANKIN: One moment.

15 Mr. Janacek, you've already been qualified  
16 to testify as an expert in petroleum engineering.  
17 Can you please provide us a brief summary and  
18 overview of what it is that Oxy is requesting today?

19 MR. JANACEK: Yes I can. Adam, would you  
20 like to share your slides or. . .

21 MR. RANKIN: I will. Here we go.

22 MR. JANACEK: Okay. Great. I can see your  
23 screen. Okay. Good morning. So, today with Oxy's  
24 proposed pilot project in New Mexico. We're  
25 proposing to initiate what we call an Intra-Well

1 Miscibility or IWM project. This is a type of  
2 enhanced oil recovery or EOR injection project. And  
3 this is within one single existing horizontal well.  
4 As Mr. Rankin referred to earlier, there are six  
5 wells we are seeking the approval for the authority  
6 to inject into, but, ultimately, we will be  
7 selecting only one well for the pilot and only one  
8 well will be part of this pilot project.

9 HEARING EXAMINER: Mr. Janacek, let me  
10 interrupt you for just a moment.

11 Mr. Rankin, I've conferred with the  
12 technical examiners. We are going to give each of  
13 these witnesses 15 minutes to present sort of a high  
14 profile overview of their positions as experts.  
15 Knowing that these two technical examiners have  
16 spent a lot of time reviewing all of these  
17 documents.

18 So Mr. Janacek, please continue, but I'm  
19 going to start timing you at 12:15. Thank you.

20 MR. JANACEK: Okay. Great. I will set a  
21 timer on my watch as well. And with that said,  
22 since I've had previous meetings with the technical  
23 examiners on this, I will try to highlight any  
24 differences or updates since the previous  
25 discussions that we've had. So let me continue with

1 wrapping up the project overview. Yes, I think we  
2 touched on the type of project being an EOR  
3 injection project. We are looking to inject into  
4 one of these six wells. Our primary candidate at  
5 the moment is the Patton MDP1 18 Federal 5H, HAPI  
6 number 30-015-44272.

7 And the remaining five wells are alternate  
8 wells that could be selected. Talking about the  
9 target injection zone, we are targeting injecting  
10 into the second Bone Spring Sand interval. All of  
11 these wells are drilled and completed in the second  
12 Bone Spring Sand interval. And the associate intra  
13 vertical depths of their producing -- can be found  
14 injection well data sheets.

15 Excuse me. I'm trying to skip through this  
16 and get the highlights. The maximal allowable  
17 surface pressure for injection for produced gas for  
18 this project is proposed to be 4,590 0PSI. With a  
19 proposed average daily injection rate to be anywhere  
20 between 1.5 million standard cubic feet of gas  
21 projected per day up to 3 million standard cubic  
22 feet of gas injected per day. I think that is all  
23 for this page.

24 MR. RANKIN: Thank you. Do you want to  
25 touch on the timing -- discuss on the nature of the

1 project area and the interest within this proposed  
2 project area?

3 A. Yes. Looking at the project area map here  
4 on Page 14 of 92. Could you zoom out just a touch,  
5 please. Yes. Thank you. So from the project area  
6 map we're looking at a couple of different things.  
7 The first of which is the purple outline which is  
8 the project area outline composed of the horizontal  
9 spacing unit of each of the six proposed wells.  
10 We're also highlighting here in yellow the Oxy  
11 leasehold in this project area and offsets of the  
12 project area. We're also showing the red well board  
13 trajectories of each of the candidate wells. And  
14 we're also showing in blue the half mile AOR buffer.  
15 One thing to note about this project and these  
16 wells, all of these wells are a hundred percent Oxy  
17 working interest. They are also all located on  
18 federal lease. And they are all only respectably  
19 located on one federal lease for each well.

20 And I believe that is all my notes for that  
21 slide. Slide 15 here. Our candidate list and  
22 requested relief. Again, it was referred to  
23 earlier, but our primary candidate for this project  
24 is Patton 185H. And as noted in the comments here,  
25 this is currently associated with a closed loop gas

1 capture injection order, as well as three other  
2 wells on this list for our composed project, our  
3 closed loop gas capture wells. I'll speak to that  
4 in a bit.

5 The requested relief summarized here is as  
6 follows. We're looking to conduct pilot project  
7 over a five-year period. There are the six proposed  
8 wells. We're looking to receive the authority to  
9 simultaneously inject the produced hydrocarbon gas  
10 while simultaneously producing oil and gas from the  
11 well. As stated previously, the maximum allowable  
12 surface pressure for injecting produced hydrocarbon  
13 gas is 4,590PSI in this project.

14 And, a note regarding the mechanical  
15 integrity test or MITs for this project, the packer  
16 for the MIT will be set below the top of the Bone  
17 Spring formation at approximately 8100 feet TBD.  
18 And the post pilot MIT will be ran after injection  
19 ends. We are approximating that injection will be  
20 for about 48 months. That's our best guess at this  
21 time, but it could be shorter or longer. That is  
22 all for this slide.

23 Q. So the next three slides, Mr. Janacek, are  
24 the as drilled C102s slides 18 through 23. Is that  
25 correct of each of the proposed candidate wells?

1           A. That's correct.

2           Q. And then, so we'll skip over those. The  
3 next slide, I think that might be worth touching on  
4 is an explanation for how the pilot project will  
5 work and you'll be able to simultaneously inject and  
6 -- do you want to just it up on some highlights  
7 here?

8           A. Yes. Some highlights here are, we're  
9 focusing on the down hole aspects of this project  
10 where we're zooming in on a portion of the  
11 horizontal well as noted with the circled section A.  
12 This injection and production assembly is going to  
13 be installed in 1,000 feet of the existing  
14 5,000 feet of the producing lateral for this proof  
15 of concept pilot. And what we have here is a  
16 simplified diagram of what will be happening with  
17 injection going into the well and production coming  
18 out of the hole simultaneously.

19           So walking through this diagram we have in  
20 red are perforation clusters, which will be injected  
21 into. So our injecting gas will go into these perf  
22 clusters, and then it will enter the reservoir and  
23 sweep the reservoir perf space between the injection  
24 and production perf clusters. And then we will see,  
25 finally, production coming out of the producing perf

1 clusters flow up the tubulars of our well to surface  
2 and it will be produced. So this is a simplified  
3 overview of a zoomed in injection sequence within  
4 the horizontal wall board.

5 Q. Quickly, Mr. Janacek, the gas that will be  
6 used for this injection for our purposes will be  
7 source gas from under an existing commingling  
8 approval; is that correct?

9 A. That's correct.

10 Q. And this slide here slide 25 of 92 shows  
11 which order, that commingling order that is  
12 authorized under?

13 A. That's correct.

14 Q. And then the following pages slides 26  
15 through 28 are in each of the wells that contribute  
16 source gas under that existing commingling approval?

17 A. That's correct.

18 Q. And each of the six wells that are proposed  
19 as candidate wells in this project, they're also  
20 underneath this existing commingling approval,  
21 correct?

22 A. That's correct.

23 Q. Now, I want to move to the next slide here,  
24 which is a demonstration of how Oxy is modelled.  
25 The expected EOR benefits. Will you just confirm

1 for me, Mr. Janacek, that Oxy had modelled this and  
2 if the pilot project works as expected, Oxy expects  
3 to see a positive response within the second Bone  
4 Spring, which is the target here?

5 A. That's correct. We do.

6 Q. Okay. Next slide here, I want you to just  
7 touch on this so it's clear. You mentioned that  
8 this is a BLM lease 100 percent federal acreage, 100  
9 percent working interest Oxy. Just explain for us  
10 for the record how it is that Oxy is going to  
11 account has discussed with the BLM and will get BLM  
12 approval for this, but how Oxy is going to be  
13 accounting for the federal royalties here?

14 A. Yes. So Oxy met with BLM on October 30th,  
15 2024 to provide an overview of the project and  
16 discuss proposed gas accounting methodology. And  
17 since this project is going to be injecting produced  
18 gas, which will be similar to the normally produced  
19 gas we wanted to have a way to address this. So Oxy  
20 proposed the BLM royalty free use of the injected  
21 hydrocarbon gas where 100 percent of the injected  
22 gas volumes will be deducted from the produced gas  
23 volumes before calculating royalty payment.

24 The BLM officers verbally approved the  
25 proposal during the meeting. And BLM will provide

1 written approval after a royalty-free sundry is  
2 submitted by Oxy.

3 Q. Now, you mentioned in your introductory  
4 comments, Mr. Janacek, that some of these proposed  
5 candidate wells are existing within a existing close  
6 with guest capture project. Can you explain briefly  
7 referring to slide 31 what Oxy intends to do or how  
8 Oxy intends to manage any of those well if they are  
9 identified as a injection well for this pilot  
10 project?

11 A. Yes. So four of our proposed candidate  
12 wells are associated with a CLGC storage injection  
13 order. This is with case -- associated with case  
14 22152. An injection order R-22208. And on the  
15 slide the four wells were listed. One note is that  
16 the primary candidate here is noted incorrectly.  
17 Our primary candidate is the Patton 185H. What Oxy  
18 is proposing the NMOCD do in this instance to avoid  
19 any overlap and injection orders is after Oxy has  
20 selected our final candidate, an injection  
21 commences, Oxy proposes NMOCD amend the order  
22 R-22208. What the selected IWF candidate well  
23 removed.

24 Q. Following, Mr. Janacek, you've conducted an  
25 areal review pursuant to the division's regulations

1 to confirm all the off-setting operators and wells  
2 within the half mile area?

3 A. That's correct, yes.

4 Q. And this first slide here two-mile map  
5 showing the mineral ownership within the two miles  
6 of the proposed project area?

7 A. Yes.

8 Q. And the following is the area of the view  
9 identifying each of the wellbores that partially  
10 penetrate or penetrate within a half mile of any one  
11 of the six proposed candidate injectors?

12 A. Yes.

13 Q. And you've identified by a number a  
14 referenced for each of the wells and in red the ones  
15 that the candidate wells; correct?

16 A. Right.

17 Q. And then the following pages are the  
18 tabulation of well data for each of the wells  
19 identified of that area of the view map showing the  
20 well construction -- current well construction for  
21 each of those wells?

22 A. Yes.

23 Q. And you've identified in red the wells that  
24 are the candidate wells; correct?

25 A. Correct.

1 Q. And you've also identified under the  
2 comment column the wells that are currently subject  
3 to the close loop guest captured case that you  
4 referenced?

5 A. Correct.

6 Q. And identified on this tabulation also the  
7 wells that are temporary abandonment status have  
8 been permanently abandoned as well?

9 A. Yes.

10 Q. And the following pages from slides 38 to  
11 44 are the well board diagrams for each of those  
12 wells that penetrate THE proposed injection interval  
13 that have been PA'd or TA'd?

14 A. Yes.

15 Q. Have you identified any well construction  
16 problems or risk of communication through those  
17 wellbores to any off setting zones?

18 A. No, I have not.

19 Q. So in your opinion, each of these wells are  
20 properly plugged and abandoned or temporarily  
21 abandoned?

22 A. Yes.

23 Q. Following, Mr. Janacek, is a -- starting at  
24 slide 46 are the well bore schematics for each of  
25 the proposed injection wells; is that correct?

1 A. Correct.

2 Q. We don't have a whole lot of time here,  
3 but, basically, Mr. Janacek, these demonstrate how  
4 Oxy proposes to construct these wellbores for  
5 purposes of injection; is that right?

6 A. That's correct. For purposes of injection  
7 and simultaneously.

8 Q. Is it your opinion that approval of this  
9 application will prevent waste and protect --  
10 rights?

11 A. Yes.

12 Q. And if the pilot project is -- works as  
13 expected, do you believe it will increase production  
14 substantially more resulting in substantially more  
15 hydrocarbons within the project area than would  
16 otherwise be produced within the second Bone Spring?

17 A. Yes, I do.

18 Q. Okay. And then, Mr. Janacek, were slides 1  
19 through 57, are they prepared by you under your  
20 direction and supervision?

21 A. Yes.

22 MR. RANKIN: Okay. No further questions.  
23 And I can move on to my next witness.

24 HEARING EXAMINER: Okay.

25 MR. RANKIN: Next witness is going to be

1 Mr. Seoane. Mr. Seoane, are you there? Can you  
2 hear me?

3 MR. SEOANE: Yes.

4 Q. You are the completions engineer who  
5 oversaw the development of this project for the  
6 completion side, correct?

7 A. Yes, that's correct.

8 Q. Okay. So I'm going to work with you just  
9 to kind of go through at a high level, and you can  
10 let me know say address the issues that you think  
11 are -- let me get to your slides real quick.

12 A. Yep.

13 Q. Real quick, just a high level, Mr. Seoane,  
14 can you explain on slide 58 how Oxy determined the  
15 maximum service injection pressure?

16 A. Yes. We determined the max surface  
17 injection pressure utilizing the -- gradients. The  
18 first gradient there is the OCD gradient of 0.2 PSI  
19 per foot. And then utilizing the fresh water  
20 gradient of 0.433. And then we utilized the TPD of  
21 the packer. So adding the two gradients OCD, the  
22 fresh water times the true vertical depth of the  
23 packer gave us the bottom hole pressure. We  
24 utilize this bottom hole pressure to be, actually,  
25 utilizing the prosper model, which prosper is an

1 industry standard software pressures, which you can  
2 make calculations in terms of pressures on surface.

3 What would be the max pressure that we're  
4 going to be seeing injecting gas. So, the rights,  
5 basically, with prosper we're able to calculate the  
6 max pressure that Stephen pointed out around 4590  
7 PSI would be our max surface pressure. The  
8 injection rates that we're thinking or actually  
9 proposing on this project is around 1.5 million  
10 standard cubic feet a day to 3 million. And that  
11 will be dictated by the injection assembly itself.

12 Q. Next slide here, Mr. Seoane, just at a high  
13 level, explain how well bore be constructed during  
14 for injection and what components would be in place.

15 A. Yes. So we have one through four  
16 components. The first one -- basically, we have all  
17 these different components to mitigate any potential  
18 risk with mechanical integrity. So the first one  
19 we're going to be running -- and I'll talk a little  
20 bit about that on my next slide on the magnetic  
21 log-in tool. We're going to run a magnetic  
22 impedance to -- on a yearly basis to understand what  
23 is the, actually, the thickness of the casing  
24 itself. The good thing about this tool can read up  
25 to five different casings in a centered way. And

1 if necessary when we pull the equipment out, we can  
2 run an inspection log or caliper inspection log as  
3 well.

4 And then number two would be our mechanical  
5 integrity test. Once we pull the equipment out of  
6 the well, we can set a plug in the well and then do  
7 a hydro test of the well to the pressures needed for  
8 the project. After we're done, after 48 months, we  
9 can sting out, actually, the tubing, and then retest  
10 the well at pressures that are needed in terms for  
11 regulatory purposes.

12 And then on number three, we would like to  
13 prevent any corrosion on the casing itself because  
14 we're going to be injecting gas between tubing and  
15 casing. And we have a dehydration unit, which I'll  
16 strip out the water of the gas, which will prevent  
17 corrosion on the casing.

18 And then last, but not least, is number  
19 four the SCADA system, basically, is to prevent any  
20 potential if there's any pressure spikes we'll have  
21 safety shutdown valves. We can measure injection  
22 rates as well. The injection pressure. And then we  
23 can, actually, monitor the bradenhead pressures of  
24 this well. Basically, we can measure all the  
25 different pressures on different casings. And the

1 SCADA system will give us alert for that. There's  
2 another page further down that has the whole exhibit  
3 in terms of how the whole plan for the SCADA system.

4 With that, we'll go to the next one, which  
5 is the EM log. As I pointed before, we can run  
6 these logs through tubing, through production  
7 tubing. They can measure -- the good thing about  
8 these logs, they can measure, actually, the ID/OD up  
9 to five different strings in a concentric way. The  
10 tool measures 1 in 16th, so we can, actually, get it  
11 in through the tubing. If we compare that to a  
12 caliper log, 40-arm caliper log, it only reads the  
13 ID of your tubing or casing that you're doing the  
14 reads.

15 As I said, the EM will do both internal  
16 ID/OD. And why that is important for the project  
17 because we're going to be calculating, actually, the  
18 max pressure that the casing can see. And we can  
19 see as well in time if there's any changes on the  
20 thickness of the casing. With that, the pressure  
21 capillation based on the EM log, we're going to be  
22 using Barlow's equation, which is part of API 53C or  
23 5C3. Sorry.

24 With that we can calculate the max bust  
25 pressure and as you can see the Barlow's equation,

1 there's OD and ID that it's been taken in  
2 consideration to calculate that max pressures for  
3 the project.

4 Q. Can you explain, real quick, for the record  
5 what ID is and OD?

6 A. Yes. It's internal diameter of the pipe  
7 and external diameter of the pipe.

8 Q. Anything more on this slide, Mr. Seoane?

9 A. No. We can go to the next one.

10 Q. Just at a high level explain how Oxy will  
11 run these MITs?

12 A. Yeah. So -- well, as I mentioned before  
13 we're going to be pulling the production equipment  
14 out. We're going to set a plug to the bottom of the  
15 well. We're going to be pressure testing. And then  
16 that's going to be the first MIT. Then we're going  
17 to be installing injection assembly after that. And  
18 then after we've -- after the 48 months or prior to  
19 48 months or if we see anything from the EMT or  
20 electromagnetic logs, we can, actually, sting out,  
21 pull out. We have a disconnect sub, which is there  
22 on the graph. Pull out, basically, the tubing, set  
23 the plug towards the end of the well, and hydro test  
24 back again, or pressure test the casing at that  
25 point.

1           Once we do that, we can sting back in with  
2 the production tubing, and then we can return the  
3 well back to normal production. One thing we have  
4 to think about is once we do that, once we pull all  
5 the equipment out of the way, we're going to be  
6 pulling as well lines, fiber lines and electric  
7 lines. And that will disconnect, basically, the  
8 bottom section in terms of data gathering. So  
9 that's something to have in to consideration through  
10 the project. Okay. We can go to the next ones.

11           Q. So next ones, Mr. Seoane, just at a high  
12 level, the next two slides are gas samples. The  
13 first one is of gas produced from this zone; is that  
14 correct?

15           A. Yes, that is correct. One of the samples  
16 is injective gas, and the other one is produced gas.  
17 Another thing the important part is that we don't  
18 see any H2S on the gas portion of it.

19           Q. Okay. Both the producing gas and the  
20 injection gas are very similar in quality; correct?

21           A. Correct.

22           Q. And neither has hydrogen sulfite; correct?

23           A. Yes, correct.

24           Q. The next slide here, I think, is an  
25 overview of the SCADA system. Again, at a high

1 level, explain how Oxy intends to continuously  
2 monitor the injection operations?

3 A. Yeah. So something that you're going to be  
4 a little bit different from other projects, if you  
5 can see the square magenta of color we're going to  
6 be adding a spool in terms of the wellhead, itself,  
7 and can you see there's two different cables coming  
8 out of the spool. One of them is going to be an  
9 electrical cable where we're going to be getting  
10 pressures and temperatures from the horizontal  
11 section. And the green cable is going to be your  
12 fiberoptics cable. As well on those cables we're  
13 going to have two internal valves that they're good  
14 to 10,000 pounds just in case there's any event of  
15 over pressure so we can actually control the well.

16 With that said, I'll walk you through the  
17 high pressure compressor. From the high pressure  
18 compressor we're going to go through the injection  
19 skid. We're going to have a flow meter there,  
20 two-inch flow meter. We're going to metering the  
21 flow, and then totalizing the amount of gas as  
22 described by Stephen. Then we're going to have a  
23 two-inch fisher flow valve, which we can control the  
24 amount of gas going in to be injected. And then in  
25 terms of the wellhead, itself, as you can see we

1 have subsurface safety shutdown valves. And then we  
2 are going to have pressure transducers and pressure  
3 gauging. So the pressure gauges are for the field  
4 personnel. They can see the pressures from a  
5 surface perspective. And then the pressure  
6 transducers, we're going to have a SCADA system that  
7 we can see on a five-minute or a minute base, the  
8 pressure on these wells to monitor. And that's  
9 pretty much it from a big picture perspective --

10 Q. I was going to say the next set of slides I  
11 don't think we need to go into them, but 65 through  
12 67 are a description of your operational and SCADA  
13 plan; correct?

14 A. Yes, that is correct.

15 Q. So I'm going to skip down because I think  
16 you also provided an additional exhibit and the  
17 Exhibit B. And that is an overview of the assembly  
18 installation procedure. In the next three minutes  
19 or so, Mr. Seoane, can you please just give an  
20 overview of how Oxy is going to be installing this  
21 setup in one of the injection wells?

22 A. Yes. So, as I explained before step number  
23 one, we're going to be running magnetic -- the EM  
24 log or the magnetic log to understand that  
25 with Barlow's equation that, basically, these --

1 will be able to withstand the at least a  
2 4600 pounds. Then once that is checked and  
3 complete, we're going to move in a pulling unit. At  
4 that point we're going to clean out up to  
5 12,000 feet, not to the TD of the well, only a  
6 thousand feet of the section that we're going to be  
7 installing the equipment.

8 After that, on step number four, once we do  
9 that we're going to pull out and then run logs.  
10 We're going to be running a CVL and gyro under  
11 tractor up to 12,000 feet. Then after that we're  
12 going to be returning the well to production and  
13 make an engineering decision if we want to proceed  
14 with the production equipment on this well or the  
15 setup packers that Adam showed you before in one of  
16 the sections there with Stephen.

17 Then, if everything checks good, then we're  
18 going to be running, actually, back, again, the  
19 workover rate, which is the WR. And then pulling  
20 unit, and then we're going to be running a bit and  
21 scraper 12,000 feet making sure everything is clean  
22 before we run, actually, a packer in the well and do  
23 the hydro test on the well, itself.

24 Now, we satisfied the mechanical integrity  
25 test. And then at that point we're going to be

1 running with the completion tools, packers into the  
2 well; set everything up. And then we'll rake down,  
3 we'll move the rake out of the way and then turn  
4 based -- the well to production will commence,  
5 actually, high pressure gas. And then we'll  
6 commence surveillance and the SCADA system will be  
7 on at that point.

8 Q. Thank you, Mr. Seoane, anything further  
9 other this exhibit or anything else that I didn't  
10 elicit from you that you want to say with respect to  
11 your area of this application?

12 A. No. All good. Thank you, Adam.

13 Q. Good. With that, Mr. Seoane, did you  
14 prepare slides 58 through and 66 and 79 that we just  
15 reviewed?

16 A. Yes. With the help of Stephen.

17 MR. RANKIN: Thank you, very much. No  
18 further questions of this witness, Mr. Examiner, so  
19 we'll move on to our last witness, Ms. Noonan, who  
20 is our petroleum geologist.

21 Ms. Noonan, you've been previously  
22 qualified now as an expert in petroleum geology.  
23 Can you hear me okay?

24 A. Yes. Can you hear me?

25 Q. Great. With that, I think you also have

1 prepared a series of slides overview providing an  
2 overview of your geologic assessment of the area  
3 being suitable for this injection project, correct?

4 A. Yes.

5 Q. With that, I will turn it over to you. I  
6 think there's slides starting at 81. If you would,  
7 Ms. Noonan, just please give an overview of your  
8 analysis of your geology and the acreage?

9 A. Thank you. This slide shows the geologic  
10 statement for the -- injection project. The  
11 injection wells, candidate wells are listed in the  
12 table with the primary candidate started 5H. We see  
13 those wells on the right-hand side shown on the map  
14 and in the table the primary candidate 5H is  
15 outlined in orange and the back-up candidates are  
16 single black lines.

17 The map also shows the Patton 17 and 18  
18 section outlines or the Sand Dunes acreage that Oxy  
19 operates. The primary candidate is the Patton MDP1  
20 18 Federal 5H with the other backups listed in case  
21 of mechanical integrity issues. I've done a  
22 geologic review on this area and will comment on the  
23 vertical section of rock as well as lateral  
24 succession to in part confinement upon the gas that  
25 will be injected into this project.

1           So to talk about the vertical confinement,  
2 the wells are landed in the second Bone Spring  
3 Sandstone Formation, which is the sub-formation of  
4 the Bone Spring. The top of the Bone Spring  
5 formation is at 8132 measured depth. Between the  
6 injection zone and the top of the Bone Spring  
7 there's over 1200 feet of tight carbonated mudstones  
8 and shales acting as permeability barriers to any  
9 upward migration of injected gas. Above that, there  
10 is the Delaware Mountain Group which consists of  
11 bone at connate-water bearing sands with minor  
12 limestone and shale intervals.

13           Not necessarily concerned as a confining  
14 zone. That is 3800 feet thick, but above the  
15 Delaware Mountain Group is the Castile Formation,  
16 which is very, very low permeability anhydrite,  
17 gypsum, and calcite. That's 1500-foot thick barrier  
18 to any upward migration movement of fluids. Above  
19 that is the Salado with is 1,000 thousand feet thick  
20 salt. And then above that is the Rustler Formation.  
21 The Rustler is also a very tight and anhydrite layer  
22 and access another -- as another thousand foot  
23 barrier of permeability barrier for any injected  
24 gas. Above the Rustler is a perched fresh water  
25 aquifer, which is the lowest level known of fresh

1 aquifer in the area.

2 Because of the thickness of multiple and  
3 permeable rock layers, above the injection zone and  
4 second Bone Spring Sandstone, I do not think there's  
5 a possible path for migration upward into any fresh  
6 water aquifers where they exist. So, that's the  
7 vertical succession of rock. Laterally, I do not  
8 think that the injection will migrate laterally  
9 outside of the area of interest. The injection will  
10 be contained by the vertical volume that's been  
11 previously depleted by the producing wells. The  
12 tight low permeability reservoir will be the -- and  
13 the production from the adjacent wells will be the  
14 primary constraints on conformants laterally of the  
15 injection into the project area.

16 We expect to contain the injected gas  
17 laterally. Now there are deep  
18 Pennsylvanian-Devonian faults in the area, but  
19 seismic data showed that these faults do not extent  
20 into the confining zone in the Ochoan which is the  
21 Rustler Castile -- of tight sands of tight salts  
22 that I mentioned. So there's no fault between the  
23 confining zones and the injection zone. The offset  
24 of the faults is constrained at the top of the Third  
25 Bone Spring Limestone, which exist below the second

1 Bone Spring Sandstone, so there's no faulting  
2 between the injection zone and any of the confining  
3 zones.

4 After review there's one active monitoring  
5 well within a two-mile radius of the primary Patton  
6 well candidate, but no ground water wells were  
7 found. The next slide support all these statements.  
8 We can see the area type log shine gamarian  
9 resistivity, which outlines this formations I was  
10 mentioning, the vertical succession of rock you can  
11 see in yellow. The second Bone Springs Sand  
12 formation that we're injecting into for the primary  
13 candidate is overlaying by 2100 feet tight mudstone  
14 and shales from the Bone Spring. Above that is the  
15 Delaware Mountain Group. And then above that is  
16 another confining zone B Rustler Salado Castile salt  
17 anhydrate section. That's 3,000 feet thick. And  
18 the only aquifer of concern would be above the  
19 Rustler. So we have multiple intervals of tiny rock  
20 that are between the injection zone and any drinking  
21 water.

22 Next slide please. This is a cross-section  
23 to show the lateral continuity of those confining  
24 zones that I mentioned. On the left you can see an  
25 area map of the Sand Dunes acreage operated by Oxy.

1 The red outline is the Patton 18 and 17 sections.  
2 And then we can also see the primary and candidate  
3 wells on the map as well as the location of the  
4 cross-section. The cross-section shows the  
5 continuity of both that 3,000-foot thick confining  
6 zone and the Ochoan Rustler Salado cut steel as well  
7 as the continuity of the 2100-foot thick type -- and  
8 shales in the Bone Spring. So over Patton 18 and 17  
9 we expect lateral continuity of these confining  
10 zones.

11 Next slide, please. This slide shows the  
12 structure interpretation for the Sand Dunes and  
13 Patton area. On the left we can see the Devonian  
14 fault traces that I mentioned earlier on. These  
15 Devonian faults as I said do not extend to the  
16 injection zone, but are denoted on this map, so  
17 their location can be noted. The middle and right  
18 maps are the top second Bone Spring Sand structure  
19 maps and top Bone Spring structure maps as well as  
20 the red outline of Patton 17 and 18 section lines.  
21 You can also see the primary and back up candidate  
22 locations as well as any wells in white circle that  
23 are data used to create the structure maps.

24 Overall we have a gently ease for dipping  
25 structure in the second Bone Sand in and the Bone

1 Spring. That's all for this slide. Active  
2 groundwater wells. This is a map showing any  
3 shallow wells within a one mile radius around the  
4 Patton area. One of the -- only one well was found  
5 this is active, but listed as monitoring. So we do  
6 not believe there are any groundwater wells within  
7 that area of the project. That concludes my slides.  
8 Thank you.

9 Q. With time to spare. Anything further,  
10 Ms. Noonan, that you didn't address before we open  
11 up the panel to questions by the division?

12 A. Not at this time. Thank you.

13 MR. RANKIN: Thank you. Mr. Examiner, at  
14 this time that completes our initial presentation of  
15 the application here for this pod project and we  
16 make each of these witnesses available for questions  
17 by the division examiners.

18 HEARING EXAMINER: Thank you. I believe  
19 that Mr. Million Gabber Michael will go first and  
20 then we will follow with the second technical  
21 examiner.

22 TECHNICAL EXAMINER: Thank you, Mr. Hearing  
23 Examiner. I will proceed. I think it's going to be  
24 you addressed to the panel, but may I direct your  
25 attention to Page 29. Thank you so much. My

1 question is: We could see the benefit of this  
2 proposed project in terms of production uplifting.  
3 My question is: How would you compare this pilot  
4 project to traditional enhancement methods, like  
5 huff and puff or having a sole injector and then a  
6 series of producer wells? What's the advantage of  
7 this rather unique method compared to those  
8 traditional enhancement makers?

9 MR. JANACEK: Yes, I believe I'll take that  
10 one, initially, Mr. Examiner. When we look at this  
11 project compared to other types of EOR injection  
12 projects, this one is unique in the sense that it's  
13 utilizing one well bore instead of traditionally  
14 two. In a traditional water flood or CO2 injection  
15 pilot -- or excuse me. Projects you will have a  
16 dedicated producing well and dedicated injection  
17 well. In this instance, since we have one well, but  
18 we have a lateral with multiple producing  
19 perforation steps, we're able to treat it as if  
20 those different perf clusters are wells.

21 So, in essence we're able to utilize one  
22 well bore here for injection and production at the  
23 same time instead of a traditional set up where you  
24 have a production an injection and two  
25 dedicated well. Does that answer your question?

1 Q. So you think this is more suited to  
2 horizontal wells, maybe?

3 A. Yes. This is more of an application for  
4 horizontal wells and unconventional place.

5 Q. Thank you. All right. I'll proceed to the  
6 next question. If I may direct your attention to  
7 page number 13. You described there are six  
8 candidates for this project and then you're going to  
9 run this EM logs, electromagnetic logs selected a  
10 well for the project. What are the characteristics  
11 you are hoping to identify with EM log in  
12 determining the candidate well?

13 MR. JANACEK: I will let Ed take this one.

14 MR. SEOANE: So, good afternoon. With the  
15 EM log that we're looking at, if we can go back to  
16 the, I think it's the slide where we have the  
17 equation, the Barlow's equation. So with this log  
18 we're going to be measuring around half a foot to a  
19 foot through the whole section of the well. And  
20 what we're looking at is that the casing is good at  
21 least 20 percent of the pressure that we're going to  
22 be injecting on this well.

23 So, if we're looking at 4600, at least we  
24 want to make sure that the well, itself, through top  
25 to bottom actually is over 5800 based on

1 that Barlow's equation. If it meets that criteria,  
2 then the well is a candidate for the pilot.

3 Q. Is that for the burst pressure?

4 A. Yes, correct.

5 Q. Okay. Okay. I'll proceed to the next  
6 question. On Page 58, you proposed a maximum  
7 surface injection pressure of 4590 PSI and then the  
8 maximum injection rate, you could range from 1.5 to  
9 3 million. How did you determine those figures?  
10 And then the other question I have is: What are  
11 your inputs into the prosper model in determining  
12 this maximum pressure? And have you considered the  
13 friction in this regard or the prosper model  
14 automatically takes it into consideration?

15 MR. SEOANE: Yes. So, as you can see there  
16 in the slide, we took, basically, the fluid  
17 composition, that whole equipment, the bottom hole  
18 pressure. And the other thing is going to be  
19 dictating the right is the injection assembly,  
20 itself. So there's a little bit of uncertainty. In  
21 terms it might be between 1.5 to 3 million, but we  
22 want to cap basically the max injection rate of  
23 4590. And that's due to be able to be miscible, be  
24 in the miscible phase to be able to push the oil  
25 from the injection side to the production side.

1 Q. So, did you take into consideration  
2 friction? Did you compensate for friction?

3 A. Yes.

4 Q. Do you have an idea how much what that  
5 pressure is, top of your head or no?

6 A. So -- I think from the bottom hole -- can  
7 you specify. I think what you're pointed out is the  
8 bottom hole assembly?

9 Q. Yes. Especially the 1,000 the horizontal  
10 that's where the friction is dominant.

11 A. Yeah. So we want to keep it no more than  
12 2,000 pounds. And that's why we have, actually,  
13 pressure gauges at the bottom of this well.  
14 Actually, we don't want to exceed a differential of  
15 3,000 pounds as well because there's some  
16 limitations on the equipment, itself. So, one of  
17 the things that we're going to have in this well is  
18 bottom hole pressure upon real time. And we don't  
19 want to go over 3,000 pounds differently.

20 Q. Sure. Sure. This question also goes with  
21 this one. Since our existing production wells. Is  
22 there any fracture gradient available from your  
23 previous either oxidization or fracking? Do you  
24 have that value there from the previous data?

25 A. Yes. And I think so is close to surface

1 pressure of 4800 pounds. So we want to maintain  
2 less than 4800 pounds because if we go over that, we  
3 don't want to fracture the well.

4 Q. So you did take into consideration your  
5 fracture gradient in determining this pressure?

6 A. Yes, correct.

7 Q. Okay. Thank you. All right. I'll proceed  
8 to the next question. If I may direct your  
9 attention to page number 34. It's this one. Has  
10 Oxy conducted a reservoir simulation model to  
11 determine expungent of the injected gas in the  
12 future?

13 MR. JANACEK: Not that I'm aware of.

14 Q. Do you think that would be necessary,  
15 though?

16 A. I think that is something that we could  
17 discuss and potentially provide.

18 Q. Especially, you know, injecting at that  
19 rate, yeah. All right. Thank you. I'll proceed to  
20 the next question. Can you kind of touch upon this  
21 one, but on Page 30. Adam, if you could go to  
22 Page 30. That's fine. Yeah. You stated that Oxy  
23 anticipating BLM approval. Has Oxy obtained the  
24 approval yet? And then, when are you hoping that  
25 you going to get that approval?

1 MR. JANACEK: Yes. So we've already  
2 received verbal approval from the BLM when we met  
3 with them in October of 2024. And then we will  
4 receive written approval after we file the sundry.

5 Q. Do you have any timeline for that one? Are  
6 you going to submit the sundry?

7 A. Yes. We will submit the sundry after the  
8 order has been issued, and we have selected in IWM  
9 candidate well.

10 Q. Okay. All right. I think I'll proceed to  
11 the next question. If I can direct your attention  
12 to page number 46. Thank you. Would you, please,  
13 describe the function of the fiberoptic line denoted  
14 that is the lilac line, I guess, color.

15 MR. SEOANE: Yes.

16 Q. And if you could do that. And then, while  
17 you're there I just want to confirm.

18 MR. SEOANE: Yes.

19 Q. Just go ahead with this one.

20 MR. SEOANE: Yeah, so we're going to have  
21 two lines. One of them is going to be the  
22 fiberoptic and, actually, the dotted line if you go  
23 to the bottom section where the different packers  
24 are, actually that line should be continuing through  
25 the well up to 12,000 feet.

1 Q. It expands all the way?

2 A. It expands all the way, exactly. So we're  
3 going to be measuring, basically, temperature with  
4 the fiberoptics. And we're going to measuring  
5 acoustic and with the temperature what we would like  
6 to understand is how the gas and production is  
7 moving through the horizontal section. And then  
8 with the acoustic portion of it of the fiber we're  
9 going to be understanding potential magnitude of gas  
10 or production that is coming from each section or  
11 contributions.

12 So we're going to be doing some estimates  
13 on that piece. And then the green line is going to  
14 be your electric line for the -- as I pointed before  
15 we're going to have gauges. Pressure gauge and a  
16 temperature gauge as well. We're going to have two  
17 gauges on each section. And we're going to be  
18 recording, basically, data on each portion of the  
19 well as well.

20 Q. Great. Thank you. So with this the  
21 acoustic and temperature also might have another  
22 benefit to giving you any formation behind the  
23 casing, maybe like as migrating sort of the cement  
24 or something?

25 A. Correct.

1 Q. Okay. Excellent. The other question that  
2 goes with this one is the pressure rating of the  
3 wellhead 10,000 K? I just want to confirm?

4 A. Yeah, it's going to be 10K.

5 Q. All right. The next question is, if I may  
6 direct your attention to page number 59. This  
7 discussion is concerned on the dehy unit. And then  
8 you stated that the well serve as a corrosion  
9 prevention because you're going to strip the water.  
10 In addition to the water are you planning to add any  
11 anticorrosion additives inhibitors or anything or  
12 are you just going to strip the water?

13 A. Just only strip the water.

14 Q. Stripping the water. Promise, this is the  
15 last question for me. If I may direct your  
16 attention to Page 59. It's going to be the same.  
17 So you propose that you're going to come back to two  
18 MITs, initially, and then what is it after 48 months  
19 given that you're losing your primary -- when you're  
20 using casing tubing -- you'll be using a casing  
21 mechanical barrier, do you think probably increasing  
22 the MIT frequency would be beneficial?

23 A. Yeah, so issue with doing before the  
24 48 months, one thing that we're going to have an  
25 issue is with the fiberoptics and the electric line.

1 If we pull the equipment out and sting out, we're  
2 going to lose that capability so we're not going to  
3 be able to measure what is happening through the  
4 horizontal section. And that's what we're proposing  
5 to do the EM log on a yearly bases or with the SCADA  
6 system. Something that is abnormal we'll do an EM  
7 log earlier, but if we see something that is outside  
8 of extraordinary, we're still going to be pulling  
9 the equipment out. So we can do that before the  
10 48 months if it's necessary.

11 Q. So the EM log and the acoustic compressure  
12 data would also give you good information about the  
13 well --

14 A. Correct. And the fiber will be on  
15 the vertical section as well, correct.

16 Q. That's great. Well, I conclude my  
17 question. Now I'll pass it to Mr. Tony Harrison.

18 HEARING EXAMINER: Mr. Harrison, would you  
19 turn on your camera, please. Mr. Harrison, please  
20 proceed.

21 MR. HARRIS: My first question is related  
22 to the proposed completion components and the  
23 installation procedure. So, if we can go to slide  
24 46, please. So I'm looking for an overview on how  
25 this completion components are actually installed in

1 the weld. I guess my first question is: Would this  
2 entire assembly be rung as a one trip system?

3 MR. SEOANE: Yes. It would be a single  
4 trip system. Correct.

5 Q. So you, basically, pick up your isolation  
6 packers for the horizontal section. All of your  
7 associated cables and fiberoptics will be banded to  
8 the pipe. And then your upper packer, I guess your  
9 production packer would be -- would also be -- so  
10 everything is run in a single trip?

11 A. Correct. And it's going to be hydraulic  
12 packer. It's not going to be a mechanical one,  
13 because we won't be able to rotate. So it has to be  
14 hydraulic and it would just be a one single trip  
15 system.

16 Q. So, in terms of the upper packer there's  
17 penetrations through that packer both for your gauge  
18 cables?

19 A. Yeah. Gauge --

20 Q. And fiberoptics. And also it would allow  
21 gas to be injected through the packer; is that  
22 correct?

23 A. Yes, that is correct. It's called a  
24 fit-through packer.

25 Q. Okay. So, is that a unit directional flow

1 through that packer or is there a check valve in  
2 there or can gas also flow back up through the  
3 packer?

4 A. Potentially can flow back.

5 Q. So you need to maintain positive pressure,  
6 otherwise you with have back flow across that  
7 packer?

8 A. Yes.

9 Q. Okay. So, you say that you're  
10 hydraulically set. Once the setting sequence for  
11 that, do you drop a ball and land on a seat do you  
12 pump it down? How is that activated?

13 A. Yeah, it would be dropping a ball.

14 Q. Okay. So then, the three the packers in  
15 the horizontal section and the packer in the  
16 vertical section, all of those will be set  
17 simultaneously?

18 A. No. So the beauty about the system is the  
19 packers on the horizontal section it is swellable  
20 systems.

21 Q. Okay. So, what median do they need for  
22 swelling? Do they need water? Do they need oil  
23 median? How does it work?

24 A. Water and salinity.

25 Q. Okay. So you'll, basically, have -- how do

1 you ensure that water stays in the zone and doesn't  
2 leak often and bursts while you're running --

3 A. Yeah, so as you pointed out that's one of  
4 the things we're working on in terms of the fluid  
5 composition, making sure that we have the density  
6 enough to be able to maintain the water and solidity  
7 there. So there's different products out there that  
8 we're looking at at this point to maintain that  
9 density.

10 Q. Okay. I know you mentioned that you'd been  
11 running a cleanup assembly before you run the  
12 packers. Since you're running through the existing  
13 perforations here, I mean there's going to be burrs,  
14 some sharp edges that could damage the elast -- on  
15 those packers. Do you plan to include a string mill  
16 or, like, a tubing broach to remove those burrs and  
17 sharp edges to mitigate any damage to your packers  
18 or what's your plan?

19 A. Yes, that is correct. So, what we would  
20 like to do is to have almost a 98 percent drift.  
21 And then the packers, itself, are going to be  
22 smaller than that 98 percent drift to make sure that  
23 we don't damage the packers.

24 Q. Okay. You mentioned sting -- so, is this  
25 the -- do you have a receptacle above that

1 packer or --

2 A. Yes.

3 Q. So that -- is run in the pin position while  
4 you're running it whole?

5 A. Correct.

6 Q. And then, do you share that pin later or do  
7 you just leave it as is?

8 A. No. We'll leave it there. We can share it  
9 if it's necessary. And we're working to you the  
10 capillations of sharing because we have to  
11 incorporate as well the cables, right?

12 Q. Uh-huh. So I guess there's a risk that if  
13 you did share the pin you could disconnect and lose  
14 all communication; is that fair to say?

15 A. Correct. Yes, that's fair to say.

16 Q. Have you modelled whether or not the  
17 temperature change during injection and production  
18 whether or not that would be creating enough forces  
19 to share pin?

20 A. Not at this point. We're working through  
21 that.

22 Q. Okay. I guess going back if we can focus  
23 still on the same slide, focusing on the packers,  
24 isolation packer between the perforations. So once  
25 those packers swell, you mentioned that the --

1 there's obviously going to be penetrations through  
2 your packers through your fiberoptics and for your  
3 gauge cable because you've got a gauge between each  
4 packer and you've got fiberoptic cable extending  
5 through each of the packers; is that correct?

6 A. Yes, that's correct. But there's going to  
7 be, basically, they're going to be sealed around  
8 those swellable packers for the cables.

9 Q. So when you pressure up -- again, you have  
10 to pressure up to set your production packer; is  
11 that correct?

12 A. Yes, that is correct.

13 Q. So you've got a blanking plug. If you look  
14 at the very end of your tubing, you've got a nipple  
15 profile there. So that nipple is, obviously, run in  
16 place so you can pressure up against that nipple.  
17 So you've got a closed system that you're pressuring  
18 up against. So in order to produce your fluids back  
19 through the tubing, how do you get communication  
20 through that tubing? Is there a flooding sleeve or  
21 how is that accomplished?

22 A. Yeah, so we're going to be retrieving,  
23 basically, from the blanking plug. And then --  
24 okay. So I just want to make sure you're clear in  
25 terms of how we're going to be producing. Adam, can

1 you point out the -- so there's two sections. One  
2 is going to be an injection. And one is going to be  
3 a producing area. So on the producing area, as you  
4 can see the tubing has a hole. We're going to be  
5 producing from that hole, actually, up to the  
6 surface section.

7 Q. But if that hole is there, how are you  
8 going to pressure up the -- production packer?

9 A. So the production packer is going to be, as  
10 I said, in the -- up here if you go to the  
11 disconnect portion of it, yes. So we're going to be  
12 pressure up -- actually, it's going to be below the  
13 packer. We're going to have the nipple there and  
14 pressure up from that point up the well.

15 Q. So you drop a ball to pressure up against  
16 that.

17 A. Yes.

18 Q. How do you remove that ball -- flow path  
19 for production?

20 A. Yes. So production will come back, again,  
21 if you go to the bottom section there where the --  
22 yes. So production will come, actually, through the  
23 perforations up to the tubing up to vertical section  
24 of the well.

25 Q. So then you're relying on the production to

1 lift that ball off the seat and recover that  
2 surface; is that correct?

3 A. Yes. Yes, that is correct.

4 Q. Okay. And you've modelled that that's  
5 achievable with anticipated production rates and  
6 you're, I guess, consider stokes law how fast that  
7 ball was settled in your fluid verses the velocity  
8 of your fluids inside your five and a half inch  
9 tubing?

10 A. Yeah. We're in the process of making those  
11 calculations.

12 Q. Is there any option to have a dissolvable  
13 ball?

14 A. Yes. There's an option that we're looking  
15 at from a dissolvable perspective; correct.

16 Q. What median would you need for that ball to  
17 dissolve? Would it need to be a brawn or a fluid --

18 A. Yeah. So it could be brawn, one of the  
19 medias or it could be, yeah, brawn, correct.

20 Q. So I guess at the end of the project, how  
21 would this completion assembly be retrieved?

22 A. Now, the plan is not to retrieve it is keep  
23 it in place. And that's why if question go back  
24 again, Adam, if you can go into the bottom section  
25 of the well where there's a nipple. Actually, we're

1 planning to go with coil. We ran calculations in  
2 terms of lock up calculations and get the nipple out  
3 of the way, and then return the rest of the  
4 horizontal to production at that point.

5 Q. Okay --

6 A. And -- uh-huh.

7 Q. Go ahead.

8 A. And we have a contingent plan to leave,  
9 basically, a tailpipe long enough that we can get --  
10 if we can't pull that nipple, actually, we go in  
11 with coil TCP perforate the tubing and then we'll  
12 restore production on the well.

13 Q. Okay. So, that nipple is -- it's a regular  
14 X nipple, R nipple, what kind of profile are you  
15 looking at there?

16 A. Well, I have the specs. I can send you --  
17 I can get the specs. I don't have it handy at this  
18 point.

19 Q. Well, you would have to -- you'd engage it  
20 overshot or an internal fishing like a GS profile?

21 A. Yes. GS. It's going to be a GS neck,  
22 correct?

23 Q. So an internal fishing neck?

24 A. Yes.

25 Q. And you'll retrieve this with coil?

1 A. Uh-huh. That's correct.

2 Q. And your simulation show that there's no  
3 issues with reaching that depth? No issues with  
4 lock up inside the five and a half?

5 A. Yes. There's no issues with lockup at this  
6 point.

7 Q. Okay. Would it be, potentially, pull it  
8 with tractor, if necessary?

9 A. No. I don't think it will fit in that two  
10 and 3/8ths tubing. So there's a limitation there  
11 with a tractor and dimensions of the pipe.

12 Q. Okay. So, in looking at your packer,  
13 again, horizontal packers in the horizontal section,  
14 those penetrations for your fiberoptics and for your  
15 gauge cable, are they going to be banded to your  
16 tubing or do they actually penetrate through the  
17 packer itself? I'm thinking as they swell, would  
18 there be any potential issues for them to -- as the  
19 packers swells that could cause a communication  
20 issues or loss of communication?

21 A. No. That is a fair question. Yes, so  
22 they're going to go through the packer, itself, and  
23 from other wells we haven't seen any issues on the  
24 expansion and creating any damage to the cables,  
25 itself.

1 Q. So -- but they do pass through penetration  
2 through the packer?

3 A. Yes, correct.

4 Q. Okay. And then, so how does your gas get  
5 through those packers and into the desired injection  
6 zone? There must be some sort of the umbilical that  
7 also pass through the packers or how is that  
8 achieved?

9 A. Yes. It's through umbilical. And the gas  
10 will go through the umbilical and the gas will go  
11 through the umbilical. So we size the umbilical  
12 based on the rates that we want to achieve through  
13 each one. So, it's going to have two umbilicals,  
14 itself. And like I said, they're size-based on the  
15 differential pressure based on the previous question  
16 on that we want to make sure we have the sizes  
17 enough to be able to get the injection rates that we  
18 need through the project.

19 Q. Okay. All right. Let me check my notes  
20 here.

21 A. One thing I can do if you want to I can  
22 send you a program of how we're going to be,  
23 actually, setting the hydraulic packer if you want  
24 it.

25 Q. Okay. Yeah. That would be useful. So if

1 we could just focus on the cables that are -- your  
2 red cable for your gas lift valve. That's an  
3 electric gas lift valve. Could you explain how that  
4 -- the operation of that valve?

5 A. Yeah. So it's an electric gas lift.  
6 Basically, it's just one surface, one orifice,  
7 itself. And there's going to be a cable where we're  
8 going to be opening or closing, actually, the valve,  
9 itself, to be able to induce gas if we need to do  
10 any gas lift on the well, itself.

11 Q. So, do you anticipate needing gas lift to  
12 kick this off based on the production as well?

13 A. Correct. That is correct. And the -- face  
14 of the project we might need gas lift.

15 Q. Okay. But you don't have any means to  
16 control your -- you have mechanism to control how  
17 much gas goes into your gas lift valve versus how  
18 much goes down and into the perforations; is that  
19 correct?

20 A. That is correct. So, initially, we're  
21 going to be opening. It's going to help to upload  
22 the well. And then once we upload to well, we'll  
23 close it electrically back, again, the valve.

24 Q. So you will use it to kick off the well,  
25 initially?

1           A. Correct. It's only to kick off, to make  
2           sure that the well is flowing.

3           Q. So you, basically, got as we can see here  
4           you got three cables going back to surface. If we  
5           could jump to slide 64. So I think Million asked  
6           the question, the pressure rating for your Christmas  
7           tree is 10K; is that correct?

8           A. Correct.

9           Q. So how about the pressure rating for the  
10          remaining components on your wellhead for annulus.  
11          What's the pressure rating for your wellhead  
12          components associated with the 13/8 surface casing?

13          A. That is a fair question. I need to get  
14          back with you on that piece.

15          Q. Okay. Likewise for the 9 5/8, what's the  
16          pressure rating on your wellhead components?

17          A. Can you repeat the question?

18          Q. For your 9 5/8s intermediate casing, those  
19          angulare valves on that spool piece, what's the  
20          pressure rating on those components?

21          A. Those components, as I said, I'll get those  
22          pressure ratings. I don't have it.

23          Q. Okay. Yeah. Well, that's very important  
24          because that going to be -- is going to be  
25          pressurized with 5,000 PSI or 4,590, whatever your

1 proposed injection?

2 A. The 9 5/8s because --

3 Q. No. Your five and a half inch. What's the  
4 pressure rating on your five and a half inch  
5 production casing valves?

6 A. 12,700 pounds. The casing, itself, is  
7 P110.

8 Q. Uh-huh. That's your -- that you're -- the  
9 valves coming off your spool piece for monitor an  
10 annulus pressure. What's the pressure on those  
11 valves?

12 A. Yeah. So on those we're going to be -- I  
13 think we're going to go 10,000 pounds for sure.

14 Q. They're not already installed?

15 A. Yes, I think so.

16 Q. Okay. We'll need to see all those  
17 parameters because we want to make sure that they're  
18 suitably rated, obviously, that they can withstand  
19 the pressures that you plan to have on this annulus  
20 during your injection operations?

21 A. Yeah.

22 Q. So, if I -- the next question would be  
23 related to your well control and your barrier  
24 philosophy. So, on the very bottom you're showing  
25 wellhead, you show your additional spool piece that

1 you'll be adding. And then coming off the side  
2 you'll have an electrical cable and a fiberoptic  
3 cable. Are those dedicated penetrations through  
4 that spool piece?

5 A. Yes. They're dedicated for each one.

6 Q. So your both cables will pass through a  
7 dedicated penetration, and then your footnote down  
8 at the bottom says each connection to the additional  
9 spool has two internal valves with 10K pressure  
10 rating that can close in an event. I assume you  
11 mean, by event you mean a well-controlled event?

12 A. Yes, correct.

13 Q. So, just to confirm, those are dedicated  
14 penetrations and that those cables do not pass at  
15 all through those valves?

16 A. Correct. Yeah. They're dedicated, yes.

17 Q. So, the operation of those valves is not  
18 impeded in any way with cables across those valves?

19 A. No.

20 Q. Okay. Very good. I guess my next question  
21 would be for the control line for your gas lift.  
22 Your electric gas lift. That would be coming to  
23 surface also and passing through your tubing hanger;  
24 is that correct?

25 A. Yes, I believe so.

1 Q. So you've got a dedicated penetration  
2 through that tubing hanger so that there's no  
3 obstruction across your master valve or crown valve?

4 A. Correct.

5 Q. Okay. Good. Could you -- we'd like to see  
6 that an additional package just elaborate on all  
7 these items. So we need to confirm the pressure  
8 rating of the 13 3/8 surface casing, the 9 5/8  
9 wellhead components not the casings, but the  
10 wellhead components. Those pressure ratings need to  
11 be confirmed. And also the tubing hanger  
12 penetrations.

13 A. Yeah. Correct.

14 Q. Okay. So I guess my next questions would  
15 focus primarily on production and engineering  
16 aspects. So, you mentioned earlier that this is for  
17 a single existing wellbore. So, basically, all  
18 injection that occurs would be associated with  
19 production for that dedicated well. None of the  
20 offset wells would be affected by this injection; is  
21 that the premise?

22 A. Well, there's some unknowns on that piece.

23 Q. What would they be?

24 A. Yeah. So, the whole premise is not, but  
25 there's an unknown, you know, we have hydrolic

1 fracks going through. And that's why if we go back  
2 again, Adam, can you go to the -- where we have the  
3 wells, itself. Let me see if I can find it. I have  
4 it in my mind. It's the -- where we're showing all  
5 those spaghetti wells with all the different  
6 candidates selection. I think so slide 32.

7 So with that, we took in consideration that  
8 potential risk. And that's why we would like to  
9 have if you see in there number one, they space all  
10 surrounding Oxy wells. So if we have any gas  
11 potentially going into the second Bone Springs due  
12 to the frack to other wells, production might go or  
13 gas might go into Oxy wells around it.

14 Q. So then you could be losing gas, some of  
15 your injection gas could be lost to other wells?

16 A. There is a potential, yes.

17 Q. Okay.

18 A. And that's part of the pilot. That's why  
19 we want to understand. Is it gas going into the  
20 other wells or not or maintained between the two  
21 fracks that we have between production and  
22 injection, and how much and what is the quantity.  
23 And that's why we're having all this telemetry on  
24 this well to understand all that piece.

25 Q. Okay. So then I guess, the volume of gas

1 that you're injecting, the 1.5 to 3 million standard  
2 cubic feet a day, that will not be balanced by the  
3 off-take from the candidate well alone. Some of  
4 that gas could benefit other wells in the pool?

5 A. In the second Bone Springs, correct.

6 Q. So then how is this -- I don't -- how is  
7 this, I guess, configuration beneficial?

8 A. In terms. . .

9 Q. In terms of proving that the intra-well  
10 miscibility is successful. If you're injecting more  
11 gas than you're -- if you're overvoiding the  
12 reservoir and injecting more gas than the equivalent  
13 volume -- gas of water being produced -- so how are  
14 you judged success?

15 A. Yes. Success. Can go to the production  
16 plot, please, Adam. There you go. So this is what  
17 we're looking at, right, and if we're not following,  
18 basically, this production profile we know that some  
19 of the gas plus we have telemetry at the bottom of  
20 these wells and we'll do a mass balance. And at  
21 that point, we will know if how effective, actually,  
22 the flood is. And one of the outcomes of this  
23 project is we might terminate the project before  
24 actually getting into the 48 months.

25 Q. So you would say then that if your

1 production profile doesn't mimic what you show  
2 here --

3 A. Expect it. Yeah.

4 Q. That would be considered failure of this  
5 particular technology?

6 A. Correct. But we're looking not  
7 specifically -- we have a range as well, right. So  
8 this is the -- we'll call it the P50 of that range.  
9 And we'll look into that range just to make -- to  
10 see if we're following that range in comparison to  
11 potential future economics. So, if it's not  
12 following that range, we'll terminate the project  
13 and deem it unsuccessful. We'll reset back, again,  
14 re-think back, again, how we want to proceed going  
15 forward on this project. Hopefully it's successful,  
16 but if not we'll keep on working it, how to make at  
17 that successful.

18 Q. I guess while we're looking at this, the  
19 red line is your gas rate --

20 HEARING EXAMINER: Excuse me. Could I  
21 interrupt you for just a moment. I'd like to take a  
22 five-minute break. Most people here haven't had  
23 lunch and I'd just like to take a five-minute break  
24 and maybe we can talk offline and see how much  
25 longer your questions might be going.

1 MR. HARRIS: Probably about ten more  
2 minutes at most.

3 HEARING EXAMINER: All right. Let's take a  
4 five-minute break and we'll come back on the record  
5 at that time. Thank you. We're off the record.

6 (Recess was taken.)

7 HEARING EXAMINER: We're back on the  
8 record. The time is 1:44. We're going to taking  
9 little lunch break at this time because after  
10 speaking with Mr. Harris and Mr. -- and I know that  
11 you're going to want to ask some questions to  
12 rehabilitate most likely, your witnesses depending  
13 on what you've heard during this cross-examination,  
14 we're going to take a little lunch break now.  
15 Mr. Rankin and Ms. Vance, I know that you don't work  
16 here, so you have to travel for lunch and come back.  
17 What time how much lunch time do you need?

18 I have a call at two, but I think if we  
19 could do 45 minutes I guess. That might be good.

20 So then at 2:30 we'll come back on the  
21 record at 2:30. Feel free if you need to bring  
22 something with you and have it here. This is going  
23 on longer than we expected, and I don't want you to  
24 be uncomfortable. So, there you have it okay.  
25 We're off the record until 2:30. Thank you.

1 (Lunch recess was taken.)

2 HEARING EXAMINER: Okay. It is 2:33.  
3 We're back on the record. We have Mr. Harris our,  
4 technical examiner. Mr. Harris, please proceed.

5 MR. HARRIS: Okay. Thank you. Just a  
6 question regarding the reservoir. How to you  
7 classify it as a reservoir? Is it an oil reservoir  
8 or a gas reservoir.

9 MR. JANACEK: Yes, Mr. Examiner, this is  
10 classified as an oil reservoir in the Bone Spring  
11 oil pool.

12 Q. Thank you. So in terms of your current  
13 reservoir pressure, are you -- with respect to the  
14 bubble point, are you above or below the bubble  
15 point?

16 MR. JANACEK: Ed, do you want to go ahead  
17 and take that?

18 MR. SEOANE: Yeah, so we're above,  
19 basically, bubble point. Unconventional bubble  
20 point, itself.

21 Q. Above bubble point, so no free gas within  
22 the reservoir?

23 A. Sorry. You're breaking gas from the  
24 reservoir.

25 Q. So you are below bubble point?

1           A. Yeah. I'll rectify the record. Below  
2 bubble point. Yes, correct. Yeah.

3           Q. Thank you. So I mean, you refer to this  
4 project intra-well miscibility project. Just the  
5 term miscibility in itself, that implies that you're  
6 going to be increasing the reservoir pressure to  
7 achieve miscibility; is that correct?

8           A. Yeah, that is correct. And that is the  
9 capillation of 6,000 pounds of bottom hole pressure.  
10 Yeah, that's what we would like to achieve  
11 6,000 pounds. Correct.

12          Q. Okay. So you need 6,000 pounds to achieve  
13 miscibility?

14          A. Uh-huh.

15          Q. So then your application is quite vague, to  
16 be honest. There's a lot of details missing and  
17 it's very difficult to make assessment here of the  
18 voidage, for lack of a better word, the voidage  
19 balance or imbalance in the reservoir because some  
20 preliminary calculations that I did suggest that  
21 you're injecting more fluid, more gas into the  
22 reservoir than the equivalent volume that's being  
23 off-taken from the pilot project well.

24                 So as a result of that imbalance, I mean,  
25 is there any potential or I guess there is potential

1 to displace oil down dip and potential have waste;  
2 is that correct?

3 A. Oh, I'm not sure about that. So, that  
4 would be a reservoir team that has to answer that  
5 question.

6 Q. Fair enough. So those are the type of  
7 details that when I say vague, those are the type of  
8 details we need to understand because I guess if we  
9 could go to the logs on page -- on slide 83. So if  
10 we look at those logs, the load of Bone Springs is  
11 curve in green. Is that your resistivity curve?

12 MS. NOONAN: Yes.

13 MR. HARRIS: So, as we look below the  
14 injection zone, you move into the third Bone Springs  
15 launch zone, your resistivity decreases. Is that  
16 indicative of a water transition zone leading into a  
17 water wet zone?

18 A. No. Unconditional reservoir is not the  
19 case.

20 Q. Okay. So there's no free water associated  
21 with this reservoir?

22 A. This is an unconventional reservoir where  
23 we don't have conventional water, oil, gas contacts.

24 Q. Fair enough.

25 HEARING EXAMINER: Ms. Noonan, would you

1 speak a little louder, please.

2 A. This is an unconventional reservoir where  
3 we do not have conventional water, oil, gas contacts  
4 as would normally be indicated by a resistivity log.

5 Q. So then, is there any -- is there potential  
6 if you're injecting more gas into the reservoir,  
7 than the equivalent off-take volume for this  
8 intra-well project that is the focus, if you're  
9 injecting more than you're off taken or than is  
10 being taken off, and if we go to the next slide on  
11 Page 84, your reservoir dips to the east. Could you  
12 be displacing oil down dip, and, therefore, creating  
13 a situation where it's waste and not recoverable?

14 A. The idea for me would be the gas would  
15 follow the path of least resistance so the lower  
16 pressure zones, so that would be up-tive. But  
17 probably before that prefer any depletion in the  
18 fractures of the wells.

19 Q. So I guess, without belaboring the point  
20 we, basically, need some more information to make a  
21 true assessment of what's occurring here because  
22 your entire package suggests that it's a one-well  
23 intra-miscibility project, but the fact that you're  
24 injecting more gas than is being extracted from that  
25 well in terms of equivalent reservoir volume in situ,

1 there is a potential for waste.

2 And that has to be addressed. So, I guess  
3 Mr. Hearing Examiner, would it be okay for us to  
4 supply a list of items after this hearing that we  
5 want to see in terms of a follow-up package,  
6 supplemental package?

7 HEARING EXAMINER: Let me go to Mr. Rankin.  
8 Mr. Rankin?

9 MR. RANKIN: Of course. We would like to  
10 hear what more of the division would request from  
11 Oxy, but I wonder if there's an opportunity still to  
12 redirect and maybe address some of those questions  
13 on redirect. Not that it's going to cover  
14 everything and Mr. Harris has asked, but at the end  
15 the hearing, I think once the hearing is complete  
16 would be more than willing to consider what the  
17 division would like to see in terms of supplement  
18 information.

19 HEARING EXAMINER: It sounds to me,  
20 Mr. Rankin, as though this hearing will end up being  
21 continued to another date to, basically, wait to  
22 receive this information that the division wants,  
23 let the technical reviewers do their job, and then  
24 come back and ask some more questions at that time.  
25 So, I leave it up to you. If you think it's better

1 to redirect or, yes, to redirect at this time,  
2 please.

3 Otherwise, we can get a list now from the  
4 technical examiners and then come back on the record  
5 and then you can see where that leads. So how would  
6 you like to proceed?

7 MR. RANKIN: I think if Mr. Harris is done  
8 with his questions, I think I would prefer to have  
9 his list of questions, be able to go back and  
10 prepare the responses and present additional  
11 supplement testimony. And then if there's further  
12 questions, be able to redirect at that point.

13 HEARING EXAMINER: And maybe what we can  
14 do, Mr. Rankin, is get some self-affirm statements  
15 that specifically go to the questions so that we  
16 have it in the record their full answer so they feel  
17 like they've been heard both in writing and summary  
18 at the next hearing.

19 So, Mr. Harris, are you finished with your  
20 questions and are you ready to give me a list of  
21 what you want?

22 MR. HARRIS: I would need some time to  
23 provide a list to fully address what we need to see,  
24 and I would like to consult with Million and other  
25 members of the team who may have additional

1 questions. So is it necessary that they be provided  
2 right now or could we follow up later this week?

3 HEARING EXAMINER: I think so.

4 Mr. Rankin?

5 MR. RANKIN: Yeah. I think we're at the  
6 mercy of the division so we would like to be able to  
7 see those questions and have consensus from the  
8 division on what those are. And then once we see  
9 them, we'll know better how much time we would need  
10 to prepare the information. And I would communicate  
11 with you and the division offline on that. And then  
12 we can reset this for another date once we have a  
13 determination of how long that will take us to  
14 prepare it all.

15 HEARING EXAMINER: Mr. Gibber Michael and  
16 Mr. Harris, it was my understanding that you wanted  
17 additional information, not so much that you had  
18 additional questions. I know you both have  
19 additional questions. But are there exhibits that  
20 you want Oxy to submit in addition to maybe some  
21 questions that you would like to have answered?

22 Mr. Gebremichael.

23 MR. GEBREMICHAEL: I think what Tony stated  
24 is we will present our questions and then that will  
25 give them enough time to, you know, so they could

1 judge how long it's going to take. So we're going  
2 to present our questions in writing.

3 HEARING EXAMINER: And some of the answers  
4 may be -- to your questions may be in the form of  
5 exhibits as well as testimony. Is that what you're  
6 saying?

7 MR. GEBREMICHAEL: Yes.

8 HEARING EXAMINER: All right.

9 MR. HARRIS: Just to clarify, what we'd be  
10 looking for is we'd like to see an accounting of  
11 material balance or the voidage replacement ratios  
12 to understand whether the gas that you're injecting  
13 is confined just to the drainage radius of your  
14 intra-well of your pilot well, or does it go beyond  
15 the drainage rate so that well and provide an  
16 interference effect on your off-set producing wells.

17 So what would be required is a full  
18 understanding of your reservoir parameters such as  
19 your bubble point pressure, your current reservoir  
20 pressure, your oil formation volume factors, your  
21 gas formation volume factors, and then relate all  
22 your volumes too and -- your reservoir conditions so  
23 that we a full assessment of what's actually on  
24 occurring in the reservoir in terms of phase  
25 behavior and displacement mechanisms.

1 MR. GEBREMICHAEL: Tony, we could present  
2 those questions in terms of writing, and then --  
3 yeah okay. Thank you.

4 MR. HARRIS: I was just trying to set  
5 concepts of what we're looking for here.

6 HEARING EXAMINER: All right. I think at  
7 this point, we're not going to be -- we don't have  
8 anything more productive to do today. I want to  
9 thank the witnesses for their appearance.  
10 Mr. Rankin, thank you for your preparation.  
11 Mr. Harris and Mr. Gebremichael for your review of  
12 this extremely technical and involved data.

13 Mr. Gebremichael, when do you anticipate  
14 of having a list of either additional exhibits and  
15 information and/or questions that you want at the  
16 next hearing? How long do you want to formulate  
17 that list.

18 MR. GEBREMICHAEL: Maybe I want to Tony to  
19 make this decision-making. Tony, we should be able  
20 to compose our questions within two weeks, right,  
21 within a week time.

22 MR. HARRIS: For sure, yeah.

23 MR. GEBREMICHAEL: So within one week.

24 HEARING EXAMINER: All right. So today is  
25 the 9th so we will provide counsel for Oxy the

1 additional information either in the form of  
2 additional exhibits or questions to be answered  
3 within one week from today.

4 Do you want to discuss a possible new  
5 hearing date, Mr. Rankin?

6 MR. RANKIN: Yes. If we get the questions  
7 a week from today, I think the next docket would be  
8 the 23rd; is that right?

9 HEARING EXAMINER: I don't necessarily need  
10 to be on a docket. We could do a special docket  
11 because we have Mr. Harris, Mr. Gebremichael and I  
12 wanted to give Oxy the preference to move this  
13 along.

14 MR. RANKIN: Yeah. Without seeing the list  
15 and knowing what the work will be involved, this is  
16 hard to say, so I think I'd have to have that list  
17 of questions, confer with the Oxy team, and then get  
18 back to you. I think -- I will expect that we  
19 probably could get back to you within a week of  
20 receiving the list of questions, so I think by the  
21 23rd we should be able to give you an idea of how  
22 long it would take us to put together the materials,  
23 so. . .

24 THE COURT: Now, we do have say special  
25 docket on the 4th of February. I wonder whether we

1 could add this to that docket. So let me power up  
2 my computer now that it's fixed and take a look at  
3 the hearings module. Okay. On the 4th of February,  
4 I show that we have one, two -- we have some  
5 contested hearings between first. We just heard  
6 today that most of those Flat Creek cases are going  
7 away with the exception of possibly one of them.  
8 And then we have another hearing which is basically  
9 a good cause hearing.

10 This is on the alpha energy -- so I don't  
11 think that case will go very long so why don't we  
12 add this case as a trailing docket to the February 4  
13 if that doesn't work for you let me know okay. But  
14 in the next week or two would you continue this case  
15 to the February 4 docket and you can. I don't know  
16 if you're the one who selects it, but you can keep  
17 it as a hearing affidavit. I don't know who selects  
18 the status. February 4 should give you enough time.  
19 It's almost a month from now. And it will be the  
20 last case we hear on that trailing docket, but it's  
21 not a long. These are not complicated indications  
22 that are on there. Okay. Is there anything else  
23 before we go off the record?

24 Thank you, everyone, it is 2:50 p.m. We  
25 are in recess in this case.

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(End of proceedings at 2:50 p.m.)

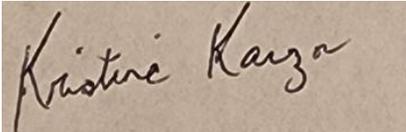
REPORTER'S CERTIFICATE

I, Kristine Kaczor, Certified Reporter and Registered Professional Reporter in for the the State of New Mexico, do hereby certify:

That said proceeding was taken down by me in stenotype on January 9, 2025, at the place therein named, and was thereafter transcribed, and that a true and correct transcription of said testimony is set forth from preceding pages, according to my ability to hear and understand the proceedings.

I further certify that I am not kin or otherwise associated with any of the parties to said cause of action and that I am not interested in the outcome thereof.

WITNESS MY HAND this 3rd day of February, 2025.



Kristine Kaczor, RPR  
Certified Court Reporter #545

[& - 19151615]

<b>&amp;</b>	<b>100</b> 139:8,8,21	<b>12:15</b> 133:19	<b>16</b> 55:8 63:9
<b>&amp;</b> 2:11 7:11 10:10,12,16,19 20:10 23:2 39:19,23 40:3 45:10 47:23 74:10 83:21 90:12 95:23 98:13 108:23 122:21 129:6	<b>101h</b> 84:13 <b>102s</b> 50:19 <b>107</b> 72:9 <b>10:32</b> 101:4 <b>10h</b> 43:25 <b>10k</b> 167:4 180:7 182:9 <b>10th</b> 80:5 <b>11</b> 47:4,8 48:18 52:12 64:2 82:14 83:5	<b>12th</b> 46:10 103:18 <b>13</b> 23:15 40:18 47:8 48:16 52:12 62:23 91:1,15 103:4 103:6,11 161:7 183:8 <b>13/8</b> 180:12 <b>131</b> 106:1 <b>131h</b> 84:13 <b>132h</b> 84:13 91:19 <b>133h</b> 91:19 <b>134h</b> 91:19 <b>135h</b> 84:13,14 <b>13th</b> 19:21,22 51:19 108:15 108:16	<b>160</b> 43:21 <b>16th</b> 81:5 147:10 <b>17</b> 43:23 48:20 63:13 69:16 74:4,5 120:5 131:7 154:17 158:1,8,20 <b>178</b> 8:24 <b>17th</b> 88:8 <b>18</b> 3:22 4:2 47:13 74:4 110:19 111:7 131:8 134:5 136:24 154:17 154:20 158:1,8 158:20 <b>181</b> 11:20 15:3 <b>185h</b> 135:24 140:17 <b>18th</b> 92:15 <b>19</b> 17:7 45:25 67:14,17 69:16 80:10 91:1 110:20,20 111:10 118:2,4 <b>19.15.4.12a</b> 30:14 <b>19.15.412.</b> 17:8 18:5 <b>19.15.412a</b> 18:17 <b>19151615</b> 41:11
<b>0</b>	<b>11:23</b> 101:1 <b>11:33</b> 101:2 <b>11th</b> 49:21 54:21 64:1 65:18 75:3 92:24	<b>14</b> 23:15 40:18 47:8 48:18 64:18 91:1,16 103:4 135:4 <b>1440</b> 23:10 <b>14th</b> 75:4 <b>15</b> 23:16 40:19 91:1,18 133:13 135:21 <b>1500</b> 155:17 <b>153h</b> 23:22 <b>1572.79</b> 110:13 <b>1574.79</b> 111:5 <b>15th</b> 25:17 44:14 54:22	
<b>0.2</b> 144:18 <b>0.433.</b> 144:20 <b>02</b> 50:15 <b>0310</b> 84:12,18 <b>08</b> 93:25 <b>Opsi</b> 134:18	<b>12</b> 29:2 47:8 48:15 49:22 118:1 122:2,3 <b>12,000</b> 152:5,11 152:21 165:25 <b>12,700</b> 181:6 <b>1200</b> 155:7 <b>121h</b> 84:13 103:11 <b>122h</b> 84:13 <b>123h</b> 103:11 <b>124h</b> 103:11 <b>1268.12</b> 65:2 <b>1269.92</b> 45:24 <b>127</b> 118:9 <b>1280</b> 87:16		
<b>1</b>			
<b>1</b> 5:14 143:18 147:10 <b>1,000</b> 137:13 155:19 163:9 <b>1.5</b> 134:20 145:9 162:8,21 185:1 <b>10</b> 45:7 62:17 73:24 93:25 122:9 <b>10,000</b> 82:18 150:14 167:3 181:13 <b>10,090</b> 65:8 <b>10,100</b> 131:20			

<p><b>1915412a</b> 19:14  <b>1915412a1a</b>  31:5  <b>19154a1a</b> 29:3  <b>19th</b> 46:9 67:13  68:2,8 100:9  103:19  <b>1:21</b> 27:25  <b>1:44</b> 187:8  <b>1a</b> 18:18 33:17  <b>1b</b> 30:14  <b>1llc</b> 90:13</p>	<p><b>2025</b> 1:4 12:24  93:2 199:6,13  <b>202h</b> 84:19  <b>20th</b> 85:10,15  112:11 119:6  <b>21</b> 46:1 84:8  <b>2100</b> 157:13  158:7  <b>21st</b> 81:6 88:9  92:17 100:10  119:9  <b>22</b> 79:21 86:2  <b>22115241312</b>  48:22  <b>22152</b> 140:14  <b>22208</b> 140:14  140:22  <b>2230133-4</b>  63:15  <b>22604a</b> 67:7  <b>23</b> 48:19 79:21  86:2 136:24  <b>23066</b> 82:22  <b>23h</b> 63:15  <b>23rd</b> 22:8  112:24 113:22  197:8,21  <b>24</b> 48:17 50:10  50:17 65:4  83:17 87:17,18  98:5,6,8  122:18 131:6  <b>24270</b> 3:19  <b>24807</b> 93:25  94:5,8 95:5,22</p>	<p>96:21  <b>24808</b> 92:22  94:3 95:3  <b>24809</b> 92:22  <b>24810</b> 92:22  94:4 95:4  <b>24845</b> 2:7 3:25  <b>24846</b> 2:8 4:3  <b>24847</b> 2:8 4:5  <b>24848</b> 2:8 4:7  5:2 12:17  <b>24849</b> 7:4  <b>24864</b> 20:6  <b>24987</b> 22:23  23:10  <b>24989</b> 43:8  <b>24993</b> 45:7  <b>24th</b> 112:15  113:19 114:7  114:19,21,25  <b>25</b> 87:17  138:10  <b>25002</b> 47:5  48:11 49:24  51:24 75:6  <b>25003</b> 51:24  52:7 54:23  <b>25004</b> 62:23  <b>25005</b> 64:18  71:3  <b>25010</b> 66:24  <b>25012</b> 66:23,25  <b>25022</b> 74:6,20  75:6</p>	<p><b>25023</b> 74:9,15  74:21 75:7  <b>25024</b> 80:10  81:11  <b>25034</b> 83:17  84:10  <b>25036</b> 83:18  84:16  <b>25046</b> 86:4  87:2,4,8 88:18  <b>25053</b> 86:4,14  87:8 90:9,25  91:24 92:21  97:14,23,25  <b>25054</b> 122:19  <b>25058</b> 98:10,19  108:16  <b>25073</b> 102:12  102:24 103:20  <b>25074</b> 102:24  <b>25075</b> 102:24  103:20  <b>25109</b> 108:20  109:25 110:11  111:13 113:19  <b>25110</b> 108:20  109:25 110:25  111:12 113:19  <b>25111</b> 108:20  109:17,20  117:21 119:19  <b>25th</b> 68:10  114:8  <b>26</b> 8:20 87:17  87:18 98:20,20</p>
<b>2</b>			
<p><b>2</b> 50:12  <b>2,000</b> 163:12  <b>20</b> 3:20 17:2  46:1 67:20,24  103:4 161:21  <b>200</b> 58:23  <b>2000</b> 130:2  <b>2006</b> 130:6  <b>2011</b> 129:10  <b>2012</b> 130:7  <b>2013</b> 129:10,14  <b>2014</b> 53:13  <b>2015</b> 130:8  <b>2016</b> 9:24 10:6  <b>2019</b> 46:3  <b>2024</b> 2:2 25:17  49:21 64:1,2  67:13,15 75:3  92:25 112:11  112:15 119:6,9  139:15 165:3</p>			

<p>99:8 114:10 138:14 <b>2635</b> 99:9 <b>27</b> 46:1 91:2 114:10 <b>28</b> 60:12 103:5 138:15 <b>28951</b> 199:14 <b>29</b> 98:21 131:6 159:25 <b>2:30</b> 187:20,21 187:25 <b>2:33</b> 188:2 <b>2:50</b> 1:8 198:24 199:1 <b>2nd</b> 5:13 8:21 12:24 13:23 14:1,6</p>	<p><b>30th</b> 139:14 <b>31</b> 111:7 114:10 118:4 140:7 <b>319.42</b> 63:7 <b>32</b> 23:16 84:8 184:6 <b>320</b> 41:3,5,7,7 <b>320s</b> 42:14 <b>33</b> 63:9 65:5 <b>34</b> 164:9 <b>35</b> 48:20 98:20 99:8 <b>36</b> 3:20 63:10 63:14 106:1 110:20 111:8 111:11 <b>38</b> 52:12 142:10 <b>3800</b> 155:14 <b>39</b> 72:9 <b>3h</b> 48:22 <b>3r</b> 74:5,8,21 77:25 78:5 <b>3rd</b> 13:22 14:3 14:5 199:12</p>	<p><b>40</b> 36:9 82:15 147:12 <b>41</b> 38:24 <b>44</b> 142:11 <b>45</b> 62:13 187:19 <b>4590</b> 145:6 162:7,23 <b>46</b> 142:24 165:12 168:24 <b>4600</b> 152:2 161:23 <b>47</b> 55:8 60:12 <b>479.62</b> 52:9 <b>48</b> 136:20 146:8 148:18 148:19 167:18 167:24 168:10 185:24 <b>480</b> 78:8 <b>4800</b> 164:1,2 <b>49685</b> 111:4 <b>4h</b> 23:22 41:23 42:25 48:22 <b>4ha</b> 42:18 <b>4th</b> 93:1 96:21 114:1 197:25 198:3</p>	<p><b>5/8s</b> 180:18 181:2 <b>51</b> 120:5 <b>51h</b> 44:1 <b>5200</b> 117:25 <b>525h</b> 4:7 <b>526h</b> 110:23 111:16 <b>527h</b> 4:9 <b>528h</b> 110:24 111:16 <b>53c</b> 147:22 <b>545</b> 1:10 199:15 <b>57</b> 143:19 <b>58</b> 144:14 153:14 162:6 <b>5800</b> 161:25 <b>59</b> 167:6,16 <b>5c3</b> 147:23 <b>5h</b> 23:22 52:14 134:5 154:12 154:14,20</p>
<b>3</b>			<b>6</b>
<p><b>3</b> 2:14 30:17 134:21 145:10 162:9,21 185:1 <b>3,000</b> 157:17 158:5 163:15 163:19 <b>3/8</b> 183:8 <b>3/8ths</b> 177:10 <b>30</b> 43:24 57:14 62:13 114:10 118:2 164:21 164:22 <b>30-015-44272</b> 134:6 <b>30.14</b> 99:6</p>	<b>4</b>		<p><b>6,000</b> 189:9,11 189:12 <b>601h</b> 65:10 <b>603h</b> 65:10 <b>605h</b> 65:10 <b>607h</b> 65:10 <b>611.h</b> 118:9 <b>613h</b> 118:9 <b>6140</b> 48:13 <b>62</b> 11:19 15:3</p>
	<p><b>4</b> 63:13 82:15 93:13,17 96:11 96:13 198:12 198:15,18 <b>4,590</b> 134:18 180:25 <b>4,590psi</b> 136:13</p>	<b>5</b>	
		<p><b>5</b> 116:6 <b>5,000</b> 43:20 137:14 180:25 <b>5/8</b> 180:15 183:8</p>	

[64 - acre]

<p><b>64</b> 107:23 180:5 <b>640</b> 77:11 78:8 78:11 117:22 <b>65</b> 20:6 151:11 <b>66</b> 153:14 <b>67</b> 36:9 38:24 151:12 <b>6972843</b> 1:11 <b>6th</b> 46:9 114:11</p>	<p style="text-align: center;"><b>9</b></p> <p><b>9</b> 1:4 2:2 180:15,18 181:2 183:8 199:6 <b>9,175</b> 65:8 <b>92</b> 135:4 138:10 <b>960</b> 131:3 <b>968</b> 91:13 <b>97056</b> 121:19 121:20 <b>972</b> 50:12,15 <b>97232</b> 23:14 <b>98</b> 171:20,22 <b>9900</b> 131:19 <b>9:00</b> 1:5 <b>9:45</b> 35:25 <b>9th</b> 63:25 196:25</p>	<p><b>abandoned</b> 142:8,20,21 <b>abandonment</b> 142:7 <b>ability</b> 57:8,16 126:14 199:8 <b>able</b> 5:18 42:12 53:23 62:14 80:1 93:2 108:13 112:24 137:5 145:5 152:1 160:19 160:21 162:23 162:24 168:3 169:13 171:6 178:17 179:9 193:9,12 194:6 196:19 197:21</p>	<p>99:2 111:25 <b>access</b> 105:25 155:22 <b>accomplished</b> 173:21 <b>account</b> 92:18 100:8 139:11 <b>accounting</b> 139:13,16 195:10 <b>accurate</b> 15:16 34:25 41:24 56:17 <b>achievable</b> 175:5 <b>achieve</b> 178:12 189:7,10,12 <b>achieved</b> 178:8 <b>acoustic</b> 166:5 166:8,21 168:11</p>
<p style="text-align: center;"><b>7</b></p>			
<p><b>7</b> 52:21 <b>712h</b> 46:3 <b>714h</b> 46:3 <b>716h</b> 46:3 <b>718h</b> 46:3 <b>719</b> 110:23 <b>731</b> 111:16 <b>74</b> 102:12 <b>75</b> 102:12 <b>79</b> 153:14 <b>7th</b> 44:15</p>	<p style="text-align: center;"><b>a</b></p> <p><b>a.m.</b> 1:5 35:25 36:1 101:1,2 <b>a1</b> 8:6 52:19 <b>a1a</b> 31:10 <b>a1b</b> 30:17 31:11 <b>a2</b> 8:7 <b>a3</b> 51:10 63:23 <b>a5</b> 63:23 <b>a6</b> 25:8 40:22 40:23,24 <b>abadie</b> 90:12 95:23 98:13</p>	<p><b>abnormal</b> 168:6 <b>above</b> 61:14 155:9,14,18,20 155:24 156:3 157:14,15,18 171:25 188:14 188:18,21 <b>abundance</b> 59:1 <b>accept</b> 97:16 <b>acceptable</b> 125:19 <b>accepted</b> 4:16 24:15 80:23 84:25 87:22 91:4,8 98:23</p>	<p><b>acquired</b> 11:10 77:25 78:5 107:3 <b>acquisition</b> 15:21 <b>acquisitions</b> 10:20 <b>acre</b> 23:10 43:21 45:24 48:13 52:9 63:7 65:2 78:8 78:8,11 84:4 87:16 91:13 99:6 110:13</p>
<p style="text-align: center;"><b>8</b></p>			
<p><b>8</b> 83:2 <b>8,000</b> 82:23 <b>80</b> 41:6 <b>800</b> 82:23 83:3 <b>800.29</b> 84:4 <b>81</b> 154:6 <b>8100</b> 136:17 <b>8132</b> 155:5 <b>83</b> 190:9 <b>84</b> 191:11</p>			

[acre - advisement]

<p>111:5 117:22  <b>acreage</b> 3:19,22  4:1 25:5 41:4,7  41:13,20 84:7  103:3,7,8  110:17 118:7  120:3 139:8  154:8,18  157:25  <b>acres</b> 41:3,6  77:11 131:4  <b>acting</b> 155:8  <b>action</b> 199:11  <b>activated</b>  170:12  <b>active</b> 157:4  159:1,5  <b>actual</b> 61:20  67:20 102:3  <b>actually</b> 5:21  15:12 22:3  24:2,7 33:16  40:3 50:10  107:4 119:21  144:24 145:8  145:23 146:9  146:23 147:8  147:10,17  148:20 150:15  152:18,22  153:5 161:25  163:12,14  165:22,24  168:25 174:5  174:12,22</p>	<p>175:25 176:10  177:16 178:23  179:8 185:21  185:24 195:23  <b>adam</b> 122:21  132:19 152:15  153:12 164:21  173:25 175:24  184:2 185:16  <b>adams</b> 63:17  <b>add</b> 49:18  51:12 58:23  80:18 81:7  167:10 198:1  198:12  <b>added</b> 90:4  <b>adding</b> 42:11  79:9 144:21  150:6 182:1  <b>addition</b> 78:21  118:3 125:11  167:10 194:20  <b>additional</b> 11:4  74:21 75:12,17  75:21,23 80:19  81:1,8 90:4  121:14 124:12  124:14 125:10  125:17 151:16  181:25 182:8  183:6 193:10  193:25 194:17  194:18,19  196:14 197:1,2</p>	<p><b>additives</b>  167:11  <b>address</b> 22:4  29:22 30:10  69:3,4,10 93:8  95:14 106:25  107:12,14  119:22 139:19  144:10 159:10  192:12 193:23  <b>addressed</b>  97:18 159:24  192:2  <b>addresses</b>  30:19  <b>addressing</b>  94:4  <b>adjacent</b>  156:13  <b>adjourned</b> 1:8  <b>adjudicating</b>  34:5  <b>adjudication</b>  31:20  <b>administrative</b>  50:7,25 77:15  78:22 110:16  121:13  <b>administrativ...</b>  88:3 99:13  <b>admission</b>  125:3  <b>admit</b> 88:10  <b>admitted</b> 6:17  6:22 12:16</p>	<p>25:23 26:3  44:16,21 46:11  46:14,18 49:24  50:3 53:9  54:23 55:2  64:3,7 65:20  66:1 68:18,22  75:10 81:11,15  85:17 88:18  97:22 100:13  100:16 103:20  103:23 113:2  119:11,18  125:7 128:22  <b>admitting</b>  113:5  <b>advance</b> 42:24  <b>advantage</b>  160:6  <b>advised</b> 36:20  40:16  <b>advisement</b>  6:18 7:2 19:6  19:12 20:1  25:24 43:4,7  44:17 45:6  46:15 47:3  49:25 54:24  62:20 64:4,17  65:21 68:19  70:9 74:3 75:7  79:15,16 80:8  81:12 83:12  85:18 86:2  88:11 90:8</p>
--	--	--	--

[advisement - anyway]

<p>98:3 100:14 103:21 104:8 108:7,18 113:3 119:12 122:10 <b>advising</b> 94:18 <b>afe</b> 55:24 56:3 56:13 57:2,6 57:14 58:13,22 58:25 92:1 99:17 <b>affected</b> 31:21 38:25 39:5,8 39:14 41:10 120:22 124:19 124:22 183:20 <b>affidavit</b> 6:14 21:8 22:13 25:18 58:13 85:14 87:11 94:15,17 97:5 119:7 124:16 124:17 198:17 <b>affirm</b> 4:12 6:11 44:2 46:4 48:24 52:15 63:16 67:8 74:24 92:3,7 99:22 103:14 111:20 118:18 193:14 <b>affirmed</b> 8:10 23:25 25:15 65:11 77:8 82:14 83:5 84:21,22 85:9</p>	<p>99:15,18 112:9 119:3 123:15 123:17 <b>afternoon</b> 108:21 115:21 116:2 128:3 161:14 <b>ago</b> 4:24 36:10 <b>agree</b> 45:15 57:4 58:14 <b>agreed</b> 31:25 56:2 57:10 <b>agreement</b> 11:15 16:25 31:3,23 32:9 32:11 33:4,16 33:18 <b>ahead</b> 38:20 58:14 88:24 121:5,17 131:5 132:1,13 165:19 176:7 188:16 <b>alert</b> 147:1 <b>alexey</b> 8:11 9:2 9:9,15 <b>align</b> 42:14 <b>allow</b> 112:16 112:23 169:20 <b>allowable</b> 134:16 136:11 <b>allowed</b> 6:22 <b>allowing</b> 84:14 <b>alpha</b> 93:18 198:10</p>	<p><b>alternate</b> 134:7 <b>amd</b> 70:11 75:15 <b>amend</b> 11:18 51:7,9,11 73:16 78:13,15 79:7 80:18,25 82:24 83:2 88:13 115:3,18 140:21 <b>amended</b> 5:11 11:14 19:7,16 19:23 44:9 49:8,14 51:1 62:9,18 63:21 72:25 73:20,24 76:2 77:14 93:9 94:5 103:12 104:4 107:25 108:10 108:13 115:13 121:12 122:11 125:8 <b>amending</b> 75:16,20 97:6 <b>amendment</b> 81:7 95:15 <b>amount</b> 150:21 150:24 <b>analysis</b> 154:8 <b>anderson</b> 87:20 91:6 <b>anderson's</b> 92:2</p>	<p><b>andres</b> 52:8 <b>andros</b> 60:23 61:6,9,12,14,16 <b>angulare</b> 180:19 <b>anhydrate</b> 157:17 <b>anhydrite</b> 155:16,21 <b>anna</b> 84:23 <b>annulus</b> 180:10 181:10,19 <b>answer</b> 12:17 14:19 16:14 36:24 37:8 39:18 40:1,6 73:13 104:15 126:16 160:25 190:4 193:16 <b>answered</b> 72:24 194:21 197:2 <b>answers</b> 195:3 <b>anticipate</b> 94:18 131:16 179:11 196:13 <b>anticipated</b> 175:5 <b>anticipating</b> 164:23 <b>anticorrosion</b> 167:11 <b>anyway</b> 17:15 49:15 72:8 114:17</p>
---	--	--	--

[aor - associated]

<p><b>aor</b> 135:14  <b>apd</b> 50:21  <b>api</b> 44:10 108:1  147:22  <b>apologies</b> 21:3  <b>apologize</b> 7:10  16:16 54:2  87:4 108:10  <b>appear</b> 32:12  116:11 126:9  126:13  <b>appearance</b> 2:9  7:5,24 20:6,22  21:7 22:23  59:2 66:25  86:8,13,17,23  86:25 87:2,8  93:6 95:22  98:16 102:13  109:2,9,12  196:9  <b>appearing</b>  90:12 95:24  98:13 122:22  <b>appears</b> 24:4  36:13 82:17  <b>applicant</b> 18:6  18:8,9 19:9  23:2 29:6,8  30:18,24 31:15  32:8 98:14  113:11 122:22  124:10  <b>application</b>  4:11 5:8 8:5,7</p>	<p>11:6 15:9,17  15:25 23:23  26:23 39:17  78:6,12,19  79:7 80:24  84:20 89:17  111:18 118:15  118:17 123:13  124:9,9,13,24  125:1,12,12  131:24 143:9  153:11 159:15  161:3 189:15  <b>applications</b>  68:16 70:18  <b>applied</b> 110:15  <b>applies</b> 48:11  52:7  <b>applying</b> 42:6,8  42:21 91:20  99:12  <b>approach</b> 28:5  132:2  <b>appropriate</b>  17:21  <b>approval</b> 8:1  11:4 23:19  91:20 99:13  118:10 120:15  120:19 133:5  138:8,16,20  139:12 140:1  143:8 164:23  164:24,25  165:2,4</p>	<p><b>approve</b> 78:9  131:23  <b>approved</b>  82:22 88:3  89:5 139:24  <b>approving</b> 65:2  117:22  <b>approximately</b>  131:3,19  136:17  <b>approximating</b>  136:19  <b>aquifer</b> 155:25  156:1 157:18  <b>aquifers</b> 156:6  <b>archives</b> 28:18  29:1  <b>area</b> 15:7 24:16  29:11,19 40:19  56:17 61:20  73:9 125:2  131:3 135:1,2  135:3,5,8,11,12  141:2,6,8,19  143:15 153:11  154:2,22 156:1  156:9,15,18  157:8,25  158:13 159:4,7  174:3,3  <b>areal</b> 140:25  <b>arguing</b> 30:2  <b>argument</b> 30:2  33:14 42:9,13</p>	<p><b>arm</b> 147:12  <b>arose</b> 32:17  <b>arriba's</b> 23:17  <b>asked</b> 14:18  37:12 67:1,2  113:11 180:5  192:14  <b>asking</b> 16:17  37:15 56:6  58:1,4 73:10  73:12 75:17  77:18,22 78:7  82:24 89:1  97:15 105:20  106:16 113:20  131:14  <b>aspect</b> 131:22  <b>aspects</b> 137:9  183:16  <b>assembly</b>  137:12 145:11  148:17 151:17  162:19 163:8  169:2 171:11  175:21  <b>assessment</b>  154:2 189:17  191:21 195:23  <b>assignment</b>  21:13  <b>associate</b>  134:12  <b>associated</b>  72:19 135:25  140:12,13</p>
--	--	---	--

[associated - behalf]

<p>169:7 180:12 183:18 190:20 199:10 <b>assume</b> 5:12 182:10 <b>assuming</b> 5:7 42:17 <b>attached</b> 52:19 125:10 <b>attempting</b> 13:11 <b>attention</b> 15:3 36:9 55:8 60:11 69:16 72:8 82:13 106:1 159:25 161:6 164:9 165:11 167:6 167:16 <b>audio</b> 104:15 <b>austin</b> 129:8 <b>authority</b> 131:14 133:5 136:8 <b>authorized</b> 138:12 <b>authorizing</b> 130:24 <b>automatically</b> 22:11 69:22 162:14 <b>available</b> 26:10 117:8 159:16 163:22</p>	<p><b>avalon</b> 65:7 <b>avant</b> 7:7 8:1 10:12 11:3,8,9 12:2 16:21,22 34:2 <b>average</b> 134:19 <b>avoid</b> 140:18 <b>aware</b> 43:12 88:25 106:25 107:4 164:13 <b>awkward</b> 89:9</p> <hr/> <p style="text-align: center;"><b>b</b></p> <hr/> <p><b>b</b> 4:20 8:9 25:10 30:14,14 41:12 71:22,23 75:2 76:23 82:5 85:3 92:2 97:18 99:18 100:12 124:11 151:17 157:16 <b>b3</b> 44:12 <b>b5</b> 41:12 <b>bachelor</b> 9:23 129:5 <b>back</b> 6:13 9:24 11:16 12:8 14:5 32:11 34:12 36:2 56:22 57:17 78:5 87:8 97:13 98:8 101:1,4,24 102:11 112:24 113:21 114:16 116:23 117:5</p>	<p>148:24 149:1,3 152:18 154:15 158:21 161:15 167:17 170:2,4 170:6 172:22 173:18 174:20 175:23 179:23 180:4,14 184:1 186:13,14 187:4,7,16,20 188:3 192:24 193:4,9 197:18 197:19 <b>backups</b> 154:20 <b>balance</b> 185:20 189:19 195:11 <b>balanced</b> 185:2 <b>ball</b> 170:11,13 174:15,18 175:1,7,13,16 <b>banded</b> 169:7 177:15 <b>bank</b> 10:19 <b>barely</b> 53:22 <b>barlow's</b> 147:22,25 151:25 161:17 162:1 <b>barrier</b> 155:17 155:23,23 167:21 181:23 <b>barriers</b> 155:8 <b>base</b> 60:24 61:2 61:11 103:1</p>	<p>129:15 151:7 <b>based</b> 131:22 147:21 153:4 161:25 178:12 178:14,15 179:12 <b>bases</b> 168:5 <b>basically</b> 28:10 111:12 143:3 145:5,16 146:19,24 148:22 149:7 151:25 162:16 162:22 166:3 166:18 169:5 170:25 173:7 173:23 176:9 179:6 180:3 183:17 185:18 188:19 191:20 192:21 198:8 <b>basin</b> 23:13 <b>basis</b> 145:22 <b>bearing</b> 155:11 <b>beauty</b> 170:18 <b>began</b> 53:17 54:2 <b>beginning</b> 15:14 <b>behalf</b> 2:11,16 7:7,11 20:10 21:6,9 23:2 43:10 45:9 47:7,23 51:25 62:25 64:20,22</p>
---	---	---	---

[behalf - breaking]

74:8 80:12 83:21 86:20 90:13,21 94:23 95:24 96:1 98:14 102:15 108:23 109:14 122:22 <b>behavior</b> 195:25 <b>belaboring</b> 191:19 <b>believe</b> 5:4,15 5:22 7:15 20:20 21:20,23 22:3 26:9 27:14 33:19 37:4 40:9 42:2 42:21 44:12 45:3 69:16 77:13,24 78:2 83:24 89:14,15 89:20 107:8 109:1,5 112:18 112:20 113:16 114:20 117:14 117:16 121:7 135:20 143:13 159:6,18 160:9 182:25 <b>believes</b> 113:14 <b>belive</b> 86:8 <b>ben</b> 65:13 71:4 71:12,25 <b>beneficial</b> 115:8 167:22	185:7 <b>benefit</b> 131:17 160:1 166:22 185:4 <b>benefits</b> 138:25 <b>bennet</b> 14:12 <b>bennett</b> 2:13,13 2:19,21,24 3:3 7:6,6,9,22,25 8:18,23 9:2 11:1,2,19,22,25 12:2,5,12,15,23 13:4,6,8,18,20 13:25 16:11,19 16:20 17:16,19 18:5,19 19:15 19:18 20:12 29:21 30:9,11 30:12,17 32:23 33:5,25 34:9 34:16,20 64:21 64:22 65:24 80:11,12,15,17 81:21 83:15 <b>bennett's</b> 81:16 <b>benson</b> 117:24 <b>best</b> 136:20 <b>beth</b> 109:14 <b>better</b> 189:18 192:25 194:9 <b>beyond</b> 195:14 <b>big</b> 53:20 54:6 72:6 151:9 <b>bit</b> 16:12 29:10 88:21 136:4	145:20 150:4 152:20 162:20 <b>black</b> 60:16,24 61:25 62:1 110:23 154:16 <b>blanking</b> 173:13,23 <b>blm</b> 88:1 139:8 139:11,11,14 139:20,24,25 164:23 165:2 <b>blocks</b> 41:2,5 <b>blue</b> 135:14 <b>board</b> 135:12 138:4 142:11 <b>bone</b> 3:17,18 65:6 72:12,21 84:5,10 87:15 91:11 99:5 103:1,2 110:12 111:2,3 117:23 117:24 121:15 131:1,1,18,18 134:10,12 136:16 139:3 143:16 155:2,4 155:4,6,11 156:4,25 157:1 157:11,14 158:8,18,19,25 158:25 184:11 185:5 188:10 190:10,14 <b>book</b> 17:5	<b>border</b> 50:9,10 <b>bore</b> 142:24 145:13 160:13 160:22 <b>borrowed</b> 69:20 <b>bottom</b> 60:24 61:10 144:23 144:24 148:14 149:8 161:25 162:17 163:6,8 163:13,18 165:23 174:21 175:24 181:24 182:8 185:19 189:9 <b>box</b> 48:21 <b>bracket</b> 61:1 <b>brad</b> 46:5 <b>bradenhead</b> 146:23 <b>bradfute</b> 2:15 2:16 3:4,6,9,12 <b>brawn</b> 175:17 175:18,19 <b>break</b> 27:17,17 28:4 35:22 66:11,15 101:5 186:22,23 187:4,9,14 <b>breakdown</b> 55:9 92:1 99:16 <b>breaking</b> 188:23
--	---	--	--

[breyman - carbonated]

<p><b>breyman</b> 65:13 66:8 71:4,5,6 71:10,12,15,19 71:22,25 72:1 72:5,23 73:4 <b>brian</b> 74:24 76:10,17,23 <b>brief</b> 124:2 126:20 130:20 130:22 132:17 <b>briefly</b> 106:20 117:19,20 140:6 <b>bring</b> 17:5 30:7 41:25 43:1 187:21 <b>broach</b> 171:16 <b>broaden</b> 75:23 <b>broker</b> 53:17 54:3,5 <b>bta</b> 47:4,7 48:11,23 62:22 62:25 63:5 <b>bubble</b> 188:14 188:14,19,19 188:21,25 189:2 195:19 <b>buffer</b> 135:14 <b>building</b> 41:2,5 <b>burnson</b> 4:13 4:16 <b>burnson's</b> 4:18 <b>burrs</b> 171:13 171:16</p>	<p><b>burst</b> 162:3 <b>bursts</b> 171:2 <b>business</b> 19:19 19:22 51:20 62:17 73:24 80:5 108:16 115:23 122:9 <b>bust</b> 147:24 <b>butt</b> 111:14</p> <hr/> <p style="text-align: center;"><b>c</b></p> <hr/> <p><b>c</b> 8:9 44:13 46:8 49:19 53:7 54:20 63:24 65:17 92:6 97:18 99:21 100:12 103:16 112:3 118:20 124:16 127:25 <b>c102</b> 50:22 51:18 91:25 99:16 <b>c102s</b> 50:22,23 51:13 136:24 <b>c4</b> 100:5 <b>cable</b> 150:9,11 150:12 173:3,4 177:15 179:2,7 182:2,3 <b>cables</b> 150:7,12 169:7,18 172:11 173:8 177:24 179:1 180:4 182:6,14 182:18</p>	<p><b>calcite</b> 155:17 <b>calculate</b> 67:19 114:2,6 145:5 147:24 148:2 <b>calculated</b> 112:13 <b>calculating</b> 85:11 139:23 147:17 <b>calculations</b> 145:2 175:11 176:1,2 189:20 <b>calculator</b> 114:5,15 <b>caliper</b> 146:2 147:12,12 <b>call</b> 20:3 51:24 62:22 74:15 95:21 98:7 102:12 104:14 108:20 132:25 186:8 187:18 <b>called</b> 8:3 66:24 95:20 109:19 169:23 <b>calling</b> 43:7 64:17 80:9 98:5,9 122:17 <b>camera</b> 9:5 10:25 13:10 43:17 52:23 71:9 101:19,23 102:3,10 104:9 104:24,25 168:19</p>	<p><b>camp</b> 72:18 <b>canal</b> 46:2 <b>candidate</b> 131:12 134:4 135:13,21,23 136:25 138:19 140:5,11,16,17 140:20,22 141:11,15,24 154:11,12,14 154:19 157:6 157:13 158:2 158:21 161:12 162:2 165:9 185:3 <b>candidates</b> 154:15 161:8 184:6 <b>canton</b> 103:15 <b>canyon</b> 50:11 50:14 51:14 <b>cap</b> 162:22 <b>capability</b> 168:2 <b>capillation</b> 147:21 189:9 <b>capillations</b> 172:10 <b>capitan</b> 63:15 <b>capture</b> 136:1,3 140:6 <b>captured</b> 142:3 <b>carbonated</b> 155:7</p>
--	---	---	---

[cardigan - chance]

<p><b>cardigan</b> 91:19  <b>carnegie</b> 55:19  55:24 57:3  58:12,21 59:1  <b>case</b> 2:7 3:25  4:2,5,7 5:1  7:17,25 8:3  11:3 12:16,23  14:4 16:4,10  16:18 17:11  19:6 20:1  21:19 22:13,22  22:23 23:9,22  25:24 27:19  32:7 34:1 43:3  43:6,18 44:17  44:24 45:6,17  46:14,19 47:1  47:2,13,18,20  48:10,23 49:6  49:24,25 51:4  51:23 52:3,6  52:20 54:23,24  59:4 62:6,21  64:3,15,16,23  65:20 66:23  68:23 71:2  72:19,20 74:1  75:6 78:1,21  79:15 80:10,17  80:19 81:9,11  81:12 83:10  84:10,11,16,16  86:8,9,17,20,25  87:6,11,13</p>	<p>88:11,19 89:6  89:8,12,24  90:8,25 91:10  91:24 92:21  93:6,19,25  95:8,12,20,21  95:21 96:4,6  96:10,10,19,24  97:3,13,14,19  97:23,25 98:1  98:3,19 99:4  99:14,18  100:13,14,21  101:24,25  102:12,12,23  103:17,20  108:6 109:2,10  109:16,17,25  110:1,8,11,17  110:25 111:4  111:12,13,15  113:9 116:14  116:18 117:8  117:12,18,21  118:7,16,24  119:10,12  121:10 122:10  122:13,17,18  122:22 123:7  124:11 130:23  140:13,13  142:3 150:14  154:20 190:19  198:11,12,14  198:20,25</p>	<p><b>cases</b> 3:16,23  4:10 6:3,8,18  6:20,22,25 7:2  7:3 20:4,5,17  21:4,9 22:7  45:14 47:8  67:4,8 68:19  68:22 69:8,16  70:7,9,24 75:7  75:10 76:6  77:9,12,24  79:16,21 80:7  80:9 84:3,19  85:18,22,23,25  86:1,11,13,23  92:22,25 93:7  93:10,18,22  94:2,24 95:13  96:20 97:8  103:21,25  104:2,8 108:20  109:18 111:17  112:6 113:3,6  113:7,9,10,12  113:18 115:3,6  115:19,24  116:10 198:6  <b>casing</b> 145:23  146:13,15,17  147:13,18,20  148:24 161:20  166:23 167:20  167:20 180:12  180:18 181:5,6  183:8</p>	<p><b>casings</b> 145:25  146:25 183:9  <b>castile</b> 155:15  156:21 157:16  <b>catamount</b>  22:22 23:2,10  23:18,20  <b>catch</b> 16:17  <b>category</b> 31:4  <b>caught</b> 15:13  <b>cause</b> 75:10  177:19 198:9  199:11  <b>caused</b> 34:14  <b>caution</b> 59:1  <b>ccr</b> 1:10  <b>cement</b> 130:11  166:23  <b>center</b> 43:1  <b>certain</b> 30:5  32:20 41:20  <b>certificate</b>  199:3  <b>certified</b>  106:24 124:17  124:21 199:4  199:15  <b>certify</b> 199:5,10  <b>chair</b> 81:6  <b>chakalian</b> 1:3  2:2  <b>chance</b> 21:16  38:17 94:22  117:2,2</p>
---	---	---	---

[chandler - comments]

<p><b>chandler</b> 28:8  <b>change</b> 70:4  172:17  <b>changes</b> 147:19  <b>characteristics</b>  161:10  <b>charge</b> 77:23  <b>charles</b> 4:14  46:6 111:23  118:19  <b>chat</b> 67:9  <b>check</b> 5:17  27:11,15 67:23  69:9 79:22  109:7 170:1  178:19  <b>checked</b> 152:2  <b>checking</b>  115:25  <b>checklist</b> 8:6  23:24 50:7,25  51:12 77:15,24  78:7,16,22  79:4,9 84:21  89:18 111:19  118:18 121:13  122:2  <b>checks</b> 152:17  <b>chemical</b>  129:24  <b>chiefed</b> 53:19  54:5  <b>choose</b> 32:13  70:17 131:13</p>	<p><b>chooses</b> 70:21  <b>christine</b> 48:25  <b>christmas</b>  180:6  <b>christopher</b>  103:15  <b>chronology</b>  92:1 99:17  <b>cimarex</b> 64:22  <b>circle</b> 158:22  <b>circled</b> 137:11  <b>circulation</b>  125:1  <b>cisco</b> 50:11,14  51:14  <b>citation</b> 19:5,14  <b>cited</b> 32:19  <b>city</b> 53:18 54:4  <b>civitas</b> 66:22  67:5  <b>clarification</b>  30:3  <b>clarify</b> 59:6,9  195:9  <b>clarifying</b> 13:3  14:12 16:12  <b>clarity</b> 58:9  <b>classified</b>  188:10  <b>classify</b> 188:7  <b>clean</b> 57:24  152:4,21  <b>cleanup</b> 171:11  <b>clear</b> 36:24  37:7 139:7</p>	<p>173:24  <b>clerk</b> 70:20  <b>clgc</b> 140:12  <b>client</b> 54:6  94:11,20 95:9  <b>close</b> 15:20  19:2,19,22  42:25 51:20  62:17 73:24  80:5,7 108:16  115:23 122:9  140:5 142:3  163:25 179:23  182:10  <b>closed</b> 135:25  136:3 173:17  <b>closing</b> 179:8  <b>clusters</b> 137:20  137:22,24  138:1 160:20  <b>co2</b> 160:14  <b>code</b> 23:13  28:16 46:13  50:11,15 111:3  117:25 121:18  <b>cog</b> 3:12 64:20  65:1,9,15  109:1,14  <b>coil</b> 130:11  176:1,11,25  <b>college</b> 129:7  <b>color</b> 150:5  165:14  <b>colorado</b> 24:5</p>	<p><b>column</b> 55:23  142:2  <b>com</b> 46:3 48:22  63:15 65:10  84:13,18 91:19  99:9 103:11  110:23 111:16  118:9  <b>come</b> 11:15  12:8 32:11  36:24 98:8  101:1,24  102:11 112:24  113:21 114:16  117:5 119:21  167:17 174:20  174:22 187:4  187:16,20  192:24 193:4  <b>comes</b> 34:2  56:10 117:2  <b>coming</b> 34:12  49:17 110:9  121:3 137:17  137:25 150:7  166:10 181:9  182:1,22  <b>commence</b> 67:5  153:4,6  <b>commences</b>  140:21  <b>comment</b> 17:20  142:2 154:22  <b>comments</b>  135:24 140:4</p>
---	---	---	---

[commerce - confining]

<p><b>commerce</b> 53:14</p> <p><b>commingling</b> 138:7,11,16,20</p> <p><b>commission</b> 24:5 54:10 56:14</p> <p><b>commit</b> 56:21</p> <p><b>commitment</b> 57:17</p> <p><b>committed</b> 29:18 31:7,8 31:17 43:19 44:8 45:23 55:23,25 56:15 58:17 63:6 65:17 91:11 99:5 106:13,13 106:15</p> <p><b>common</b> 87:25</p> <p><b>communicate</b> 194:10</p> <p><b>communication</b> 142:16 172:14 173:19 177:19 177:20</p> <p><b>companies</b> 10:20</p> <p><b>company</b> 45:9 129:19 130:24</p> <p><b>compare</b> 147:11 160:3</p> <p><b>compared</b> 160:7,11</p>	<p><b>comparison</b> 186:10</p> <p><b>compensate</b> 163:2</p> <p><b>complete</b> 152:3 192:15</p> <p><b>completed</b> 134:11</p> <p><b>completely</b> 86:16</p> <p><b>completes</b> 159:14</p> <p><b>completion</b> 130:9,13,14,17 130:18 144:6 153:1 168:22 168:25 175:21</p> <p><b>completions</b> 128:23 129:1 130:6,7,11 144:4</p> <p><b>compliance</b> 56:13 88:1 107:6</p> <p><b>complicated</b> 198:21</p> <p><b>comply</b> 57:13</p> <p><b>components</b> 145:14,16,17 168:22,25 180:10,12,16 180:20,21 183:9,10</p> <p><b>compose</b> 196:20</p>	<p><b>composed</b> 135:8 136:2</p> <p><b>composition</b> 162:17 171:5</p> <p><b>compressor</b> 150:17,18</p> <p><b>compressure</b> 168:11</p> <p><b>comprised</b> 43:22 45:25 48:14 52:10 63:8 65:3 87:16 91:14 99:7 111:6 131:3</p> <p><b>comprising</b> 84:7</p> <p><b>compulsory</b> 4:12 6:11 8:5 18:16 23:24 29:5 30:25 51:11 77:15 78:22 79:9 84:20 106:7 111:19 118:17 121:12 122:1</p> <p><b>computer</b> 198:2</p> <p><b>comwells</b> 4:9</p> <p><b>concentered</b> 145:25</p> <p><b>concentric</b> 147:9</p> <p><b>concept</b> 137:15</p>	<p><b>concepts</b> 196:5</p> <p><b>concern</b> 157:18</p> <p><b>concerned</b> 155:13 167:7</p> <p><b>concerning</b> 3:21</p> <p><b>conclude</b> 100:20 114:21 168:16</p> <p><b>concluded</b> 94:21</p> <p><b>concludes</b> 159:7</p> <p><b>conditions</b> 195:22</p> <p><b>conduct</b> 136:6</p> <p><b>conducted</b> 140:24 164:10</p> <p><b>confer</b> 94:20 95:9 197:17</p> <p><b>conference</b> 22:8,14</p> <p><b>conferred</b> 133:11</p> <p><b>confident</b> 19:10</p> <p><b>configuration</b> 185:7</p> <p><b>confined</b> 195:13</p> <p><b>confinement</b> 154:24 155:1</p> <p><b>confining</b> 155:13 156:20 156:23 157:2 157:16,23</p>
--	--	---	---

[confining - correct]

<p>158:5,9  <b>confirm</b> 13:20  15:24 94:10  107:10 132:10  138:25 141:1  165:17 167:3  182:13 183:7  <b>confirmed</b> 81:6  183:11  <b>conflicting</b>  122:12  <b>conflicts</b> 104:5  <b>conformants</b>  156:14  <b>confused</b> 86:16  116:9  <b>confusion</b> 34:7  86:10  <b>connate</b> 155:11  <b>connection</b>  182:8  <b>conocophillips</b>  109:9  <b>consensus</b>  194:7  <b>consider</b> 42:18  175:6 192:16  <b>consideration</b>  148:2 149:9  162:14 163:1  164:4 184:7  <b>considered</b>  36:21 76:2  162:12 186:4</p>	<p><b>consists</b> 155:10  <b>consolidate</b>  66:23 74:12  <b>consolidated</b>  3:16 74:8,13  <b>constrained</b>  156:24  <b>constraints</b>  156:14  <b>construct</b> 143:4  <b>constructed</b>  145:13  <b>construction</b>  141:20,20  142:15  <b>consult</b> 193:24  <b>contact</b> 15:20  <b>contacted</b>  100:2  <b>contacts</b> 190:23  191:3  <b>contain</b> 124:7  156:16  <b>contained</b>  156:10  <b>contains</b> 67:11  <b>contested</b> 93:1  94:8,13 96:11  96:12,22 198:5  <b>context</b> 81:2  92:2 99:17  <b>contingencies</b>  92:18 100:9  <b>contingent</b>  176:8</p>	<p><b>continue</b> 8:15  12:14 53:21  113:11 133:18  133:25 198:14  <b>continued</b>  192:21  <b>continuing</b>  165:24  <b>continuity</b>  157:23 158:5,7  158:9  <b>continuously</b>  150:1  <b>contribute</b>  138:15  <b>contributed</b>  132:9  <b>contributions</b>  166:11  <b>control</b> 150:15  150:23 179:16  179:16 181:23  182:21  <b>controlled</b>  182:11  <b>conventional</b>  190:23 191:3  <b>conversations</b>  11:8  <b>cooper</b> 52:16  52:25 53:6  <b>copy</b> 4:11,12  8:13 23:23  24:22 84:19  110:3 111:18</p>	<p>112:10 118:12  118:16 119:4  124:8  <b>corieta</b> 61:7  <b>corner</b> 48:15  48:16,17,19  63:10,11,12  <b>corp</b> 38:9 39:14  39:16 40:7  <b>corporation</b>  10:10,12  <b>correct</b> 11:25  13:24,25 15:22  16:1 20:21  23:6 24:18  35:15 36:15,16  37:14 38:10,25  39:14,15 40:2  40:24 46:12  57:11 67:22  68:6 69:5 77:2  77:12,13,16  79:13 82:20  83:6 88:15  89:13,14  102:18 106:18  107:13,14  121:21,24  122:2 136:25  137:1 138:8,9  138:13,17,21  138:22 139:5  141:3,15,24,25  142:5,25 143:1  143:6 144:6,7</p>
---	---	---	---

[correct - cv]

149:14,15,20 149:21,22,23 151:13,14 154:3 162:4 164:6 166:25 168:14,15 169:4,11,22,23 171:19 172:5 172:15 173:5,6 173:11,12 175:2,3,15,19 176:22 177:1 178:3 179:13 179:13,19,20 180:1,7,8 182:12,16,24 183:4,13 185:5 186:6 189:2,7 189:8,11 190:2 199:7 <b>corrosion</b> 146:13,17 167:8 <b>cost</b> 56:21 58:15 <b>costs</b> 56:9 59:6 <b>counsel</b> 36:21 45:12 78:12 109:4 196:25 <b>count</b> 68:10,11 114:7,8,9,9 <b>counterpart</b> 116:18 <b>counties</b> 25:20	<b>county</b> 3:21 43:24 46:1 48:20 52:12 63:14 65:5 73:9 84:9 87:18 91:2 98:21 103:5 110:21 111:11 118:5 131:4 <b>county's</b> 23:17 <b>couple</b> 4:24 5:5 116:21 117:15 135:6 <b>course</b> 10:3 192:9 <b>court</b> 3:10 5:2 6:6 7:1 11:21 14:17 17:23 19:20 21:18 23:8 26:11 36:6 47:14 51:15 53:21,23 57:23 58:5 59:10,18 67:19 71:2,16 74:19 76:2 77:21 79:20 86:1 88:16 90:23 97:13 98:5 100:22 101:4 102:8,19 104:23 105:10 109:16,18,22 114:23 127:3 197:24 199:15	<b>cover</b> 13:21 14:2,7 19:23 62:18 73:25 78:17 79:8,12 92:23 102:6 116:3 124:10 192:13 <b>covers</b> 90:25 98:19 <b>cradle</b> 54:8 <b>create</b> 23:10 41:14 158:23 <b>created</b> 74:22 <b>creating</b> 172:18 177:24 191:12 <b>credentials</b> 4:15 24:14 84:24 87:22 91:4,8 98:23 99:2 111:25 <b>credibility</b> 104:20,21 <b>creek</b> 78:3,4,6 86:3,7 87:13 89:1 90:14 91:10,20 92:8 92:23 93:2,8 93:22,23 95:24 198:6 <b>creek's</b> 78:11 <b>crew</b> 53:19 54:5 <b>criteria</b> 162:1 <b>crosby</b> 4:17 6:8 46:6 111:23	112:4,6 118:20 118:25 <b>crosby's</b> 4:20 118:23 <b>cross</b> 5:23,25 44:11 60:12,14 61:10,13,15 72:9,11,14 107:22 115:4 119:14 121:7 121:12 127:2 157:22 158:4,4 187:13 <b>crown</b> 183:3 <b>cubic</b> 134:20,21 145:10 185:2 <b>cure</b> 34:12 107:16 <b>cures</b> 34:11 <b>curious</b> 16:5 17:20 18:1 <b>current</b> 24:16 96:19 141:20 188:12 195:19 <b>currently</b> 10:14 19:9 69:21 93:10 103:8 122:1 135:25 142:2 <b>cursor</b> 41:1 <b>curve</b> 190:11 190:11 <b>cut</b> 158:6 <b>cv</b> 8:22,23
--	---	--	--

[cvi - depth]

<b>cvl</b> 152:10	<b>day</b> 18:20 42:6	119:6,9	<b>degree</b> 53:13
<b>d</b>	68:2,3 73:17	<b>decide</b> 59:5	129:6 130:1
<b>d</b> 8:10 10:10,12	73:21 94:17,18	<b>decides</b> 58:21	<b>degrees</b> 129:9
10:16,19 26:19	114:7,11	<b>decision</b> 152:13	129:12
82:5 98:25	122:16 134:21	196:19	<b>dehy</b> 167:7
112:5 118:23	134:22 145:10	<b>declaration</b>	<b>dehydration</b>
124:8,24 125:4	185:2 199:12	80:21 81:4	146:15
128:5,5	<b>days</b> 4:24 17:2	<b>decreases</b>	<b>delaware</b>
<b>d2</b> 8:23	17:6 57:14	190:15	155:10,15
<b>daily</b> 134:19	67:20,24 68:5	<b>dedicate</b> 43:25	157:15
<b>damage</b> 171:14	114:11	<b>dedicated</b> 4:2	<b>delays</b> 68:16
171:17,23	<b>dead</b> 117:6	23:21 46:2	<b>delivered</b>
177:24	<b>deadline</b> 62:17	48:21 52:13	112:20
<b>dan</b> 62:24	73:23 80:5	63:15 65:9	<b>demonstrate</b>
<b>dana</b> 43:10	115:24 122:9	84:11,17 87:19	143:3
45:8 64:19	<b>deal</b> 13:18	91:18 99:8	<b>demonstration</b>
95:25	126:1	103:10 110:22	138:24
<b>darin</b> 90:12	<b>dealing</b> 72:21	111:15 118:8	<b>denise</b> 23:25
95:23 98:13	<b>dean</b> 2:3 28:3	131:2 160:16	26:13,19
<b>data</b> 134:14	<b>deana</b> 64:22	160:16,25	<b>denoted</b> 158:16
141:18 149:8	<b>debate</b> 32:15	182:3,5,7,13,16	165:13
156:19 158:23	<b>december</b> 4:23	183:1,19	<b>density</b> 171:5,9
163:24 166:18	5:14 6:3,4	<b>deducted</b>	<b>depending</b>
168:12 196:12	44:15 46:9,9	139:22	123:20 187:12
<b>date</b> 11:16 17:3	46:10 49:21,22	<b>deem</b> 186:13	<b>depends</b> 116:22
19:21 65:19	54:21,21 63:25	<b>deemed</b> 10:22	<b>depicted</b> 60:15
114:1,4,15	64:1 65:18	<b>deep</b> 156:17	61:7,13,14,19
192:21 194:12	67:13,14,17	<b>defect</b> 17:9	<b>depicting</b> 60:22
197:5	68:2 75:3,4	32:4	<b>depleted</b>
<b>dated</b> 85:14	81:5,6 85:10	<b>defer</b> 30:9	156:11
92:24 112:11	85:15 88:8,9	<b>defined</b> 65:7	<b>depletion</b>
<b>davenport</b>	92:15,17 100:9	<b>definitely</b> 17:2	191:17
63:17	100:10 103:18	40:15 50:21	<b>depth</b> 34:19
<b>david</b> 48:25	103:19 112:11	69:24	43:20 61:23
53:18 54:4	112:15 113:19		103:2 131:20

[depth - division]

<p>144:22 155:5 177:3 <b>depths</b> 65:8 134:13 <b>described</b> 161:7 <b>describe</b> 38:3 60:18 131:5,10 165:13 <b>described</b> 4:1 92:5 99:21 150:22 <b>description</b> 151:12 <b>designating</b> 91:12 <b>desired</b> 178:5 <b>detailed</b> 123:23 <b>details</b> 95:17 131:10 189:16 190:7,8 <b>determination</b> 194:13 <b>determine</b> 162:9 164:11 <b>determined</b> 144:14,16 <b>determining</b> 161:12 162:11 164:5 <b>development</b> 56:3 92:5 99:20 144:5 <b>deviated</b> 106:11</p>	<p><b>devonian</b> 156:18 158:13 158:15 <b>diagram</b> 25:5 118:21 119:13 120:6 137:16 137:19 <b>diagrams</b> 142:11 <b>dial</b> 14:15 <b>diameter</b> 148:6 148:7 <b>dias</b> 32:6 <b>dictated</b> 145:11 <b>dictating</b> 162:19 <b>differences</b> 93:4 133:24 <b>different</b> 5:6 28:24 54:6 94:18 95:21 97:5 121:11 135:6 145:17 145:25 146:25 146:25 147:9 150:4,7 160:20 165:23 171:7 184:5 <b>differential</b> 163:14 178:15 <b>differentiate</b> 5:10 <b>differently</b> 163:19</p>	<p><b>difficult</b> 189:17 <b>difficulty</b> 28:23 <b>dimensions</b> 177:11 <b>dina</b> 2:13 7:6 80:12 <b>dip</b> 190:1 191:12 <b>dipping</b> 158:24 <b>dips</b> 191:11 <b>direct</b> 36:8 55:7 72:8 126:15 159:24 161:6 164:8 165:11 167:6,15 <b>direction</b> 143:20 <b>directional</b> 169:25 <b>directly</b> 36:14 36:14,17,18 <b>disconnect</b> 148:21 149:7 172:13 174:11 <b>discovered</b> 75:25 107:1 <b>discretion</b> 78:24 <b>discuss</b> 33:15 134:25 139:16 164:17 197:4 <b>discussed</b> 34:18 113:17 139:11 <b>discussing</b> 21:4 30:3</p>	<p><b>discussion</b> 33:9 34:19 35:5,6 42:16,17 167:7 <b>discussions</b> 12:2 16:24 133:25 <b>dismiss</b> 93:9 <b>dismissal</b> 97:11 <b>dismissed</b> 95:8 95:13 <b>dismissing</b> 94:1 94:3 97:8 <b>displace</b> 190:1 <b>displacement</b> 195:25 <b>displacing</b> 191:12 <b>dissolvable</b> 175:12,15 <b>dissolve</b> 175:17 <b>distinction</b> 32:24,25 <b>division</b> 4:15 8:8,12 9:19 10:24 12:18 17:10 24:3,14 30:8 33:14 44:5 49:2,11 53:10 54:18 56:6 60:4 63:19 67:10 73:5 77:4 80:22 82:8 84:24 87:21 88:2,10 89:1</p>
---	---	--	---

[division - eight]

<p>91:4,7 94:19  98:23 99:1  105:14 111:24  112:23 114:24  116:2 127:1  129:23 130:19  131:23 159:11  159:17 192:10  192:17,22  194:6,8,11  <b>division's</b> 17:11  42:20 112:19  124:22 140:25  <b>docket</b> 2:6,6  15:13 20:6,17  22:8,14 43:8  45:7 47:4  62:23 80:10  86:3 93:13,17  94:1 96:6 97:5  98:6,8,9  112:24 113:22  122:17,18  197:7,10,10,25  198:1,12,15,20  <b>documents</b>  133:17  <b>doing</b> 53:19  54:6 116:18  117:4 147:13  166:12 167:23  <b>dollars</b> 82:19  <b>dolomite</b> 60:25  61:11</p>	<p><b>dolton</b> 44:3  <b>dominant</b>  163:10  <b>dos</b> 127:14  <b>dotted</b> 165:22  <b>double</b> 69:9  79:22 109:7  <b>drainage</b>  195:13,15  <b>draw</b> 15:2  60:11 69:15  82:13 106:1  <b>drift</b> 171:20,22  <b>drill</b> 56:19  <b>drilled</b> 87:25  89:8 134:11  136:24  <b>drilling</b> 25:13  56:5,9,20 57:6  57:14 67:6  82:19,23 85:7  112:8 119:1  <b>drinking</b>  157:20  <b>drop</b> 70:15  118:14 170:11  174:15  <b>dropped</b> 32:5,7  <b>dropping</b>  170:13  <b>due</b> 103:2  113:12 162:23  184:11  <b>duly</b> 9:10 14:21  26:14 53:1</p>	<p>59:21 71:13  76:18 81:24  105:7 127:10  <b>dunes</b> 154:18  157:25 158:12  <b>dunn</b> 46:5  <b>duplicate</b> 46:19  <b>dutchman</b>  111:16</p> <hr/> <p style="text-align: center;"><b>e</b></p> <hr/> <p><b>e</b> 9:15,15,16  26:19,19,20,20  53:7,7 60:1,1  60:21 71:22,23  76:24,24 82:5  112:10 127:18  127:18,24,24  127:25 128:4,4  128:5  <b>earlier</b> 28:7,11  28:12 32:18  133:4 135:23  158:14 168:7  183:16  <b>earn</b> 129:9  130:1  <b>earned</b> 129:12  <b>ease</b> 158:24  <b>east</b> 3:18,20 4:3  4:6,8,8 36:18  37:2,2,4,10,11  38:4,10,15,19  39:6,9 42:15  43:24 46:1  48:17,18,18,19</p>	<p>48:20 52:12  63:8,10,11,12  63:14 65:5  84:8 87:17,18  91:22 98:20,21  99:7 103:5  110:20 111:8  111:11 118:2,4  131:7,8,9  191:11  <b>easy</b> 115:11  <b>economics</b>  186:11  <b>ed</b> 161:13  188:16  <b>eddy</b> 43:24  46:1 87:18  91:2 98:21  103:5 118:5  131:4  <b>edges</b> 171:14  171:17  <b>edit</b> 72:22  <b>eduardo</b> 127:9  128:4,5  <b>education</b> 8:14  9:22 53:12  129:3  <b>effect</b> 195:16  <b>effected</b> 25:6  <b>effective</b>  185:21  <b>eight</b> 22:22  114:12</p>
---	--	---	---

[either - evidence]

<p><b>either</b> 20:14 29:23 42:20 68:23 70:7 78:7 85:25 109:5 163:23 196:14 197:1</p> <p><b>elaborate</b> 183:6</p> <p><b>elast</b> 171:14</p> <p><b>elder</b> 48:22</p> <p><b>electra</b> 84:12 84:18</p> <p><b>electric</b> 149:6 166:14 167:25 179:3,5 182:22</p> <p><b>electrical</b> 150:9 182:2</p> <p><b>electrically</b> 179:23</p> <p><b>electromagne...</b> 148:20 161:9</p> <p><b>elicit</b> 153:10</p> <p><b>em</b> 147:5,15,21 151:23 161:9 161:11,15 168:5,6,11</p> <p><b>email</b> 5:17 27:8 27:15 94:21</p> <p><b>emailed</b> 14:3 35:13,15</p> <p><b>emt</b> 148:19</p> <p><b>ends</b> 136:19</p> <p><b>energy</b> 2:14,17 22:23 23:3 43:8,11 49:3 52:1 53:13</p>	<p>54:7,10 55:20 56:6 57:3 64:22 98:9,14 198:10</p> <p><b>energy's</b> 93:18</p> <p><b>engage</b> 176:19</p> <p><b>engaged</b> 16:23</p> <p><b>engineer</b> 10:8,9 10:11,15,19 24:20 128:14 128:24 129:1 129:24 130:6,7 130:11,13,15 130:16,17,18 144:4</p> <p><b>engineering</b> 9:20,25 10:2,3 10:5,17,23 128:11 132:16 152:13 183:15</p> <p><b>enhance</b> 131:17</p> <p><b>enhanced</b> 130:25 133:2</p> <p><b>enhancement</b> 160:4,8</p> <p><b>enlarged</b> 41:3 41:18 84:15</p> <p><b>ensure</b> 69:8,9 171:1</p> <p><b>enter</b> 3:5 15:4 93:6 137:22</p> <p><b>entered</b> 7:13,24 18:14 23:5 31:22 59:2 66:25 80:14</p>	<p>87:7 96:4 97:18 98:16 102:20 109:1,9</p> <p><b>entering</b> 12:5 86:8,10,13,16 86:23,24 87:2</p> <p><b>entire</b> 5:25 56:17 78:15,20 169:2 191:22</p> <p><b>entirety</b> 103:4 110:19 111:6,8</p> <p><b>entries</b> 2:8 7:5 20:6 22:23 75:17 95:22 102:13</p> <p><b>entry</b> 3:6 20:22 21:7 29:15 109:12</p> <p><b>eog</b> 86:20 90:21</p> <p><b>eor</b> 133:2 134:2 138:25 160:11</p> <p><b>equation</b> 147:22,25 151:25 161:17 161:17 162:1</p> <p><b>equipment</b> 146:1,5 148:13 149:5 152:7,14 162:17 163:16 168:1,9</p> <p><b>equivalent</b> 63:13 110:18 185:12 189:22 191:7,25</p>	<p><b>errington</b> 53:19 54:4</p> <p><b>errors</b> 47:16</p> <p><b>especially</b> 163:9 164:18</p> <p><b>essence</b> 160:21</p> <p><b>essentially</b> 89:11 107:11 131:11</p> <p><b>established</b> 50:8</p> <p><b>estate</b> 29:7 32:21</p> <p><b>estimates</b> 166:12</p> <p><b>estimation</b> 122:24</p> <p><b>ether</b> 14:2</p> <p><b>evaluation</b> 10:4</p> <p><b>event</b> 56:8 57:17 150:14 182:10,11,11</p> <p><b>everybody</b> 76:13</p> <p><b>evidence</b> 6:22 12:23 26:3 44:21 46:18 49:24 54:23 55:2 64:7 66:1 68:22 81:15 85:22 97:22 100:17 103:24 113:6 119:18 124:4 125:7</p>
---	---	--	---

[exactly - examiners]

<p><b>exactly</b> 5:16 17:16 41:22 166:2</p> <p><b>examination</b> 127:2 187:13</p> <p><b>examiner</b> 1:3 2:1,3,16,18,22 2:25 3:4,7,14 3:16 4:18,22 5:9,18 6:2,19 6:24 7:8,13,17 7:20,23 8:15 8:19,25 9:4,7 9:13,17,21 11:17,23 12:1 12:4,7,13,19,21 12:22 13:3,5,9 13:12 14:13,24 15:2 16:3,8,11 16:13,17,19 17:14,17,25 18:19,25 19:4 19:8,13 20:9 20:11,14,23 21:10,15 22:2 22:6,10,18,20 23:1,4 24:9,16 24:19 25:2 26:1,5,7,17,21 27:9,12,16,22 28:1,9,14,17,21 29:16,20 30:1 30:11,15 32:14 33:3,6,12,24 34:7,10,17</p>	<p>35:8,21 36:2,8 36:23 37:6,10 37:12,15,17,24 39:25 40:5,9 40:13,21,23 43:3,5,9,12,15 44:19,23,25 45:5,8,10,15,18 45:21 46:16,22 46:25 47:2,10 47:17,22,24 48:2,6,9 49:7 49:12,13,16 50:1,5 51:4,5 51:19,22 52:2 52:5,22 53:4,8 54:25 55:3,5 55:13 57:21 58:3 59:12,14 59:24 60:2,11 62:5,7,16,24 63:1,4 64:5,11 64:14,16,19,21 64:25 65:22,25 66:3,5,9,10,14 66:18,24 67:16 67:23 68:4,7 68:10,13,20,24 70:6,8,14,20,23 71:1,5,8,20,24 72:2,5 73:3,19 73:23 74:11,15 75:8,15,22 76:5,7,9,12,15 77:8,20 78:25</p>	<p>79:3,11,14,19 79:25 80:4,11 80:13,16 81:13 81:17,19,22 82:2,9,12 83:9 83:11,14,15,20 83:22,25 85:20 85:24 86:6,12 86:19,21 87:1 87:5,12 88:12 88:20,24 89:23 89:25 90:3,7 90:11,11,15,18 90:20 92:20 93:11,16,21,24 94:7,16 95:2,6 95:18 96:2,7 96:16 97:2,10 97:20,24 98:2 98:12,12,15,18 100:11,15,19 100:24,25 101:9,14,16,18 101:22 102:2,6 102:16,22 103:22 104:1,3 104:7,10,12,17 104:19 105:4 105:19,21,23 108:5,8,11,15 108:22,24 109:3,11 110:5 113:4,8 114:6 114:16 115:2 115:17,22</p>	<p>116:3,6,15,19 117:12,17 119:16,20,24 122:5,8,15,20 123:2,8,15,19 124:1,5 125:3 125:5,14,18 126:1,12,24 127:13,19,21 127:22 128:1,6 128:13,18,21 128:25 129:2 129:21 130:23 131:23 132:4 132:12 133:9 143:24 153:18 159:13,18,21 159:22,23 160:10 168:18 186:20 187:3,7 188:2,4,9 190:25 192:3,7 192:19 193:13 194:3,15 195:3 195:8 196:6,24 197:9</p> <p><b>examiner's</b> 66:19 78:24</p> <p><b>examiners</b> 123:4,10,20 126:6,11,13,14 126:21 133:12 133:15,23 159:17 193:4</p>
---	--	--	---

[example - explain]

<p><b>example</b> 18:15 31:2,16 32:1 <b>exceed</b> 163:14 <b>excellent</b> 82:2 167:1 <b>exception</b> 103:6 198:7 <b>excluded</b> 31:5 <b>excluding</b> 41:7 41:13 65:7 <b>excuse</b> 61:6 108:9 134:15 160:15 186:20 <b>executed</b> 32:1 55:24 56:12 58:25 <b>exemption</b> 33:17 <b>exhibit</b> 4:19,20 4:23 6:3,21 8:5 8:6,7,9,9,10,16 8:20,23 11:14 11:18 12:24 13:23,24 14:1 19:23 25:4,8 25:10 26:25 27:1 35:12 39:21 40:21 44:11,13 45:1 46:8,19 49:8 49:14,19,20 51:7,10 52:19 54:9,20,20 61:18 62:9,18 63:21,24 64:8</p>	<p>65:17 67:7 72:25 73:16,20 73:25 75:2 78:15,23 79:5 79:10,12 80:20 85:1,3 91:24 92:2,6 99:14 99:21 100:5 103:16 104:4 108:1,10 112:3 112:5,10 115:5 115:13,14,18 116:8 118:20 118:23 122:11 123:14 124:7,7 124:8,11,16,24 125:8,9 147:2 151:16,17 153:9 <b>exhibits</b> 2:23 3:8 4:19,21 6:16,17,21 8:4 11:5 12:16,20 12:22 14:8 25:4,11,23,23 26:2,2 27:21 36:3 44:2,9,16 44:20 46:4,11 46:13,17 48:3 48:7,23 49:23 50:2 52:15 54:22 63:16,23 64:2,6 65:11 65:20,25 68:18 68:21 74:23</p>	<p>75:5,9 79:23 81:11,14 85:2 85:17,17,22 88:10,17 92:4 97:18,22 99:18 99:19 100:12 100:12 103:12 103:13,19,23 107:22 112:4,6 113:1,2,6 118:22,24 119:11,11,15 119:17,17 123:5 124:3,8 124:12,12,14 125:3,6,11 126:7,22 132:5 132:8 194:19 195:5 196:14 197:2 <b>exist</b> 156:6,25 <b>existed</b> 35:1 <b>existing</b> 88:23 89:2,12 120:7 122:12 133:3 137:13 138:7 138:16,20 140:5,5 163:21 171:12 183:17 <b>expands</b> 166:1 166:2 <b>expansion</b> 177:24 <b>expect</b> 156:16 158:9 186:3</p>	<p>197:18 <b>expected</b> 131:17 138:25 139:2 143:13 187:23 <b>expects</b> 139:2 <b>expenditure</b> 58:14 <b>experience</b> 8:14 10:6 53:15,25 86:10 <b>expert</b> 10:23 52:18 53:9 54:17 60:4 67:10 73:5 75:1 76:25 82:7 87:21 91:5,7 98:24 99:1 105:14 116:10 128:10 128:16 129:12 129:22 132:16 153:22 <b>expertise</b> 9:18 24:17 53:25 73:11 128:15 <b>experts</b> 24:10 24:11 44:6 46:7 49:2 63:19 65:14 125:21,22,23 133:14 <b>explain</b> 40:15 139:9 140:6 144:14 145:13</p>
---	--	--	---

[explain - finally]

<p>148:4,10 150:1 179:3 <b>explained</b> 42:23 151:22 <b>explaining</b> 73:25 <b>explanation</b> 137:4 <b>expungent</b> 164:11 <b>extend</b> 67:5 158:15 <b>extending</b> 173:4 <b>extension</b> 68:16 75:11,14 <b>extent</b> 156:19 <b>external</b> 148:7 <b>extracted</b> 191:24 <b>extraordinary</b> 168:8 <b>extremely</b> 196:12</p>	<p><b>failed</b> 17:5 <b>failure</b> 186:4 <b>fair</b> 29:12 56:9 57:7,15 126:24 172:14,15 177:21 180:13 190:6,24 <b>fall</b> 31:4 <b>familiar</b> 69:2 72:7 77:18 115:8 126:7 128:9 <b>fane</b> 21:6 86:7 <b>far</b> 20:16 123:13 <b>fasken</b> 20:18,21 21:2,6,9 22:19 <b>fast</b> 175:6 <b>fault</b> 156:22 158:14 <b>faulting</b> 6:9 25:12 85:5,6 118:25 157:1 <b>faults</b> 156:18 156:19,24 158:15 <b>faulty</b> 112:7 <b>fe</b> 2:11 7:11 20:9 21:5 23:1 47:22 83:20 86:6 108:22 122:21 <b>feather</b> 3:18 <b>february</b> 93:1 93:13,17 96:11</p>	<p>96:13,21 197:25 198:3 198:12,15,18 199:12 <b>fed</b> 46:3 84:13 84:18 91:19 99:9 103:11 110:23 118:9 <b>federal</b> 43:25 52:14 68:17 78:9 134:5 135:18,19 139:8,13 154:20 <b>feeding</b> 117:1 <b>feel</b> 58:10 102:22 123:6 126:4,5 187:21 193:16 <b>fees</b> 59:6 <b>feet</b> 43:20 65:8 65:8 131:19,20 134:20,22 136:17 137:13 137:14 145:10 152:5,6,11,21 155:7,14,19 157:13,17 165:25 185:2 <b>feldmore</b> 7:18 <b>fiber</b> 149:6 166:8 168:14 <b>fiberoptic</b> 165:13,22 173:4 182:2</p>	<p><b>fiberoptics</b> 150:12 166:4 167:25 169:7 169:20 173:2 177:14 <b>field</b> 9:17 53:17 54:3 60:6 73:7 73:8 75:1 76:25 105:16 128:10,22 151:3 <b>fields</b> 44:6 46:8 63:20 65:15 <b>figures</b> 162:9 <b>file</b> 14:4 20:22 46:11 49:8 62:9 78:1,16 108:13 119:14 165:4 <b>filed</b> 5:7 13:25 14:5 21:7 44:9 47:24 63:21 64:9 70:15 78:6 92:23 93:10 103:12 104:4 123:13 124:6,9,12 125:9,11 <b>filing</b> 14:6 97:11 125:16 125:16 <b>final</b> 57:6,14 140:20 <b>finally</b> 81:3 128:1 137:25</p>
<b>f</b>			
<p><b>face</b> 179:13 <b>facilities</b> 88:1 <b>facing</b> 103:10 <b>fact</b> 11:11 15:20 17:11 18:12 191:23 <b>factoring</b> 130:11 <b>factors</b> 195:20 195:21</p>			

[find - four]

<p><b>find</b> 95:16 184:3</p> <p><b>fine</b> 42:20 48:6 57:22 61:25 68:14 69:7 73:22 115:1 120:20 126:19 164:22</p> <p><b>finish</b> 57:24 98:9</p> <p><b>finished</b> 16:15 97:15 193:19</p> <p><b>first</b> 9:10 14:21 26:14 31:4 34:14,21 53:1 59:21 71:13 76:18 81:24 86:7,17,25 105:7 109:25 114:9 115:5 120:5 124:4 127:10 128:4 135:7 141:4 144:18 145:16 145:18 148:16 149:13 159:19 168:21 169:1 198:5</p> <p><b>fisher</b> 150:23</p> <p><b>fishing</b> 176:20 176:23</p> <p><b>fit</b> 169:24 177:9</p> <p><b>fits</b> 114:25</p> <p><b>five</b> 7:5 35:21 66:11,15 92:4</p>	<p>100:6 123:21 134:7 136:7 145:25 147:9 151:7 175:8 177:4 181:3,4 186:22,23 187:4</p> <p><b>fix</b> 121:9</p> <p><b>fixed</b> 198:2</p> <p><b>flag</b> 34:22 90:14</p> <p><b>flat</b> 78:2,4,6,11 86:3,7 87:13 89:1 91:10,19 92:8,23 93:2,8 93:22,23 95:24 198:6</p> <p><b>flood</b> 160:14 185:22</p> <p><b>flooding</b> 173:20</p> <p><b>flow</b> 138:1 150:19,20,21 150:23 169:25 170:2,4,6 174:18</p> <p><b>flowing</b> 180:2</p> <p><b>fluid</b> 162:16 171:4 175:7,17 189:21</p> <p><b>fluids</b> 155:18 173:18 175:8</p> <p><b>fly</b> 30:13</p> <p><b>flying</b> 111:16</p> <p><b>focus</b> 172:22 179:1 183:15</p>	<p>191:8</p> <p><b>focusing</b> 137:9 172:23</p> <p><b>folks</b> 30:23 31:24</p> <p><b>follow</b> 159:20 191:15 192:5 194:2</p> <p><b>following</b> 93:18 138:14 140:24 141:8,17 142:10,23 185:17 186:10 186:12</p> <p><b>follows</b> 9:11 14:22 26:15 39:2 53:2 59:22 71:14 76:19 81:25 105:8 127:11 136:6</p> <p><b>foot</b> 144:19 155:17,22 158:5,7 161:18 161:19</p> <p><b>footnote</b> 77:10 182:7</p> <p><b>force</b> 38:16,22 38:22 56:7 57:8,16 87:14 106:16</p> <p><b>forces</b> 172:18</p> <p><b>form</b> 195:4 197:1</p>	<p><b>format</b> 99:6</p> <p><b>formation</b> 3:17 23:12 43:20 45:23 48:13 52:8 60:14,15 60:17,18 61:3 61:16,20 63:7 65:6 87:15 91:12 99:5 103:1 111:2 117:24 131:2 131:19 136:17 155:3,3,5,15,20 157:12 166:22 195:20,21</p> <p><b>formations</b> 157:9</p> <p><b>formulate</b> 196:16</p> <p><b>forth</b> 199:8</p> <p><b>forward</b> 21:8 35:19 70:3 94:12,13,14 186:15</p> <p><b>forwards</b> 69:22</p> <p><b>found</b> 92:8 99:23 134:13 157:7 159:4</p> <p><b>four</b> 6:2,19,22 6:25 7:2 94:2 97:8 99:19 140:11,15 145:15 146:19 152:8</p>
--	--	--	---

[frack - gibber]

<p><b>frack</b> 184:12  <b>fracking</b>  163:23  <b>fracks</b> 184:1,21  <b>fracture</b> 163:22  164:3,5  <b>fractures</b>  191:18  <b>francis</b> 39:11  <b>franklin</b> 2:14  <b>fred</b> 39:10  <b>free</b> 58:10  102:22 139:20  140:1 187:21  188:21 190:20  <b>frequency</b>  167:22  <b>fresh</b> 144:19,22  155:24,25  156:5  <b>freya</b> 5:18 6:2  8:19 27:6,10  27:18 28:2,3  44:25 46:18  64:8 104:4  116:7 122:11  <b>friction</b> 162:13  163:2,2,10  <b>front</b> 36:4  <b>full</b> 89:17  193:16 195:17  195:23  <b>fully</b> 193:23  <b>function</b>  165:13</p>	<p><b>further</b> 16:4  17:24 22:15  30:4 35:5 40:9  43:2 51:3  61:12 62:6  70:7 77:19  83:10 89:23  107:21 108:6  121:4 143:22  147:2 153:8,18  159:9 193:11  199:10  <b>future</b> 34:12  56:19 69:8,23  110:7 164:12  186:11</p> <p style="text-align: center;"><b>g</b></p> <p><b>g</b> 26:20 82:5  98:25  <b>gabber</b> 159:19  <b>gamarian</b>  157:8  <b>game</b> 29:12  <b>gas</b> 41:2 73:8  134:17,20,22  135:25 136:3,9  136:10,13  137:21 138:5,7  138:16 139:16  139:18,19,21  139:22,22  145:4 146:14  146:16 149:12  149:13,16,16  149:18,19,20</p>	<p>150:21,24  153:5 154:24  155:9,24  156:16 164:11  166:6,9 169:21  170:2 178:4,9  178:10 179:2,3  179:5,9,10,11  179:14,17,17  182:21,22  184:10,13,14  184:15,19,25  185:4,11,12,13  185:19 186:19  188:8,21,23  189:21 190:23  191:3,6,14,24  195:12,21  <b>gathering</b>  149:8  <b>gauge</b> 166:15  166:16 169:17  169:19 173:3,3  177:15  <b>gauges</b> 151:3  163:13 166:15  166:17  <b>gauging</b> 151:3  <b>gebremichael</b>  194:22,23  195:7 196:1,11  196:13,18,23  197:11  <b>general</b> 125:1</p>	<p><b>gently</b> 158:24  <b>geographical</b>  6:9  <b>geologic</b> 25:13  112:7 154:2,9  154:22  <b>geological</b> 85:6  119:1 129:7  <b>geologist</b> 4:13  24:1,13 44:3  46:5 48:25  52:16 55:4  59:13,14,15,16  63:17 65:12  66:4,6 84:23  91:6 98:25  99:17 101:13  103:15 111:23  118:19 128:17  128:18 129:16  129:18 153:20  <b>geology</b> 4:21  25:11 52:18  60:7 73:11,14  85:4 92:4 99:2  99:19 107:22  112:6 115:5  118:24 129:6  129:13,22  153:22 154:8  <b>getting</b> 14:14  113:25 150:9  185:24  <b>gibber</b> 194:15</p>
---	--	--	---

[give - good]

<p><b>give</b> 5:15 18:7  18:10,13 20:20  28:25 29:6  30:19 31:6  32:11 41:9  42:3 95:15  109:6 113:13  115:23 116:7  124:2 126:19  130:20 133:12  147:1 151:19  154:7 168:12  193:20 194:25  197:12,21  198:18  <b>given</b> 17:21  38:17 167:19  <b>giving</b> 166:22  <b>glenn</b> 39:10  <b>glorieta</b> 61:12  <b>go</b> 3:23 5:19  13:16 14:13  26:3 28:22  29:2 33:8 38:1  38:20 41:8,11  56:19 58:6  71:9 72:22  74:5 78:1  86:22 88:24  94:13,14,16  96:3 101:23  102:11 116:13  116:23 120:5,8  121:5,17 127:6  131:5 132:1,10</p>	<p>132:12,21  137:21 144:9  147:4 148:9  149:10 150:18  151:11 159:19  161:15 163:19  164:2,21  165:19,22  168:23 174:10  174:21 175:23  175:24 176:1,7  176:10 177:22  178:10,10  181:13 184:1,2  184:12,13  185:15,16  188:16 190:9  191:10 192:7  193:9,15  195:14 198:11  198:23  <b>goal</b> 12:5  <b>goat</b> 4:2,4,7,9  <b>goes</b> 9:22 18:21  24:1 29:17  53:25 94:11  163:20 167:2  179:17,18  <b>going</b> 4:4 11:18  12:10 15:22  16:5 18:17  20:3 22:7  23:12 29:2  35:19 38:10  42:14 49:8,10</p>	<p>49:14,22 51:7  51:9,11 53:23  55:14 56:4,21  57:9 58:19  59:5 61:17  62:22 66:14  67:25 69:24  70:3,12 71:17  78:18 79:11  94:9 96:12,19  97:8 98:6,7  101:11 102:12  108:19 109:24  114:9,16  116:21 120:25  121:2,6 124:2  126:8 133:12  133:19 137:12  137:17 139:10  139:12,17  143:25 144:8  145:4,19,21  146:14 147:17  147:21 148:13  148:14,15,16  148:16 149:5  150:3,5,8,9,11  150:13,18,19  150:20,22,24  151:2,6,10,15  151:20,23  152:3,4,6,9,10  152:12,18,20  152:25 159:23  161:8,18,21</p>	<p>162:18 163:17  164:25 165:6  165:20,21  166:3,4,9,12,13  166:15,16,17  167:4,9,12,16  167:17,24  168:2,2,8  169:11,12  171:13,21  172:22 173:1,6  173:7,22,25  174:2,2,4,8,9  174:11,12,13  176:21 177:15  177:22 178:13  178:22 179:7,8  179:21,21  180:4,24,24  181:12,13  184:1,11,19  186:14,25  187:8,11,14,22  189:6 192:13  195:1,1 196:7  198:6  <b>good</b> 2:1,10,13  2:15,18 4:24  5:13 7:6 9:4,6  9:7 20:8 21:16  22:25 26:11  28:8,9 34:18  36:6 43:9  44:25 47:2,21  57:5,25 64:21</p>
--	---	--	---

[good - hardy]

66:18 68:15 74:11 75:10 76:3 79:20 80:11,13 83:19 86:5 89:3 90:10,11,20 98:2,11,12 101:14 108:21 122:20 127:3 128:3,18 129:2 129:21 132:23 145:24 147:7 150:13 152:17 153:12,13 161:14,20 168:12 182:20 183:5 187:19 198:9 <b>goodin</b> 98:25 <b>gotten</b> 27:4 120:15 <b>governs</b> 95:12 95:13 <b>grab</b> 117:3 <b>grace</b> 126:21 <b>gradient</b> 144:18,18,20 163:22 164:5 <b>gradients</b> 144:17,21 <b>graph</b> 148:22 <b>grave</b> 54:9 <b>grayburg</b> 61:5 <b>great</b> 2:25 3:7 9:13 14:17	19:19 26:11 43:5 132:22 133:20 153:25 166:20 168:16 <b>green</b> 61:1 150:11 166:13 190:11 <b>greer</b> 24:1 26:12,13,16,19 26:19,22 35:11 35:17,20 36:3 36:5,8,12 37:1 37:4,7,9,11,18 37:20 38:3 39:25 40:2,13 40:16 43:16 <b>greer's</b> 25:3 <b>gregory</b> 1:3 2:2 87:20 91:3 <b>gregory's</b> 91:24 <b>ground</b> 157:6 <b>groundwater</b> 159:2,6 <b>group</b> 54:5 155:10,15 157:15 <b>gs</b> 176:20,21,21 <b>guess</b> 17:25 33:13,22 38:2 40:11 58:9 61:19 62:1 69:25 70:2 78:13 88:20 105:24 121:11 123:9 136:20	165:14 169:1,8 172:12,22 175:6,20 182:20 183:14 184:25 185:7 186:18 187:19 189:25 190:8 191:19 192:2 <b>guest</b> 140:6 142:3 <b>guitar</b> 99:9 <b>guys</b> 70:14 <b>gyllenband</b> 80:21 81:21,23 82:1,4,13 83:16 <b>gypsum</b> 155:17 <b>gyro</b> 152:10	91:14,15,16,16 91:17,23 98:20 99:7 103:6,6 110:18 111:9 118:1 124:19 131:7,8,8,9 135:14 141:2 141:10 161:18 175:8 177:4 181:3,4 <b>hand</b> 9:8 14:19 14:25 26:12 52:24 59:19 71:11 76:16 97:14 105:5 127:7 154:13 199:12 <b>handle</b> 107:10 <b>handling</b> 45:16 54:8 116:16 <b>handy</b> 176:17 <b>hanger</b> 182:23 183:2,11 <b>hapi</b> 134:5 <b>happen</b> 35:6 <b>happening</b> 137:16 168:3 <b>happens</b> 69:24 <b>happy</b> 12:17 24:25 30:22 78:13 121:9 <b>hard</b> 104:20 197:16 <b>hardy</b> 43:9,10 43:14,18 45:5
		<b>h</b>	
		<b>h</b> 54:4 127:18 127:24 <b>h2s</b> 149:18 <b>habits</b> 117:1 <b>hackberry</b> 121:15 <b>half</b> 3:25 4:1,3 4:3,6,6,8,8 23:14,15,15 40:18,18 42:1 42:12,13 43:2 43:22 48:14,15 48:15,16,17,18 48:18,19 52:10 63:8,9,11,12,12 84:7 86:7	

[hardy - hearing]

45:8,8,13,16,20 45:22 47:13 62:24,24 63:3 63:5 64:19,19 64:25 65:1 66:7,13 70:25 71:1,4 73:19 73:21 94:23 95:3,7,25,25 <b>hardy's</b> 46:23 64:12 <b>harris</b> 168:21 187:1,10 188:3 188:4,5 190:13 192:14 193:7 193:19,22 194:16 195:9 196:4,11,22 197:11 <b>harrison</b> 168:17,18,19 <b>hart</b> 2:11 7:11 20:10 23:2 39:20,24 45:10 47:23 74:10 83:21 108:23 122:22 <b>hart's</b> 40:3 <b>hashed</b> 35:7 <b>hatly</b> 109:6 <b>head</b> 126:3 163:5 <b>hear</b> 13:12,14 13:16 14:14 19:14 30:22	40:11 53:22 105:2,4 123:21 123:24 127:20 144:2 153:23 153:24 192:10 198:20 199:8 <b>heard</b> 14:17 19:13 22:13 127:13 187:13 193:17 198:5 <b>hearing</b> 1:1,3 2:1,3,15,18,22 2:25 3:2,4,7,14 3:15 4:22 5:6,8 5:9,11,18,22 6:2,19,21,24 7:8,13,17,20,23 8:15,19,25 9:4 9:7,13,17,21 11:17,23 12:1 12:4,7,13,19,21 12:22 13:2,5,9 13:12 14:13,24 15:1 16:3,8,11 16:13,16,19,22 17:1,3,14,17,25 18:16,19,20,25 19:4,8,13,16 20:8,11,14,23 21:10,15 22:2 22:6,10,18,20 22:25 23:4 24:9,16,19,24 25:2 26:1,2,5,7 26:17,21 27:9	27:12,16,22 28:1,9,14,17,21 29:16,20 30:1 30:11,15 31:20 31:22 32:2,12 32:14 33:3,6 33:12,24 34:4 34:7,10,17 35:8,21 36:2,7 36:23 37:6,10 37:12,17,24 39:25 40:5,8 40:13,21,23 43:3,5,12,15 44:19,20,25 45:5,10,15,18 45:21 46:16,17 46:22 47:2,10 47:17,21,24 48:2,6,9 49:6,7 49:12,13,16 50:1,2,8 51:4,5 51:19,22 52:2 52:5,22 53:4,8 54:25 55:1,3,5 55:13 57:21 58:3,18 59:14 59:24 60:2,10 62:5,7,16 63:1 63:4 64:5,6,11 64:16,25 65:22 65:25 66:3,5 66:10,14,18,19 66:24 67:12,14 67:16,23 68:4	68:7,10,13,20 68:21,24 70:6 70:8,14,19,20 70:20,23 71:1 71:5,8,20,24 72:2,4 73:3,19 73:23 74:11,15 75:8,9,15,22 76:5,7,9,12,15 77:7,20 78:23 78:25 79:3,11 79:14,18,25 80:4,13,16 81:13,14,17,19 81:22 82:2 83:9,11,13,15 83:19,22,25 85:20,21,24 86:5,12,21 87:1,5,12 88:12,17,20,24 89:23,25 90:3 90:7,10,15,18 92:20 93:1,11 93:16,21,24 94:7,8,13,16 95:2,6,18 96:2 96:7,11,12,16 96:22 97:2,5 97:10,20,21,24 98:2,11,15,18 100:11,15,19 100:23,25 101:7,9,14,16 101:18,22
--	---	--	--

[hearing - hydrocarbons]

102:2,6,16,22	196:24 197:5,9	116:24 123:2	133:3 135:8
103:22 104:1,3	198:8,9,17	<b>holder</b> 84:22	137:11 138:4
104:7,10,12,17	<b>hearings</b> 41:17	<b>holder's</b> 85:1	150:10 161:2,4
104:19 105:4	94:21 198:3,5	<b>holdings</b> 100:1	163:9 166:7
105:19,21,22	<b>heel</b> 39:16	106:22 107:13	168:4 169:6
108:5,8,11,13	<b>held</b> 1:7	<b>hole</b> 137:9,18	170:15,19
108:15,22,24	<b>hello</b> 127:17	144:24 162:17	176:4 177:13
109:3,11 110:5	<b>help</b> 33:10	163:6,8,18	177:13
111:18 113:4,5	153:16 179:21	174:4,5,7	<b>hour</b> 20:6
113:8 114:3,6	<b>helpful</b> 108:14	189:9	<b>hours</b> 122:25
114:16 115:2	126:6	<b>holidays</b> 21:23	123:7
115:17,22	<b>high</b> 126:23	22:1 68:11	<b>hox</b> 84:22
116:3,6,15,19	131:21 133:13	<b>holland</b> 2:11	<b>hsu</b> 42:12
117:4,12,17	144:9,13	7:11 20:10	77:16
119:16,17,20	145:12 148:10	23:2 39:19,23	<b>hudson</b> 4:13
119:24 122:5,8	149:11,25	40:3 45:10	<b>huff</b> 160:5
122:15 123:2,8	150:17,17	47:23 74:10	<b>huh</b> 15:5
123:15,19	153:5	83:21 108:23	172:12 176:6
124:1,6 125:5	<b>higher</b> 106:10	122:21	177:1 181:8
125:6,14,18	<b>highlight</b>	<b>honest</b> 189:16	189:14
126:1,12,24	133:23	<b>hope</b> 21:12,17	<b>hundred</b>
127:13,19,22	<b>highlighted</b>	<b>hopefully</b> 72:5	135:16
128:1,6,13,18	49:4	186:15	<b>hydraulic</b>
128:21,25	<b>highlighting</b>	<b>hoping</b> 49:9	169:11,14
129:2,21 132:4	135:10	88:21 161:11	178:23
132:12 133:9	<b>highlights</b>	164:24	<b>hydraulically</b>
143:24 159:18	134:16 137:6,8	<b>horizontal</b>	170:10
159:22 168:18	<b>hill</b> 38:9 39:13	23:11,20 25:13	<b>hydro</b> 146:7
186:20 187:3,7	40:6	41:13 43:22	148:23 152:23
188:2 190:25	<b>hinkle</b> 43:10	45:25 48:14	<b>hydrocarbon</b>
192:3,4,7,15,15	45:9 47:7	52:10 61:4	136:9,12
192:19,20	62:25 74:7	63:8 65:3	139:21
193:13,18	95:25 102:15	77:11 85:7	<b>hydrocarbons</b>
194:3,15 195:3	<b>hold</b> 27:9 36:23	110:13 111:5	143:15
195:8 196:6,16	55:13 116:23	117:23 119:1	

[hydrogen - injection]

<p><b>hydrogen</b> 149:22</p> <p><b>hydraulic</b> 183:25</p>	<p>112:8 119:1</p> <p><b>implies</b> 189:5</p> <p><b>important</b> 147:16 149:17 180:23</p> <p><b>inch</b> 150:20,23 175:8 181:3,4</p> <p><b>include</b> 8:4 11:4 24:3 39:5 42:12 44:2,10 46:4 48:23 51:1,12 52:15 63:16 65:11 67:8 74:23 79:4 84:6 99:18 103:13 111:22 115:6 118:21 171:15</p> <p><b>included</b> 4:11 8:12 14:1 23:23 24:22 27:2 41:15,22 50:24 56:24 69:10 72:14,15 80:20,24 81:3 84:19 103:9 108:2 110:3 111:17,22 112:2,4,9 118:12,16 119:8 121:14</p> <p><b>includes</b> 4:19 4:21 25:4 63:22 85:2,4,8 91:25 92:2</p>	<p>99:15 110:17 112:10</p> <p><b>including</b> 41:4 41:6,20 87:7 124:14</p> <p><b>inclusion</b> 56:22</p> <p><b>incorporate</b> 172:11</p> <p><b>incorrect</b> 22:4 45:13 69:13 107:12</p> <p><b>incorrectly</b> 140:16</p> <p><b>increase</b> 143:13</p> <p><b>increasing</b> 167:21 189:6</p> <p><b>indicated</b> 49:4 191:4</p> <p><b>indications</b> 198:21</p> <p><b>indicative</b> 190:16</p> <p><b>individual</b> 106:11</p> <p><b>induce</b> 179:9</p> <p><b>industry</b> 145:1</p> <p><b>information</b> 8:10 10:4 16:12 31:12 118:13 168:12 191:20 192:18 192:22 194:10 194:17 196:15 197:1</p>	<p><b>inhibitors</b> 167:11</p> <p><b>initial</b> 42:25 78:12,15 99:10 110:23 159:14</p> <p><b>initially</b> 111:15 160:10 167:18 179:20,25</p> <p><b>initiate</b> 132:25</p> <p><b>inject</b> 130:24 131:14 133:6 134:3 136:9 137:5</p> <p><b>injected</b> 134:22 137:20 139:20 139:21 150:24 154:25 155:9 155:23 156:16 164:11 169:21</p> <p><b>injecting</b> 134:9 136:12 137:21 139:17 145:4 146:14 157:12 161:22 164:18 185:1,10,12 189:21 191:6,9 191:24 195:12</p> <p><b>injection</b> 131:13,15 133:2 134:3,9 134:14,17,19 136:1,18,19 137:12,17,23 138:3,6 140:9 140:12,14,19</p>
<p><b>i</b></p>			
<p><b>idea</b> 30:4 163:4 191:14 197:21</p> <p><b>identical</b> 67:8</p> <p><b>identified</b> 44:11 81:9 140:9 141:13 141:19,23 142:1,6,15</p> <p><b>identifies</b> 77:16</p> <p><b>identify</b> 61:3 62:1 161:11</p> <p><b>identifying</b> 141:9</p> <p><b>identity</b> 63:23</p> <p><b>ignore</b> 83:4</p> <p><b>imaging</b> 28:2</p> <p><b>imbalance</b> 189:19,24</p> <p><b>immaterial</b> 6:10</p> <p><b>immediately</b> 39:2</p> <p><b>impacted</b> 34:4</p> <p><b>impede</b> 17:10</p> <p><b>impeded</b> 182:18</p> <p><b>impedence</b> 145:22</p> <p><b>impediments</b> 25:13 85:6</p>			

[injection - issued]

140:20 142:12 142:25 143:5,6 144:15,17 145:8,11,14 146:21,22 148:17 149:20 150:2,18 151:21 154:3 154:10,11 155:6 156:3,8 156:9,15,23 157:2,20 158:16 160:11 160:14,16,22 160:24 162:7,8 162:19,22,25 172:17 174:2 178:5,17 181:1 181:20 183:18 183:20 184:15 184:22 190:14	<b>installed</b> 137:13 168:25 181:14 <b>installing</b> 148:17 151:20 152:7 <b>instance</b> 140:18 160:17 <b>integrity</b> 136:15 145:18 146:5 152:24 154:21 <b>intend</b> 21:12 <b>intended</b> 77:10 107:7 <b>intends</b> 140:7,8 150:1 <b>intent</b> 11:13 41:24 42:18,22 107:16 <b>interbowl</b> 73:1 <b>interest</b> 8:2 12:10 15:4,7 16:6 17:7,21 18:2,3,7,10,11 18:14 23:19 29:7,11,18,24 30:5,19 31:1,2 31:6,6,7,13,17 31:20 32:21,22 32:25 33:1,1 34:5 35:1,2 38:6 44:7 45:23 48:12 55:9 60:25	61:4 63:6 65:6 65:16,16 75:13 75:21 77:25 81:1,2 89:19 92:9,10,12,14 100:6 106:6,12 106:14,18 110:12 111:1 118:7 135:1,17 139:9 156:9 <b>interested</b> 40:10 199:11 <b>interests</b> 30:21 43:19 44:8 52:8 74:21 78:5 91:11 99:5 102:25 <b>interface</b> 72:16 <b>interference</b> 195:16 <b>intermediate</b> 180:18 <b>internal</b> 61:2 147:15 148:6 150:13 176:20 176:23 182:9 <b>internally</b> 35:6 <b>internet</b> 114:5 <b>interpretation</b> 19:15 29:10 32:17 33:21 158:12 <b>interrupt</b> 120:10 133:10 186:21	<b>interval</b> 60:25 61:4 65:7 72:12,13,13,18 103:2 131:1,18 134:10,12 142:12 <b>intervals</b> 155:12 157:19 <b>intra</b> 132:25 134:12 185:9 189:4 191:8,23 195:14 <b>introductory</b> 140:3 <b>investment</b> 10:19 <b>involved</b> 25:20 196:12 197:15 <b>irregular</b> 63:13 65:4 110:18,19 111:8,9 118:3 121:22 <b>irrelevant</b> 42:7 111:7 <b>isolation</b> 169:5 172:24 <b>issue</b> 29:23 30:4 33:8 58:12 69:25 90:4,5 107:8,9 126:2 167:23 167:25 <b>issued</b> 81:10 89:6,7,11 165:8
--	---	--	--

[issues - land]

<p><b>issues</b> 144:10 154:21 177:3,3 177:5,18,20,23 <b>issuing</b> 17:10 <b>items</b> 5:6 183:7 192:4 <b>iwf</b> 140:22 <b>iwm</b> 133:1 165:8</p>	<p>13:22,23 14:1 14:3,5,6 19:23 22:8 51:19 62:17 73:24 80:6 112:24 113:22 122:9 199:6 <b>jawbone</b> 86:18 87:19 <b>jennifer</b> 2:16 <b>joa</b> 12:6 15:20 18:15 32:1 49:5 56:11 58:16 <b>job</b> 1:11 192:23 <b>john</b> 39:11 <b>join</b> 13:16 31:25 104:24 <b>joined</b> 2:7 <b>jordan</b> 86:20 90:21 <b>josh</b> 8:9 <b>jt</b> 63:18 <b>juan</b> 23:17 <b>judge</b> 104:19 104:21 195:1 <b>judged</b> 185:14 <b>jump</b> 180:5</p>	<p>57:23 163:11 175:22 186:16 198:16 <b>kelly</b> 24:1 <b>kelly's</b> 24:22 25:10 <b>kessler</b> 86:19 86:20,21 90:16 90:19,20,21 <b>kick</b> 179:12,24 180:1 <b>kin</b> 199:10 <b>kind</b> 41:1 60:22 61:1 144:9 164:20 176:14 <b>knew</b> 108:11 <b>know</b> 2:4 5:5 7:9,20,24 20:16,19 21:18 21:25 28:21 30:7 34:22 40:1,6 45:18 47:9,16,18 49:22 50:12 52:2 58:17 63:2 70:14,16 74:17 76:3 78:14,25 79:8 80:14 83:23 85:11 89:16 90:16 95:7 96:22 97:7 98:15 102:19 105:24 108:25 109:3 110:1,2</p>	<p>114:23 116:20 116:22 117:4 127:20 144:10 164:18 171:10 183:25 185:18 185:21 187:10 187:15 194:9 194:18,25 198:13,15,17 <b>knowing</b> 133:15 197:15 <b>known</b> 106:25 107:14 155:25 <b>kristine</b> 1:10 199:4,15 <b>kurry</b> 103:14</p>
<b>j</b>			
<p><b>j</b> 60:1 127:25 <b>jackie</b> 47:6 51:25 74:7 102:14 <b>james</b> 52:17 59:17,20 60:1 <b>janacek</b> 127:8 127:19,20,23 127:23 128:8 128:11 131:10 131:21 132:1,5 132:7,15,19,22 133:9,18,20 136:23 138:5 139:1 140:4,24 142:23 143:3 143:18 160:9 161:13 164:13 165:1 188:9,16 <b>janacheck</b> 117:15 <b>janecek</b> 132:12 <b>january</b> 1:4 2:2 5:13 6:4,20 8:21 12:24</p>	<p><b>k</b> <b>k</b> 60:21 127:25 167:3 <b>kaczor</b> 1:10 199:4,15 <b>keep</b> 6:4 10:25 14:13 29:15</p>	<p><b>k</b> <b>k</b> 60:21 127:25 167:3 <b>kaczor</b> 1:10 199:4,15 <b>keep</b> 6:4 10:25 14:13 29:15</p>	
			<b>l</b>
			<p><b>l</b> 9:15 53:7 82:5 82:5 <b>label</b> 62:2 <b>labeled</b> 60:17 <b>labs</b> 29:8 <b>lack</b> 189:18 <b>laid</b> 91:22 <b>land</b> 13:4,6 23:25 24:12 26:6,7 33:9 35:10 44:3 46:5 48:24 52:16 53:10 54:1,15,17 55:4,6 63:17 65:12 67:9,11 74:24,25 76:8 76:9 77:1</p>

[land - llc]

80:23 81:18,19 82:7 84:22 85:2 91:2,5 98:22,24,24 99:15 101:12 101:15,16 103:14 105:17 110:1 112:4 118:19,22 170:11 <b>landed</b> 155:2 <b>landman</b> 4:13 111:20 <b>lands</b> 36:17 38:4 91:1 92:23 98:19 <b>laptop</b> 102:4 <b>larger</b> 88:2,6 89:18 <b>lastly</b> 6:10 25:14 85:8 119:3 <b>late</b> 21:6,11,19 21:25 102:10 110:8 <b>lateral</b> 137:14 154:23 157:23 158:9 160:18 <b>laterally</b> 156:7 156:8,14,17 <b>latest</b> 5:3,7 <b>launch</b> 190:15 <b>law</b> 175:6 <b>layer</b> 155:21	<b>layers</b> 156:3 <b>layman</b> 91:25 <b>leading</b> 190:16 <b>leads</b> 193:5 <b>leak</b> 171:2 <b>lease</b> 78:9 110:16 135:18 135:19 139:8 <b>leasehold</b> 135:11 <b>leave</b> 8:21 19:22 33:10 51:22 62:19 74:2 78:23 80:6 117:3 172:7,8 176:8 192:25 <b>lee</b> 3:20 48:20 52:12 63:14 65:5 73:9 84:9 110:21 111:11 <b>left</b> 157:24 158:13 <b>letter</b> 6:12 13:21 14:7 19:24 25:16 31:18 62:18 73:25 79:12 85:10 88:7 92:1 99:16,24 112:11 116:4 119:5 124:20 <b>letters</b> 30:24 44:14 46:9 49:20 63:25	65:18 67:12 69:13,20 75:2 92:9,12,13,15 100:1,6,9 103:17 106:23 107:1,6 <b>level</b> 131:21 144:9,13 145:13 148:10 149:12 150:1 155:25 <b>lever</b> 14:2 <b>lift</b> 175:1 179:2 179:3,5,10,11 179:14,17 182:21,22 <b>light</b> 11:9 <b>likely</b> 187:12 <b>likewise</b> 180:15 <b>lilac</b> 165:14 <b>limestone</b> 155:12 156:25 <b>limitation</b> 177:10 <b>limitations</b> 163:16 <b>line</b> 2:5 55:20 61:24 66:8,11 76:11 165:13 165:14,22,24 166:13,14 167:25 182:21 186:19 <b>lines</b> 60:16 61:25 62:1	149:6,6,7 154:16 158:20 165:21 <b>list</b> 7:5 11:12 17:15 25:6 27:2 34:8,11 34:21 38:24 39:5,19,21 49:19 80:25 106:13,15 124:21 135:21 136:2 192:4 193:3,9,20,23 196:14,17 197:14,16,20 <b>listed</b> 56:23 70:10 72:11 74:9 92:10,13 99:25 106:12 140:15 154:11 154:20 159:5 <b>little</b> 24:7 30:18 50:9 59:7 71:18 88:21 89:9 102:3 114:4,15 145:19 150:4 162:20 187:9 187:14 191:1 <b>llc</b> 15:6 39:10 39:11,11 55:20 64:20 80:12 90:12 98:14 100:1
---	--	---	--

[load - man]

<p><b>load</b> 190:10  <b>locatable</b> 92:9  99:24  <b>located</b> 135:17  135:19  <b>location</b> 99:11  158:3,17  <b>locations</b> 91:23  99:14 131:6  158:22  <b>lock</b> 176:2  177:4  <b>lockup</b> 177:5  <b>log</b> 145:21  146:2,2 147:5  147:12,12,21  151:24,24  157:8 161:11  161:15,17  168:5,7,11  191:4  <b>logic</b> 33:13  <b>logs</b> 147:6,8  148:20 152:9  161:9,9 190:9  190:10  <b>long</b> 42:6 51:15  54:11 57:21  73:15 115:17  176:9 194:13  195:1 196:16  197:22 198:11  198:21  <b>longer</b> 49:5  69:24 89:13</p>	<p>96:9 107:9  110:8 120:2,12  120:14 121:2  136:21 186:25  187:23  <b>look</b> 28:25 30:6  30:14 47:16  96:5,6 160:10  173:13 186:9  190:10,13  198:2  <b>looked</b> 93:12  <b>looking</b> 14:11  26:22 27:8  35:12,13,17  39:3,22 41:10  41:23 55:16,19  66:7 72:6  97:25 134:3  135:3,6 136:6  136:8 161:15  161:20,23  168:24 171:8  175:14 176:15  177:12 185:17  186:6,18  195:10 196:5  <b>looks</b> 13:21  20:3,25 27:24  49:17 67:24  <b>loop</b> 135:25  136:3 142:3  <b>lose</b> 168:2  172:13</p>	<p><b>losing</b> 167:19  184:14  <b>loss</b> 177:20  <b>lost</b> 14:2  184:15  <b>lot</b> 41:16 63:10  133:16 143:2  189:16  <b>louder</b> 2:5  53:24 191:1  <b>low</b> 66:20  155:16 156:12  <b>lower</b> 191:15  <b>lowest</b> 155:25  <b>lunch</b> 186:23  187:9,14,16,17  188:1</p> <hr/> <p style="text-align: center;"><b>m</b></p> <hr/> <p><b>m</b> 60:1,21  71:23 105:12  129:6  <b>macho</b> 65:10  <b>made</b> 14:4  29:21  <b>magenta</b> 150:5  <b>magnetic</b>  145:20,21  151:23,24  <b>magnitude</b>  166:9  <b>mail</b> 106:24  124:21  <b>mailed</b> 6:13  81:4 85:10  92:8,15 99:23</p>	<p><b>mailing</b> 99:22  <b>maintain</b> 164:1  170:5 171:6,8  <b>maintained</b>  184:20  <b>make</b> 14:10  32:24 37:6  70:3,3 101:12  124:2 126:23  145:2 152:13  159:16 161:24  171:22 173:24  178:16 180:1  181:17 186:9  186:16 189:17  191:20 196:19  <b>makers</b> 160:8  <b>making</b> 32:25  42:10 97:25  152:21 171:5  175:10 196:19  <b>man</b> 13:4,6  23:25 24:12  26:6,7 33:9  35:10 44:3  46:5 48:24  52:16 53:10  54:1,15,17  55:4,6 63:17  65:12 67:9  74:24,25 76:8  76:9 77:1  80:24 81:18  82:7 84:22  85:2 91:3</p>
---	---	--	--

[man - mdp1]

<p>98:22,24 99:15  101:12,15,17  103:14 110:1  118:19  <b>man's</b> 81:19  <b>manage</b> 140:8  <b>managers</b>  67:11  <b>mancos</b> 23:12  23:13  <b>manner</b> 113:15  <b>map</b> 5:23 36:9  36:13 39:2  40:19 115:6,14  119:13 121:7  135:3,6 141:4  141:19 154:13  154:17 157:25  158:3,16 159:2  <b>maps</b> 158:18,19  158:19,23  <b>marathon</b> 80:9  80:12,18 82:24  <b>marathon's</b>  82:18  <b>marked</b> 61:22  <b>marker</b> 60:20  60:24 61:9,10  61:14  <b>markers</b> 61:15  61:19  <b>mary</b> 39:11  <b>mass</b> 185:20  <b>master</b> 183:3</p>	<p><b>master's</b> 129:7  <b>matador</b> 7:12  20:5,10 83:17  83:21 84:3,11  84:17  <b>material</b>  125:13 195:11  <b>materials</b>  125:17 197:22  <b>matney</b> 67:9  <b>matter</b> 4:16  24:15 40:12  80:23 84:25  91:8 99:3  111:25  <b>matters</b> 54:17  91:5 98:24  <b>matthew</b> 44:4  <b>max</b> 144:16  145:3,6,7  147:18,24  148:2 162:22  <b>maximal</b>  134:16  <b>maximum</b>  136:11 144:15  162:6,8,12  <b>mcclure</b> 2:3 5:4  6:23,24 11:8  12:25 13:2,19  13:20 14:9,25  15:1 16:3,8,14  16:14,16 17:23  17:25 19:7,8  26:3,5,21,24</p>	<p>27:7,9 28:24  33:8,12 34:20  34:24 35:11  36:6,7 37:13  37:14,24 38:2  40:5,8 41:23  42:9,24 44:22  44:23 46:23,25  49:12,13 50:3  50:5,16,20  51:3 55:2,3,7  55:15,16 57:20  57:23 58:3,8  59:8,11,12  60:9,10 62:4  64:12,14 66:2  66:3 68:22,24  69:5,7,15,21  70:5 72:3,4  73:3 76:5,7  77:6,7 78:14  78:18 79:1,15  79:18 81:15,17  82:11,12 83:13  85:23,24 88:18  88:20,25 89:10  89:22 90:2,3  97:22,24  100:18,19,23  101:5,7,11  103:13,24  104:1,20  105:18,19,22  107:25 108:4,9  110:6 113:7,8</p>	<p>113:17,24  114:7,17,20  115:2,4,12  116:25 119:15  119:19,20  120:1,10,23  121:10,18,21  121:24  <b>mcclure's</b>  17:19 44:9  46:12 117:1  <b>mclean</b> 47:6,6  47:12,15,17,19  48:9,10 49:9  49:18 50:7,14  50:18 51:2,6,9  51:17,21,25,25  52:4,6 54:18  54:19 55:11  57:19,20,25  58:6,8,11 59:8  59:17 60:2  62:7,8,10,14  74:7,7,14,16,18  74:20 75:12,16  75:25 76:4,10  77:23 78:4,25  79:2,6,13,16,20  79:22 80:2  102:14,14,18  102:21,23  <b>mclean's</b> 50:4  <b>mdp1</b> 134:5  154:19</p>
--	---	--	--

[mdt - misheard]

<p><b>mdt</b> 1:5,8  <b>mean</b> 19:8  24:23 28:17  32:6 33:13,20  34:24 37:5  42:19 46:18  49:7 55:24,25  56:2,15 114:17  114:20 116:22  117:2 120:16  171:13 182:11  182:11 189:3  189:24  <b>means</b> 42:11  179:15  <b>meant</b> 108:11  121:1  <b>measure</b>  146:21,24  147:7,8 168:3  <b>measured</b>  43:20 155:5  <b>measures</b>  147:10  <b>measuring</b>  161:18 166:3,4  <b>mechanical</b>  136:14 145:18  146:4 152:24  154:21 167:21  169:12  <b>mechanism</b>  179:16  <b>mechanisms</b>  195:25</p>	<p><b>median</b> 170:21  170:23 175:16  <b>medias</b> 175:19  <b>meeting</b> 1:7,8  139:25  <b>meetings</b>  133:22  <b>meets</b> 162:1  <b>members</b>  193:25  <b>mentioned</b>  139:7 140:3  148:12 156:22  157:24 158:14  171:10,24  172:25 183:16  <b>mentioning</b>  157:10  <b>menus</b> 70:15  <b>mercy</b> 194:6  <b>merex</b> 43:25  <b>met</b> 42:21  139:14 165:2  <b>meter</b> 150:19  150:20  <b>metering</b>  150:20  <b>method</b> 160:7  <b>methodology</b>  139:16  <b>methods</b> 160:4  <b>mewbourn</b>  45:7,9,22 46:2  108:23</p>	<p><b>mewbourne</b>  2:12 3:16  108:20 110:11  110:15,22,25  111:15 117:21  118:8  <b>mexico</b> 3:21  23:17 84:9  87:19 91:2  98:21 110:21  118:5 131:4  132:24 199:5  <b>michael</b> 65:12  66:21 159:19  194:15  <b>microphone</b>  13:15,18 28:6  66:19 105:2  <b>middle</b> 158:17  <b>midland</b> 53:18  54:4  <b>migrate</b> 156:8  <b>migrating</b>  166:23  <b>migration</b>  155:9,18 156:5  <b>mike</b> 39:24  91:3  <b>mile</b> 124:19  135:14 141:2,4  141:10 157:5  159:3  <b>miles</b> 141:5  <b>mill</b> 171:15</p>	<p><b>million</b> 134:20  134:21 145:9  145:10 159:19  162:9,21 180:5  185:1 193:24  <b>mimic</b> 186:1  <b>mind</b> 33:11,23  35:3 67:20  184:4  <b>mineral</b> 23:19  29:7,23 32:21  38:5 110:12  111:1 141:5  <b>minerals</b> 38:7  <b>minor</b> 155:11  <b>minute</b> 28:20  28:25 35:21  42:5 66:11,15  100:20 101:5  151:7,7 186:22  186:23 187:4  <b>minutes</b> 62:13  116:22 123:22  133:13 151:18  187:2,19  <b>miscellaneous</b>  70:10  <b>miscibility</b>  133:1 185:10  189:4,5,7,13  191:23  <b>miscible</b> 162:23  162:24  <b>misheard</b>  120:11</p>
--	---	---	---

[misinterpretation - need]

<p><b>misinterpreta...</b> 15:19</p> <p><b>missing</b> 189:16</p> <p><b>mistake</b> 83:1</p> <p><b>misunderstood</b> 113:25 121:1</p> <p><b>mit</b> 136:16,18 148:16 167:22</p> <p><b>mitigate</b> 145:17 171:17</p> <p><b>mits</b> 136:15 148:11 167:18</p> <p><b>mix</b> 24:7</p> <p><b>model</b> 144:25 162:11,13 164:10</p> <p><b>modelled</b> 138:24 139:1 172:16 175:4</p> <p><b>moderated</b> 1:3</p> <p><b>module</b> 198:3</p> <p><b>moment</b> 5:16 20:21 28:4 36:25 92:21 109:6 132:14 133:10 134:5 186:21</p> <p><b>monday</b> 19:18 19:20 51:17 97:12 108:14</p> <p><b>monitor</b> 146:23 150:2 151:8 181:9</p> <p><b>monitoring</b> 3:3 64:23 157:4</p>	<p>159:5</p> <p><b>month</b> 82:19,19 82:23,23 198:19</p> <p><b>months</b> 136:20 146:8 148:18 148:19 167:18 167:24 168:10 185:24</p> <p><b>morning</b> 2:1,10 2:13,15,18 7:6 9:4,6,7 20:8 21:5 22:25 26:11 28:8,9 43:9 47:21 63:22 64:21 66:18 80:11,13 83:19 86:5 90:10,11,20 98:11,12 108:21 122:20 132:23</p> <p><b>mountain</b> 2:14 155:10,15 157:15</p> <p><b>move</b> 22:2,7,13 35:23 90:8 97:4,17 98:6 100:11 125:3 138:23 143:23 152:3 153:3,19 190:14 197:12</p> <p><b>moved</b> 94:17</p> <p><b>movement</b> 155:18</p>	<p><b>moving</b> 20:3 21:8 22:22 41:1 45:6 47:3 74:4 83:16 86:2 166:7</p> <p><b>mudstone</b> 157:13</p> <p><b>mudstones</b> 155:7</p> <p><b>multiple</b> 20:23 45:1 156:2 157:19 160:18</p> <p><b>muted</b> 13:14 14:14</p> <p><b>mvdr</b> 11:21 12:3 15:6,14 16:21,23 17:9</p> <p style="text-align: center;"><b>n</b></p> <p><b>n</b> 26:19 53:7,7 71:22,23 76:23 76:24,24 82:4 82:5,5 98:25 127:18,18,18 127:18,24,25 128:4</p> <p><b>nacho</b> 65:10</p> <p><b>name</b> 2:2 9:1 9:14 13:7 26:18 46:12 53:5,6 59:15 59:25 61:23 71:3,17,21 76:21,23 81:20 82:3 105:11 109:4 127:15</p>	<p>127:17,23,24 128:3,4,5,8,19</p> <p><b>named</b> 199:7</p> <p><b>names</b> 30:19</p> <p><b>narrow</b> 29:10</p> <p><b>narrowing</b> 29:13</p> <p><b>natural</b> 99:25</p> <p><b>nature</b> 126:18 134:25</p> <p><b>necessarily</b> 155:13 197:9</p> <p><b>necessary</b> 3:13 58:7,24 64:24 118:15 146:1 164:14 168:10 172:9 177:8 194:1</p> <p><b>neck</b> 176:21,23</p> <p><b>need</b> 2:4 11:15 16:5 18:2,3,10 18:15 21:13 24:24 27:16 32:1,21 33:20 34:2 35:5 42:4 42:6 49:14 50:12,21 51:16 89:16,20 97:3 101:22 102:4 104:16 112:18 112:21 115:18 116:3,7 120:16 120:19 122:6 123:6 151:11 170:5,21,22,22</p>
---	---	---	--

[need - notified]

<p>175:16,17  178:18 179:9  179:14 180:13  181:16 183:7  183:10 187:17  187:21 189:12  190:8 191:20  193:22,23  194:9 197:9  <b>needed</b> 42:17  76:1 88:2  89:13 93:9  146:7,10  <b>needing</b> 71:17  179:11  <b>needs</b> 33:16  120:19 126:4  <b>negotiate</b> 21:12  <b>neither</b> 5:11  149:22  <b>never</b> 34:21  <b>new</b> 3:21 22:12  23:17 40:23,24  51:13 69:22  84:9 87:19  88:14 91:2  98:21 110:21  118:5 131:4  132:24 197:4  199:5  <b>newlan</b> 52:16  52:18,23,23,25  53:3,6,6,21  55:7,14,16  58:2,4 59:1</p>	<p>62:8  <b>newspaper</b>  125:1  <b>nice</b> 122:16  <b>nine</b> 43:7  114:12  <b>nipple</b> 173:14  173:15,16  174:13 175:25  176:2,10,13,14  176:14  <b>nls32</b> 23:21  <b>nm</b> 1:10  <b>nmac</b> 28:15  <b>nmocd</b> 140:18  140:21  <b>non</b> 36:21  <b>nonstandard</b>  8:1 11:6 23:11  23:20 38:23  45:24 48:13  65:2 88:4  91:13,21 99:12  99:13 110:14  117:23  <b>noonan</b> 127:8  127:16,17,18  128:15,17  129:3,5 153:19  153:21 154:7  159:10 190:12  190:25  <b>normal</b> 149:3  <b>normally</b> 79:4  79:4 110:7</p>	<p>139:18 191:4  <b>north</b> 23:14,15  23:16 36:14  37:21 42:14  43:22 48:16  91:16 99:11  103:6 111:9,13  118:1 121:16  <b>northeast</b>  48:19 50:11,14  91:17  <b>northwest</b> 50:9  50:17 52:11  63:11 91:14  <b>note</b> 11:7 49:3  84:14 135:15  136:14 140:15  <b>noted</b> 118:9  135:24 137:11  140:16 158:17  <b>notes</b> 135:20  178:19  <b>notice</b> 6:11,13  6:14 8:9 15:9  15:17,22,25  16:5,22 17:1,6  17:9,12,20  18:7,10,13,16  21:12,19,21,24  22:4 25:15,16  25:18 29:6,12  30:23 31:6,9  31:14,18,24  32:2,4,12  33:20 34:3</p>	<p>36:10 38:15  39:16,19 40:17  41:12,14,19,21  42:22 44:14,15  46:9,10 49:6  49:19,20 54:20  54:20 56:14  57:12,13 63:25  64:1 65:18  67:12,13,20  68:3 69:13  75:2,3 81:3,4  85:8,9,13,14  88:7 92:7,8,8  92:16,19 93:5  99:22,23 100:3  100:5,7 103:17  107:8,11,16  112:11,12,13  112:16,21,25  113:12,14,22  114:2 118:11  119:4,7 120:4  124:16,17,18  124:25  <b>noticed</b> 18:3  32:21 36:15,18  37:2,8,9,19  112:20  <b>notices</b> 49:21  57:2 69:11  103:18  <b>notified</b> 17:22  25:7 38:11,19  38:21 39:22</p>
---	---	---	--

[notify - okay]

<p><b>notify</b> 37:21  <b>noting</b> 119:13  <b>november</b>  25:17,21 44:14  92:24  <b>nsb</b> 36:11  <b>nsp</b> 25:6,7  36:15 41:14,18  42:7,8,21  110:15  <b>number</b> 2:5,7  3:25 4:3,5,7  5:1,6,10 7:5  11:18,19 18:12  20:5 22:22  23:9 43:7 45:7  47:4,13 48:10  48:22 49:24  52:6 54:23  62:23 64:17  71:2 74:4  80:10,10,18  81:11 84:10,16  96:20 97:14,23  98:5,5,8  109:25 110:11  111:12,13  117:21 122:18  122:19 134:6  141:13 146:4  146:12,18  151:22 152:8  161:7 164:9  165:12 167:6  184:9</p>	<p><b>numbers</b> 44:10  67:6 74:22  75:6,18 93:25  102:23 103:20  108:1 115:7</p> <hr/> <p style="text-align: center;"><b>o</b></p> <hr/> <p><b>o</b> 53:7,7 98:25  98:25 105:12  127:18,18  128:4,5  <b>o'clock</b> 116:6  <b>o9</b> 93:25  <b>oath</b> 59:15  <b>object</b> 2:19  48:7 114:24  <b>objected</b> 20:4  59:3 92:25  94:23 96:21  97:4  <b>objecting</b> 20:15  90:22 109:10  <b>objection</b> 2:20  3:5,10,12 7:14  20:18,22,24  21:1,8,10,16  22:12 47:25  94:12,19,25  95:4,11 120:18  124:20  <b>objections</b> 2:23  6:20 12:20  19:14 20:24  26:1 44:20  46:17 50:2  55:1,1 64:6</p>	<p>65:23,24 68:21  75:9 81:14  85:21 88:17  93:7 97:21,21  100:16,16  103:23 113:5  118:13 119:16  120:15,21  125:6  <b>observe</b> 6:9  25:12 85:5  112:7 118:25  <b>obstruction</b>  183:3  <b>obtained</b>  164:23  <b>obviously</b>  95:10 173:1,15  181:18  <b>occur</b> 33:17  <b>occurred</b> 11:11  88:8 89:4  <b>occurring</b>  191:21 195:24  <b>occurs</b> 183:18  <b>ocd</b> 1:1 17:5  69:3,14 70:22  144:18,21  <b>ochoan</b> 156:20  158:6  <b>october</b> 139:14  165:3  <b>od</b> 147:8,16  148:1,5</p>	<p><b>offer</b> 15:21  58:9  <b>office</b> 2:11 7:11  13:17 20:9  21:5,22,25  22:5 23:1 40:4  47:22 83:20  86:6 108:23  116:23 122:21  <b>officer</b> 101:8  <b>officers</b> 139:24  <b>official</b> 28:22  <b>offline</b> 186:24  194:11  <b>offset</b> 25:5 27:2  36:10 38:24  156:23 183:20  <b>offsets</b> 135:11  <b>oh</b> 28:15 86:9  104:25 116:20  121:17 190:3  <b>oil</b> 2:12 24:5  45:7,9 47:4  62:22,25 73:8  80:9,12 91:12  99:6 130:25  133:2 136:10  162:24 170:22  188:7,10,11  190:1,23 191:3  191:12 195:20  <b>okay</b> 2:5,25 6:6  6:19 7:4 8:19  8:25 9:17,21  10:13,16,22,22</p>
--	---	---	--

[okay - ordering]

12:13,14 13:5 15:24 16:2,19 19:13 20:25 21:15,18 22:10 29:1,20 30:11 32:14 35:8 36:6 37:12,17 37:24 38:18 39:8 40:5 43:5 47:14 49:18 51:2,15,22 52:5 53:15 54:11,16,18 55:19 58:5 59:14 60:8 61:17 62:14 67:25 69:12,12 69:19 70:8 71:19 72:2,23 73:2,19 74:1 76:5,16,25 77:14,17,21 79:3,14 81:22 83:4,8 88:16 89:22 90:18 93:11,24 94:7 95:6,7,19 96:16 97:10 105:1,18 106:5 106:10,16 107:20 108:12 109:11 110:10 116:12,13 122:4 125:5,14 126:12 127:6	127:13,14,19 127:20 128:7 129:2 130:3,18 130:19 132:4 132:12,22,23 133:20 139:6 143:18,22,24 144:8 149:10 149:19 153:23 162:5,5 164:7 165:10 167:1 169:25 170:9 170:14,21,25 171:10,24 172:22 173:24 175:4 176:5,13 177:7,12 178:4 178:19,25 179:15 180:15 180:23 181:16 182:20 183:5 183:14 184:17 184:25 187:24 188:2,5 189:12 190:20 192:3 196:3 198:3,13 198:22 <b>old</b> 22:4 69:20 69:21 <b>older</b> 64:8 <b>once</b> 19:6,25 59:4 74:3 79:16 89:11,11 117:7 122:10 146:5 149:1,4	149:4 152:2,8 170:10 172:24 179:22 192:15 194:8,12 <b>ones</b> 37:21 141:14 149:10 149:11 <b>ongoing</b> 42:16 <b>online</b> 109:8 <b>open</b> 19:22 33:11 51:23 62:19 74:2 80:6 108:17 112:16,22 113:21 159:10 <b>opening</b> 124:3 130:21,23 179:8,21 <b>operated</b> 157:25 <b>operates</b> 154:19 <b>operating</b> 3:13 7:7 8:1 64:20 66:22 74:6 109:15 <b>operation</b> 179:4 182:17 <b>operational</b> 151:12 <b>operations</b> 67:6 150:2 181:20 <b>operator</b> 31:23 <b>operators</b> 27:2 141:1	<b>operting</b> 10:12 <b>opinion</b> 100:4 142:19 143:8 <b>opportunity</b> 113:13 124:2 192:11 <b>opposed</b> 15:7 70:11 <b>option</b> 175:12 175:14 <b>orange</b> 154:15 <b>order</b> 8:2 17:10 29:25 43:19 45:22 48:11 52:7 58:18,20 58:22 63:5 65:1 67:6 74:22 75:16,18 75:19,20,24 79:7 80:18,24 81:9 82:22,25 87:25 88:13,14 88:14 89:6,7 89:11 90:1,5 91:10 92:24 93:9,15 94:5 95:12,15 97:1 97:7 99:4 117:21 120:20 130:24 136:1 138:11,11 140:13,14,21 165:8 173:18 <b>ordering</b> 90:4
--	---	---	---

[orders - packers]

<p><b>orders</b> 67:5 88:23 89:2,12 89:16,21 140:19</p> <p><b>orient</b> 126:6</p> <p><b>orientated</b> 42:15</p> <p><b>orientation</b> 91:21 99:10</p> <p><b>oriented</b> 35:22</p> <p><b>orifice</b> 179:6</p> <p><b>original</b> 33:17 39:19,21 78:6 78:19</p> <p><b>originally</b> 39:23 77:25 81:10</p> <p><b>outcome</b> 31:21 34:4 199:11</p> <p><b>outcomes</b> 185:22</p> <p><b>outline</b> 135:7,8 158:1,20</p> <p><b>outlined</b> 154:15</p> <p><b>outlines</b> 154:18 157:9</p> <p><b>outs</b> 25:12 85:6 112:7 118:25</p> <p><b>outside</b> 156:9 168:7</p> <p><b>overall</b> 35:4 106:2 158:24</p> <p><b>overhead</b> 82:18</p> <p><b>overlap</b> 118:10 118:21 140:19</p>	<p><b>overlapping</b> 65:3 117:22 118:10 120:2 120:13 121:2</p> <p><b>overlay</b> 5:25</p> <p><b>overlying</b> 5:23 115:6 157:13</p> <p><b>overrides</b> 88:5</p> <p><b>overriding</b> 44:7 65:15 87:14 92:12 100:6</p> <p><b>oversaw</b> 10:20 144:5</p> <p><b>overseeing</b> 132:8</p> <p><b>overshot</b> 176:20</p> <p><b>oversight</b> 24:4</p> <p><b>overview</b> 132:18 133:14 134:1 138:3 139:15 149:25 151:17,20 154:1,2,7 168:24</p> <p><b>overvoiding</b> 185:11</p> <p><b>own</b> 15:6 80:3 97:5</p> <p><b>owned</b> 38:9,12</p> <p><b>owner</b> 17:21 18:2,3,7,10,11 29:6,23 31:2,6 90:13 92:9 106:6,14</p>	<p><b>owners</b> 8:3 15:4 16:6 17:7 18:14 23:19 30:20 31:1,13 38:12,15,18 81:1,2 87:14 87:15 88:5 89:19 92:10,13 92:14 99:24 100:6 106:12 118:7</p> <p><b>ownership</b> 91:25 99:16 106:2 141:5</p> <p><b>oxidization</b> 163:23</p> <p><b>oxy</b> 98:7 116:16,21 117:8,11,12 122:17 124:7 129:15 130:5 130:23 132:18 135:10,16 138:24 139:1,2 139:9,10,12,14 139:19 140:2,7 140:8,17,19,21 143:4 144:14 148:10 150:1 151:20 154:18 157:25 164:10 164:22,23 184:10,13 192:11 194:20 196:25 197:12</p>	<p>197:17</p> <p><b>oxy's</b> 124:15 132:23</p> <p><b>oxydental</b> 129:20</p> <hr/> <p style="text-align: center;"><b>p</b></p> <hr/> <p><b>p</b> 53:7 60:21 105:12 127:18 127:24</p> <p><b>p.m.</b> 1:8 27:25 198:24 199:1</p> <p><b>p110</b> 181:7</p> <p><b>p50</b> 186:8</p> <p><b>pa'd</b> 142:13</p> <p><b>package</b> 89:17 183:6 191:22 192:5,6</p> <p><b>packer</b> 136:15 144:21,23 152:22 169:8,9 169:12,16,17 169:21,24 170:1,3,7,15 172:1,24 173:4 173:10 174:8,9 174:13 177:12 177:17,22 178:2,23</p> <p><b>packers</b> 152:15 153:1 165:23 169:6 170:14 170:19 171:12 171:15,17,21 171:23 172:23 172:25 173:2,5</p>
--	---	---	---

[packers - pennsylvanian]

<p>173:8 177:13  177:19 178:5,7  <b>packet</b> 4:23 5:8  5:11 6:4,21  8:20 11:14  12:24 13:23,24  14:1 19:7,17  19:23 24:6,25  26:23,25 27:1  35:12 46:19  51:8,13 52:20  62:18 63:21  72:25 73:20,25  74:3 78:16,20  79:5,10 80:20  104:4 108:10  115:13 122:11  122:12 123:14  124:7 125:8,10  <b>packeting</b>  49:14  <b>packets</b> 5:6,22  8:17 45:1 64:9  67:7 111:18  115:15,18  116:8 124:7  <b>pact</b> 6:3  <b>page</b> 8:22,24  11:17,19 15:3  36:9 38:24  39:1 52:21  55:8 60:12  69:16,17 72:9  79:8 82:15  106:1,2 107:23</p>	<p>115:7 120:5,8  134:23 135:4  147:2 159:25  161:7 162:6  164:9,21,22  165:12 167:6  167:16 190:9  191:11  <b>pages</b> 5:10  138:14 141:17  142:10 199:8  <b>pain</b> 8:9  <b>panel</b> 126:9,14  127:1 159:11  159:24  <b>paragraph</b>  69:17 82:14,17  83:5 90:5  <b>parameters</b>  181:17 195:18  <b>part</b> 10:2 32:16  37:13 38:4,8  133:8 147:22  149:17 154:24  184:18  <b>partially</b> 141:9  <b>participate</b>  38:17 56:5,18  57:4,9,10  <b>participating</b>  89:19  <b>participation</b>  108:19 122:16  <b>particular</b>  96:19 110:17</p>	<p>110:21 111:4  113:18 186:5  <b>parties</b> 7:9,23  14:8 17:6,13  23:5,7 25:6,7  30:24 31:12,15  31:16 41:10  43:13,14 45:19  45:20 47:18  52:3 58:13  63:2,24 67:2  74:16 76:1  80:14,15,19  81:8 83:23  87:7 90:15,16  96:3,24 98:16  102:20,21  107:2,5 108:25  120:22 124:19  124:22 199:10  <b>partly</b> 11:25  <b>partners</b> 23:3  39:12 43:8,11  <b>party</b> 11:10,10  11:11,12 15:12  15:15 17:15  18:23 20:15  31:17 32:3,5,7  32:9,11 49:4  <b>pass</b> 168:17  178:1,7 182:6  182:14  <b>passing</b> 182:23  <b>path</b> 156:5  174:18 191:15</p>	<p><b>patrol</b> 67:11  <b>patton</b> 134:5  135:24 140:17  154:17,19  157:5 158:1,8  158:13,20  159:4  <b>paula</b> 2:10 7:10  20:9 23:1  47:22 83:20  108:22  <b>pay</b> 22:15 56:9  57:7,15 58:15  59:5  <b>payment</b>  139:23  <b>payton</b> 111:20  118:19  <b>pdf</b> 8:24 52:21  <b>pearl</b> 110:23  111:3  <b>penalty</b> 58:24  <b>pending</b> 27:20  <b>penetrate</b>  141:10,10  142:12 177:16  <b>penetration</b>  178:1 182:7  183:1  <b>penetrations</b>  169:17 173:1  177:14 182:3  182:14 183:12  <b>pennsylvanian</b>  63:6 156:18</p>
--	---	--	--

[pennsylvanian - please]

<p><b>pennsylvanian</b> 48:12</p> <p><b>people</b> 69:22 127:6 186:22</p> <p><b>percent</b> 58:23 135:16 139:8,9 139:21 161:21 171:20,22</p> <p><b>percentage</b> 30:20</p> <p><b>perched</b> 155:24</p> <p><b>perf</b> 137:21,23 137:24,25 160:20</p> <p><b>perfect</b> 12:19 19:20 40:13 49:16 79:14 86:1 90:23 112:25 113:22 126:1</p> <p><b>perfected</b> 112:17</p> <p><b>perfectly</b> 115:1</p> <p><b>perforate</b> 176:11</p> <p><b>perforation</b> 137:20 160:19</p> <p><b>perforations</b> 171:13 172:24 174:23 179:18</p> <p><b>period</b> 136:7</p> <p><b>permanently</b> 142:8</p> <p><b>permeability</b> 155:8,16,23</p>	<p>156:12</p> <p><b>permeable</b> 156:3</p> <p><b>permian</b> 47:19 47:23 66:22 80:9,12 90:13 92:25 93:2,5 94:24 96:1 98:14 102:15 102:24 103:3 107:3 129:15 130:8</p> <p><b>permitting</b> 68:17</p> <p><b>person</b> 39:14</p> <p><b>person's</b> 13:6</p> <p><b>personally</b> 132:5</p> <p><b>personnel</b> 151:4</p> <p><b>persons</b> 38:25 39:6,8</p> <p><b>perspective</b> 57:12 151:5,9 175:15</p> <p><b>petrillium</b> 8:14</p> <p><b>petroleum</b> 9:24 10:2,3,8,10,23 91:5 128:11,13 128:17 129:15 129:20 132:16 153:20,22</p> <p><b>phase</b> 162:24 195:24</p>	<p><b>philosophy</b> 181:24</p> <p><b>phone</b> 104:25</p> <p><b>pick</b> 53:23 169:5</p> <p><b>picture</b> 151:9</p> <p><b>piece</b> 50:9 166:13 180:14 180:19 181:9 181:25 182:4 183:22 184:24</p> <p><b>pilot</b> 130:25 131:16 132:24 133:7,8 136:6 136:18 137:4 137:15 139:2 140:9 143:12 160:3,15 162:2 184:18 189:23 195:14</p> <p><b>pimarker</b> 60:21 61:8</p> <p><b>pin</b> 172:3,6,13 172:19</p> <p><b>pinch</b> 25:12 85:6 112:7 118:25</p> <p><b>pioneer</b> 99:25</p> <p><b>pipe</b> 148:6,7 169:8 177:11</p> <p><b>place</b> 12:8 33:16 34:15,21 88:13 94:12 95:11 145:14 161:4 173:16</p>	<p>175:23 199:6</p> <p><b>plan</b> 95:8 147:3 151:13 171:15 171:18 175:22 176:8 181:19</p> <p><b>planning</b> 167:10 176:1</p> <p><b>plans</b> 93:4</p> <p><b>platform</b> 1:7</p> <p><b>play</b> 3:1 53:18</p> <p><b>pleading</b> 124:10</p> <p><b>please</b> 2:4,9 6:6 8:20 9:8 11:1 13:9 20:7 22:24 23:8 26:12 45:21 52:5,24 55:13 58:10 63:4 66:13 67:3 69:8 71:10 74:19 76:16 77:14 80:16 82:3 87:12 95:22 98:18 102:13 116:15 121:17 127:7 132:17 133:18 135:5 151:19 154:7 157:22 158:11 165:12 168:19,19,24 185:16 188:4 191:1 193:2</p>
--	--	--	--

[plot - prepare]

<p><b>plot</b> 185:16</p> <p><b>plug</b> 146:6 148:14,23 173:13,23</p> <p><b>plugged</b> 142:20</p> <p><b>plus</b> 185:19</p> <p><b>pod</b> 131:24 159:15</p> <p><b>point</b> 2:22 17:4 21:2 57:11,18 69:23 78:10 92:21 113:23 118:15 126:11 148:25 152:4 152:25 153:7 171:8 172:20 174:1,14 176:4 176:18 177:6 185:21 188:14 188:15,19,20 188:21,25 189:2 191:19 193:12 195:19 196:7</p> <p><b>pointed</b> 145:6 147:5 163:7 166:14 171:3</p> <p><b>points</b> 126:23</p> <p><b>polling</b> 63:6</p> <p><b>pool</b> 3:17,18 11:16,24 12:9 17:15 18:9,23 23:13,13,13 30:5,25,25 31:13,16 34:1</p>	<p>34:2 38:22 41:2 46:12 50:8,11,11,15 50:23 51:14 56:7 57:8,16 58:23 65:5 74:21 84:3 87:14 88:2,5 91:12 99:6 102:25 103:4 106:7,16 110:11 111:1,2 111:3 117:24 117:25 121:14 121:18,25,25 122:2 185:4 188:11</p> <p><b>pooled</b> 11:12 11:15 12:11 14:8 15:15 16:7 17:7 18:2 18:4,8,17 29:8 29:24 30:20 31:19 32:13 33:1,2 38:16 38:22 49:4,5 51:10 56:1,17 56:20 63:24 76:1 78:1,4 81:1 87:23</p> <p><b>pooling</b> 8:2,6 17:12 18:16 29:5 32:7 48:11 51:11 52:7 58:15</p>	<p>65:15 75:12 77:15 78:22 79:9 84:20 91:11 99:4 118:6,17 121:13 122:1</p> <p><b>pools</b> 50:7 51:1 51:12</p> <p><b>portion</b> 11:6 29:7 70:18 82:25 137:10 149:18 166:8 166:18 174:11</p> <p><b>position</b> 172:3</p> <p><b>positions</b> 133:14</p> <p><b>positive</b> 139:3 170:5</p> <p><b>possible</b> 66:23 117:19,20 123:9 156:5 197:4</p> <p><b>possibly</b> 112:23 198:7</p> <p><b>post</b> 136:18</p> <p><b>potential</b> 92:5 99:20 131:11 131:13 145:17 146:20 166:9 177:18 184:8 184:16 186:11 189:25,25 190:1 191:5 192:1</p>	<p><b>potentially</b> 164:17 170:4 177:7 184:11</p> <p><b>potts</b> 65:12</p> <p><b>pounds</b> 150:14 152:2 163:12 163:15,19 164:1,2 181:6 181:13 189:9 189:11,12</p> <p><b>power</b> 198:1</p> <p><b>practice</b> 17:11 30:21 31:14,24 32:3</p> <p><b>preceded</b> 80:20</p> <p><b>preceding</b> 199:8</p> <p><b>prefer</b> 191:17 193:8</p> <p><b>preference</b> 126:11 197:12</p> <p><b>prehearing</b> 92:24 93:8,14 94:5 95:12,15 96:25 97:1,3,6 97:7</p> <p><b>preliminary</b> 189:20</p> <p><b>premise</b> 183:21 183:24</p> <p><b>preparation</b> 124:6 196:10</p> <p><b>prepare</b> 14:6 153:14 193:10 194:10,14</p>
---	---	--	--

[prepared - producing]

<p><b>prepared</b> 11:5 62:11 96:12,23 143:19 154:1</p> <p><b>present</b> 74:13 83:25 109:24 117:18 122:23 123:1,7 129:17 130:12 133:13 193:10 194:24 195:2 196:1</p> <p><b>presentation</b> 8:16 20:2 97:15 119:22 119:23 120:25 122:24 159:14</p> <p><b>presented</b> 123:6</p> <p><b>presenting</b> 47:10,12 67:1 87:11 102:17</p> <p><b>preserving</b> 48:4 64:23 90:21</p> <p><b>pressure</b> 134:17 136:12 144:15,17,23 144:24 145:3,6 145:7 146:20 146:22 147:18 147:20,25 148:15,24 150:15,17,17 151:2,2,3,5,8 153:5 161:21 162:3,7,12,18</p>	<p>163:5,13,18 164:1,5 166:15 167:2 170:5 173:9,10,16 174:8,12,14,15 178:15 180:6,9 180:11,16,20 180:22 181:4 181:10,10 182:9 183:7,10 188:13 189:6,9 191:16 195:19 195:20</p> <p><b>pressures</b> 145:1,2 146:7 146:10,23,25 148:2 150:10 151:4 181:19</p> <p><b>pressuring</b> 173:17</p> <p><b>pressurized</b> 180:25</p> <p><b>pretty</b> 19:2 106:17 151:9</p> <p><b>prevent</b> 143:9 146:13,16,19</p> <p><b>prevention</b> 167:9</p> <p><b>previous</b> 93:7 133:22,24 163:23,24 178:15</p> <p><b>previously</b> 4:14 8:8,11 24:13 44:4 46:6 49:1</p>	<p>52:17 60:3 63:18 65:13 67:10 74:25 77:3 80:21 82:6 84:23 87:21,23 91:3 91:6 98:22 99:1 103:16 105:13 110:2 111:21,24 125:23 128:10 136:11 153:21 156:11</p> <p><b>primarily</b> 183:15</p> <p><b>primary</b> 134:4 135:23 140:16 140:17 154:12 154:14,19 156:14 157:5 157:12 158:2 158:21 167:19</p> <p><b>prior</b> 29:25 79:7 148:18</p> <p><b>probably</b> 5:7 32:6 72:7 80:2 119:22 122:25 167:21 187:1 191:17 197:19</p> <p><b>problem</b> 34:12 34:13 62:3 70:1 115:16 122:4</p> <p><b>problems</b> 142:16</p>	<p><b>procedure</b> 89:25 104:14 151:18 168:23</p> <p><b>proceed</b> 6:7 11:1 23:8 45:21 52:5 63:4 67:3 74:19 80:16 87:9,10 98:18 101:6 127:4 152:13 159:23 161:5 162:5 164:7,19 165:10 168:20 186:14 188:4 193:6</p> <p><b>proceeding</b> 59:3 109:10 199:6</p> <p><b>proceedings</b> 199:1,9</p> <p><b>process</b> 110:16 175:10</p> <p><b>produce</b> 173:18</p> <p><b>produced</b> 134:17 136:9 136:12 138:2 139:17,18,22 143:16 149:13 149:16 185:13</p> <p><b>producer</b> 160:6</p> <p><b>producers</b> 47:4 62:22,25</p> <p><b>producing</b> 82:20,24 103:8</p>
---	--	---	---

[producing - provided]

<p>134:13 136:10 137:14,25 149:19 156:11 160:16,18 173:25 174:3,3 174:5 195:16</p> <p><b>production</b> 7:12 20:5 29:25 83:17 130:6,15 137:12,17,24 137:25 143:13 147:6 148:13 149:2,3 152:12 152:14 153:4 156:13 160:2 160:22,24 162:25 163:21 166:6,10 169:9 172:17 173:10 174:8,9,19,20 174:22,25 175:5 176:4,12 179:12 181:5 183:15,19 184:12,21 185:15,18 186:1</p> <p><b>productive</b> 196:8</p> <p><b>products</b> 171:7</p> <p><b>professional</b> 199:4</p> <p><b>profile</b> 133:14 173:15 176:14</p>	<p>176:20 185:18 186:1</p> <p><b>program</b> 178:22</p> <p><b>project</b> 71:18 130:25 131:3 131:11,16,24 132:24 133:1,2 133:8 134:1,2 134:3,18 135:1 135:2,3,5,8,11 135:12,15,23 136:2,6,13,15 137:4,9 138:19 139:2,15,17 140:6,10 141:6 143:12,15 144:5 145:9 146:8 147:16 148:3 149:10 154:3,10,25 156:15 159:7 159:15 160:2,4 160:11 161:8 161:10 175:20 178:18 179:14 185:23,23 186:12,15 189:4,4,23 191:8,23</p> <p><b>projected</b> 134:21</p> <p><b>projects</b> 150:4 160:12,15</p>	<p><b>promise</b> 167:14</p> <p><b>pronounced</b> 71:24</p> <p><b>proof</b> 137:14</p> <p><b>proper</b> 69:2,4 69:10</p> <p><b>properly</b> 142:20</p> <p><b>property</b> 10:4</p> <p><b>proposal</b> 56:13 99:16 131:22 139:25</p> <p><b>proposals</b> 15:11 107:4</p> <p><b>propose</b> 92:1 167:17</p> <p><b>proposed</b> 36:14 38:14 84:12,18 106:3 110:23 120:7 124:19 131:3,10 132:24 134:18 134:19 135:1,9 136:7,25 138:18 139:16 139:20 140:4 140:11 141:6 141:11 142:12 142:25 160:2 162:6 168:22 181:1</p> <p><b>proposes</b> 18:8 29:8 140:21 143:4</p>	<p><b>proposing</b> 18:9 131:12 132:25 140:18 145:9 168:4</p> <p><b>proration</b> 88:4</p> <p><b>prosper</b> 144:25 144:25 145:5 162:11,13</p> <p><b>protect</b> 143:9</p> <p><b>protest</b> 107:18</p> <p><b>prout</b> 98:22 101:17,19,20 101:22 102:1,5 102:7 104:9,23 105:3,6,9,12,24 107:20 108:19</p> <p><b>prout's</b> 99:14</p> <p><b>prove</b> 3:17</p> <p><b>provide</b> 18:15 27:5 31:11,14 31:24 32:2 33:20 40:17 41:14,19,21 77:14 107:17 107:17 132:17 139:15,25 164:17 193:23 195:15 196:25</p> <p><b>provided</b> 4:12 15:9,17,25 16:6 23:24 34:3 39:16,19 84:20 107:12 118:17 120:4 124:18 151:16</p>
--	--	--	---

[provided - questions]

<p>194:1  <b>provider</b> 16:12  <b>provides</b> 92:6  99:21  <b>providing</b>  124:14 154:1  <b>proving</b> 185:9  <b>proximity</b> 42:7  42:18 52:14  84:14  <b>proxy</b> 41:25  <b>psi</b> 144:18  145:7 162:7  180:25  <b>public</b> 113:14  114:2  <b>publication</b>  6:14 25:19  68:1 81:5  85:13,14 88:8  92:7,16 99:23  100:7,10  112:13,17,21  113:18 119:7  124:25  <b>published</b> 2:6  6:15 25:21  44:14 46:10  49:21 54:21  64:1 65:19  67:14,25 68:2  75:3 100:8  103:18 112:14  113:14,19  124:25</p>	<p><b>puff</b> 160:5  <b>pull</b> 23:18 59:3  75:21 146:1,5  148:21,22  149:4 152:9  168:1 176:10  177:7  <b>pulled</b> 18:8  69:18 75:18  <b>pulling</b> 23:24  43:19 44:7  45:22 111:19  148:13 149:6  152:3,19 168:8  <b>pump</b> 170:12  <b>purple</b> 135:7  <b>purpose</b> 12:4  <b>purposes</b> 66:12  130:24 138:6  143:5,6 146:11  <b>pursuant</b>  140:25  <b>push</b> 162:24  <b>put</b> 12:8 14:24  54:9 61:24  120:6 197:22  <b>putting</b> 53:18  54:3</p>	<p>73:4 82:7  105:14 110:7  116:11 125:21  125:23 128:9  128:16 129:22  130:14 132:15  153:22  <b>qualifies</b>  129:12  <b>qualify</b> 10:7  116:10 130:4  <b>quality</b> 149:20  <b>quantity</b>  184:22  <b>quarter</b> 50:17  52:11 91:14,15  91:17  <b>quasipooling</b>  50:25  <b>question</b> 4:22  13:3,4,19  16:14 17:24  26:6 28:6  29:14,22 30:10  32:17 33:8,10  33:14,23 34:14  35:3,4,10 37:8  37:13 66:4  72:7 78:14  81:18 89:3  101:10,11  104:11 119:21  119:25 126:4  160:1,3,25  161:6 162:6,10</p>	<p>163:20 164:8  164:20 165:11  167:1,5,15  168:17,21  169:1 175:23  177:21 178:15  180:6,13,17  181:22 182:20  188:6 190:5  <b>questions</b> 4:18  6:16,23,25  11:1 12:17,25  16:4,9,15,18  24:24 25:22  26:4 33:9  37:15,25 40:10  43:2 44:16,21  44:24 46:23  47:1 49:23  50:3,6 55:4  57:24 58:2,4  59:10 62:6  64:12,15 68:23  68:25 72:24  76:6,8 77:19  81:16 83:10  85:16,23,25  88:19,22 97:23  98:1 100:17  103:24 104:2  104:15 107:21  108:6 110:6  113:1,7,9  119:10,19  121:4 123:4,10</p>
	<p><b>q</b></p>		
	<p><b>qualification</b>  129:4  <b>qualifications</b>  80:22  <b>qualified</b> 9:18  10:22 60:3</p>		

[questions - received]

<p>126:15 132:1  143:22 153:18  159:11,16  183:14 186:25  187:11 192:12  192:24 193:8,9  193:12,15,20  194:1,7,18,19  194:21,24  195:2,4 196:2  196:15,20  197:2,6,17,20  <b>queue</b> 27:10,18  <b>quick</b> 11:7 13:3  35:20 104:11  144:11,13  148:4  <b>quickly</b> 3:23  126:22 138:5  <b>quite</b> 109:12  189:15  <b>quote</b> 17:8  58:17  <b>quoting</b> 29:4</p>	<p><b>r22847</b> 74:22  75:18,19  <b>r23066</b> 80:18  <b>radius</b> 157:5  159:3 195:13  <b>raise</b> 9:8 14:18  17:23 26:12  52:23 59:18  71:10 76:16  105:5 127:7  <b>raised</b> 14:18  34:22 88:22  <b>rake</b> 153:2,3  <b>ramos</b> 48:25  <b>ran</b> 136:18  176:1  <b>range</b> 3:20  23:16 43:24  46:1 48:20  52:12 63:10,14  65:4 84:8  87:17,18 91:2  98:21 103:5  110:20 111:8  111:11 118:2,4  131:6 162:8  186:7,8,9,10,12  <b>rankin</b> 19:4  28:5,8,10,13,15  28:19 29:3,14  29:17,21 30:9  32:18 116:17  122:20,21  123:3,8,17,25  124:5 125:7,9</p>	<p>125:15,24  126:10,19,25  130:20,22  132:7,14,21  133:4,11  134:24 143:22  143:25 153:17  159:13 187:15  192:7,8,9,20  193:7,14 194:4  194:5 196:10  197:5,6,14  <b>rate</b> 134:19  152:19 162:8  162:22 164:19  186:19 195:15  <b>rated</b> 181:18  <b>rates</b> 82:18,22  83:4 145:8  146:22 175:5  178:12,17  <b>rather</b> 32:25  35:7 42:10  160:7  <b>rating</b> 167:2  180:6,9,11,16  180:20 181:4  182:10 183:8  <b>ratings</b> 180:22  183:10  <b>ratios</b> 195:11  <b>reach</b> 32:10  93:3 107:2  <b>reached</b> 5:4  16:23 31:3</p>	<p>100:3  <b>reaching</b> 177:3  <b>read</b> 27:18  28:11,12 29:9  29:11,12 30:8  31:10 32:18  145:24  <b>reading</b> 19:9  29:15 33:22  <b>reads</b> 147:12  147:14  <b>ready</b> 35:10  101:6 193:20  <b>real</b> 35:20  104:11 144:11  144:13 148:4  163:18  <b>realize</b> 21:4  <b>realized</b> 14:3  16:21,21 34:25  <b>really</b> 40:17  56:3 70:2  <b>reason</b> 14:14  19:11 68:16  81:7 121:13  <b>recall</b> 42:3 71:2  <b>recap</b> 11:3  <b>receipt</b> 21:24  <b>receive</b> 19:25  49:6 136:8  165:4 192:22  <b>received</b> 9:23  12:23 15:11,23  19:7 21:11  53:13 93:5</p>
<b>r</b>			
<p><b>r</b> 26:20,20 53:7  60:21,21 71:23  76:23,24 82:4  105:12 128:5  140:14,22  176:14  <b>r22</b> 75:19  <b>r22603a</b> 67:6  <b>r22846</b> 74:22  75:19</p>			

[received - remove]

<p>118:13 120:21 165:2 <b>receiving</b> 197:20 <b>recent</b> 26:25 35:12,18 <b>receptacle</b> 171:25 <b>recess</b> 35:25 51:23 62:21 66:17 100:20 101:3,24 102:11 116:9 187:6 188:1 198:25 <b>recipients</b> 107:7 <b>recognize</b> 113:17,23 <b>recognized</b> 44:5 46:7 49:2 53:9 54:16 63:19 65:14 75:1 77:3 <b>recoop</b> 56:20 <b>record</b> 4:16 6:17 7:3 9:14 12:16 19:22 22:21 24:15 25:24 26:18 35:24 36:3,24 37:7 49:10 51:6,23 53:5 57:24 59:25 62:19 66:15</p>	<p>68:18 70:24 71:21 74:1,2 74:12 76:22 80:6,7,8,23 81:12 82:3 84:25 85:18 88:11 91:9 97:19 99:3 100:13 101:1,2 101:5 105:11 108:17 109:13 112:1,16,22 113:2,21 119:12 125:4 127:15 139:10 148:4 187:4,5 187:8,21,25 188:3 189:1 193:4,16 198:23 <b>recording</b> 117:5 166:18 <b>recover</b> 175:1 <b>recoverable</b> 191:13 <b>recovery</b> 130:25 131:17 133:2 <b>rectify</b> 189:1 <b>red</b> 44:3 135:12 137:20 141:14 141:23 158:1 158:20 179:2 186:19</p>	<p><b>redirect</b> 192:12 192:13 193:1,1 193:12 <b>reduce</b> 83:2 <b>reed</b> 100:1 106:22 107:2 107:12 <b>reevaluate</b> 113:13 <b>refer</b> 189:3 <b>reference</b> 25:9 <b>referenced</b> 120:1 141:14 142:4 <b>references</b> 77:10 <b>referencing</b> 13:23 94:25 <b>referred</b> 90:13 133:4 135:22 <b>referring</b> 19:1 55:15,20 56:16 56:25 93:13 106:8,10,21 115:9 120:24 140:7 <b>refile</b> 49:14 <b>reflects</b> 8:13 51:14 124:18 <b>regard</b> 162:13 <b>regarding</b> 92:18 136:14 188:6 <b>regardless</b> 16:6</p>	<p><b>regards</b> 50:6 <b>regional</b> 60:22 <b>registered</b> 199:4 <b>regular</b> 176:13 <b>regulations</b> 140:25 <b>regulatory</b> 146:11 <b>rehabilitate</b> 187:12 <b>rehash</b> 106:20 120:3 <b>rejection</b> 94:14 <b>relate</b> 14:5 195:21 <b>related</b> 119:23 168:21 181:23 <b>release</b> 27:18 <b>relief</b> 135:22 136:5 <b>rely</b> 112:18,21 <b>relying</b> 174:25 <b>remain</b> 108:17 <b>remaining</b> 134:7 180:10 <b>remember</b> 18:22,25 27:7 <b>remove</b> 5:13,19 6:3 8:17,20 11:13 12:10 19:24 24:25 45:2 46:20 49:8 51:10 64:8 115:11</p>
--	--	---	---

[remove - review]

<p>116:1 119:14  122:11 171:16  174:18  <b>removed</b> 73:1  115:14 140:23  <b>removing</b>  15:12,14,23  17:15 33:25  34:10 42:10  <b>reopen</b> 79:6  <b>repeat</b> 50:12  51:6 180:17  <b>replacement</b>  195:11  <b>reported</b> 1:10  <b>reporter</b> 53:23  199:4,4,15  <b>reporter's</b>  199:3  <b>represent</b>  20:15 96:8  <b>representing</b>  45:11  <b>repropose</b>  58:19 59:4  <b>request</b> 25:8  44:10,16 46:12  46:13 50:6  64:2 65:20  68:18,25 72:24  100:20 101:12  103:12 118:14  120:19 121:4  121:11,12  192:10</p>	<p><b>requested</b> 56:1  118:10 131:24  135:22 136:5  <b>requesting</b>  82:18 94:5  95:14 120:12  120:14 126:20  132:18  <b>requests</b> 5:5  113:10  <b>require</b> 17:6,12  24:5  <b>required</b> 6:11  85:2,4 112:5  114:2 118:24  195:17  <b>requirement</b>  31:9 41:8,12  42:22 100:5  120:18  <b>requirements</b>  88:1  <b>requires</b> 49:11  <b>requisite</b> 112:3  118:22  <b>reservoir</b> 9:20  10:3,4,9,11,14  10:23 24:20  60:23,25 61:1  61:2,11 130:6  137:22,23  156:12 164:10  185:12 188:6,7  188:7,8,10,13  188:22,24</p>	<p>189:6,19,22  190:4,18,21,22  191:2,6,11,25  195:18,19,22  195:24  <b>reset</b> 186:13  194:12  <b>resistants</b>  191:15  <b>resistivity</b>  157:9 190:11  190:15 191:4  <b>resolution</b> 93:3  96:24  <b>resolved</b> 78:10  94:14 107:8  <b>resolving</b> 21:16  <b>resources</b> 15:6  47:19 86:3  90:14 92:25  93:2,5 94:24  95:24 96:1  99:25 102:15  102:24 103:3  107:3  <b>respect</b> 63:23  153:10 188:13  <b>respectably</b>  135:18  <b>respectful</b> 44:6  <b>respective</b>  65:14  <b>responded</b> 57:1  <b>response</b> 17:19  139:3</p>	<p><b>responses</b>  193:10  <b>responsible</b>  132:5,7,11  <b>rest</b> 131:21  176:3  <b>restore</b> 176:12  <b>resubmit</b> 11:13  61:18 107:25  121:5  <b>result</b> 189:24  <b>resulting</b>  143:14  <b>resume</b> 8:13,13  24:3,6,22,25  52:19 110:3  111:22  <b>resumes</b> 124:15  <b>retest</b> 146:9  <b>retract</b> 38:11  <b>retrieve</b> 175:22  176:25  <b>retrieved</b>  175:21  <b>retrieving</b>  173:22  <b>return</b> 149:2  176:3  <b>returned</b> 92:14  100:2 107:1,5  <b>returning</b>  152:12  <b>review</b> 3:13  42:25 114:21  132:2 140:25</p>
---	---	---	--

[review - sands]

<p>154:22 157:4 196:11 <b>reviewed</b> 3:8 35:2 48:3 123:5 153:15 <b>reviewers</b> 192:23 <b>reviewing</b> 133:16 <b>revise</b> 97:3 <b>revised</b> 13:22 14:7,8 119:15 <b>revision</b> 96:25 <b>riddles</b> 19:5 <b>right</b> 9:8 14:18 18:24 20:13 24:12 26:10,12 27:21 28:21 32:23 33:6,7 33:17 35:7 52:24 55:23 59:19 67:21 68:5 70:23 71:10 76:16 77:1 78:4 79:1 87:3 95:20 97:13,25 100:25 102:2,8 105:5 109:22 116:1 119:24 124:1 126:17 127:6,7 132:13 141:16 143:5 154:13 158:17 161:5 162:19</p>	<p>164:7,19 165:10 167:5 172:11 178:19 185:17 186:7 187:3 194:2 195:8 196:6,20 196:24 197:8 <b>rights</b> 48:5 64:23 90:22 143:10 145:4 <b>rio</b> 23:17 <b>risk</b> 142:16 145:18 172:12 184:8 <b>rock</b> 154:23 156:3,7 157:10 157:19 <b>rodriguez</b> 66:21,21,25 67:4,16,18,22 68:1,6,9,12,15 69:1,4,6,12,19 70:1,12,17,22 <b>role</b> 3:1 <b>romanet</b> 31:11 <b>romonet</b> 30:18 <b>rope</b> 4:2,4,7,9 <b>rotate</b> 169:13 <b>round</b> 57:6 <b>routinely</b> 32:5 <b>royalties</b> 139:13 <b>royalty</b> 39:12 44:7 65:16 87:15 88:5</p>	<p>92:12,14 100:6 139:20,23 140:1 <b>rpr</b> 1:10 199:15 <b>rule</b> 17:5 18:1,6 19:9,11 28:10 28:12 30:8 32:19 33:22 <b>rules</b> 17:5 33:7 41:8 42:22 58:18 107:7 124:22 <b>run</b> 102:9 145:21 146:2 147:5 148:11 152:9,22 161:9 169:10 171:11 172:3 173:15 <b>rung</b> 169:2 <b>running</b> 110:8 145:19 151:23 152:10,18,20 153:1 171:2,11 171:12 172:4 <b>russel</b> 98:25 <b>rustle</b> 24:1 25:12 <b>rustle's</b> 24:3 <b>rustler</b> 155:20 155:21,24 156:21 157:16 157:19 158:6 <b>rusty</b> 24:1 <b>rvp</b> 54:10</p>	<p><b>ryan</b> 80:21 81:21,23 82:4 103:14 109:5 109:14,14,17 109:20</p> <hr/> <p style="text-align: center;"><b>s</b></p> <hr/> <p><b>s</b> 9:16 26:19 60:1,1,1 76:24 127:18,24 128:4 <b>safe</b> 15:21 <b>safety</b> 146:21 151:1 <b>salado</b> 155:19 157:16 158:6 <b>salinity</b> 170:24 <b>salt</b> 155:20 157:16 <b>salts</b> 156:21 <b>sample</b> 6:12 25:16 67:12 85:9 112:10 119:4 <b>samples</b> 149:12 149:15 <b>san</b> 23:17 52:8 60:23 61:6,9 61:12,14,16 <b>sand</b> 131:1 134:10,12 154:18 157:11 157:25 158:12 158:18,25 <b>sands</b> 155:11 156:21</p>
--	---	---	---

[sandstone - see]

<p><b>sandstone</b> 155:3 156:4 157:1 <b>santa</b> 2:11 7:11 20:9 21:5 23:1 47:22 83:20 86:6 108:22 122:21 <b>sapphire</b> 8:4 <b>sarantinos</b> 13:8 13:11 14:16,20 14:23 <b>satisfied</b> 17:24 152:24 <b>satisfying</b> 100:4,4 <b>savage</b> 86:8,12 87:7 90:10,12 90:17,24,25 93:14,20,23 94:3,10,20,24 95:9,23,23 96:4,5,14,18 97:9,12,17 98:3,4,11,13,17 98:19 101:13 101:15,16 104:10,13,18 104:22 106:21 107:21,23,24 108:3,4,12,14 <b>saved</b> 28:17 <b>saveren</b> 76:17 <b>saw</b> 117:14,15</p>	<p><b>saying</b> 10:16,17 21:21 24:9 30:13 32:16 34:20 37:7 54:18 93:12 94:1 96:11,14 96:17,18 195:6 <b>says</b> 18:6 29:4 29:6 30:18 31:5,11 32:22 33:6 55:23 56:15 79:9 182:8 <b>scada</b> 146:19 147:1,3 149:25 151:6,12 153:6 168:5 <b>schell</b> 98:13 <b>schematics</b> 142:24 <b>schill</b> 90:12 95:24 <b>schlumberger</b> 130:10 <b>science</b> 9:23 129:5 <b>sciences</b> 129:8 <b>scope</b> 75:24 <b>scra</b> 28:20 <b>scraper</b> 152:21 <b>screen</b> 26:8 55:12,14 66:6 72:6 105:25 127:5 132:23</p>	<p><b>sealed</b> 173:7 <b>seat</b> 170:11 175:1 <b>second</b> 27:10 37:13 41:9 42:3 57:6 86:9 86:20 103:1 111:15 123:2 131:1,18 134:10,11 139:3 143:16 155:2 156:4,25 157:11 158:18 158:25 159:20 184:11 185:5 <b>secondary</b> 57:14 <b>section</b> 3:22 5:24,25 38:8 43:1,23 44:11 48:15,16,17,18 48:18,19 50:10 50:17 52:11,11 56:23 60:12,14 61:10,13,15 63:9,13 72:9 72:11,14 87:16 87:17 91:1,15 91:16,18 103:6 107:22 110:18 111:7,9,10 115:4 118:1,3 119:14 121:7 121:12,14,22 121:22,25</p>	<p>122:2,3 131:7 131:8,9 137:11 149:8 150:11 152:6 154:18 154:23 157:17 157:22 158:4,4 158:20 161:19 165:23 166:7 166:10,17 168:4,15 169:6 170:15,16,19 174:6,21,23 175:24 177:13 <b>sections</b> 23:15 42:1 45:25 84:7 98:20 99:8 103:4 110:19 152:16 158:1 174:1 <b>see</b> 5:25 8:16 13:14 19:11 26:4 29:3 33:13 34:11 40:20,25 41:5 41:17 50:19 52:22 55:15,20 56:25 60:16 61:10 66:7 69:19 72:6 76:14 90:4 93:24 95:10 96:7,9 102:8 104:16,17,21 105:1 106:7 110:6 115:10</p>
---	--	--	--

[see - setting]

<p>120:6,9 127:5  132:22 137:24  139:3 147:18  147:19,25  148:19 149:18  150:5,7,25  151:4,7 154:12  157:8,11,24  158:2,13,21  160:1 162:15  168:7 174:4  180:3 181:16  183:5 184:3,9  186:10,24  192:5,17 193:5  193:23 194:7,8  195:10  <b>seeing</b> 27:7  61:21 66:8  121:8 145:4  197:14  <b>seek</b> 9:18 12:9  88:4  <b>seeking</b> 11:3,23  18:23 30:3,25  31:12,15,16  34:1 38:22  53:8 75:13,21  75:22 80:25  84:3 88:13,14  103:3 106:6  124:11 128:15  128:22 133:5  <b>seeks</b> 3:13,17  4:1 8:1 23:10</p>	<p>23:18,21 43:18  43:24 45:22  46:2 63:5 65:1  65:5,9 67:5  74:21 80:18  84:11,17 87:14  91:10 99:4  102:24 110:11  110:22,25  111:15 117:21  118:8 130:23  <b>seem</b> 29:12  <b>seemed</b> 29:10  <b>seems</b> 28:23  29:12 42:13  114:24 127:3  <b>seen</b> 177:23  <b>seismic</b> 156:19  <b>select</b> 70:15  <b>selected</b> 134:8  140:20,22  161:9 165:8  <b>selecting</b> 133:7  <b>selection</b> 184:6  <b>selects</b> 198:16  198:17  <b>self</b> 4:12 6:11  8:7,10 23:25  44:2 46:4  48:24 52:15  63:16 65:11  67:8 74:24  77:8 82:14  83:5 84:21,22  85:9 92:3,7</p>	<p>99:15,18,22  103:14 111:20  112:9 118:18  123:15,17  193:14  <b>send</b> 27:22 28:3  31:18 57:5,14  62:12 116:1  176:16 178:22  <b>sending</b> 114:18  <b>senior</b> 10:14  54:15 129:18  <b>sense</b> 160:12  <b>sent</b> 22:4 25:16  27:3,13,24  30:24 35:16  39:23 40:3  44:13 46:8  49:21 54:21  56:13 57:2  63:25 65:18  67:12 69:13  75:2 88:7  100:9 103:17  106:23 114:8  118:11 119:8  124:17,20  <b>sentence</b> 30:6  <b>seoane</b> 127:9  128:4,20,20,23  129:1,23,24  144:1,1,3,13  145:12 148:8  149:11 151:19  153:8,13</p>	<p>161:14 162:15  165:15,18,20  169:3 188:18  <b>seoene</b> 128:3  <b>separate</b> 50:23  86:13 110:16  <b>separated</b>  37:18  <b>september</b> 6:13  6:15 8:17,20  <b>sequence</b> 138:3  170:10  <b>serantino</b> 15:2  <b>series</b> 125:13  154:1 160:6  <b>serve</b> 167:8  <b>service</b> 144:15  <b>set</b> 44:13 46:8  62:16 63:24  65:17 73:23  75:2 93:1 94:7  94:8 96:10,20  103:16 122:8  124:11 133:20  136:16 146:6  148:14,22  151:10 153:2  160:23 170:10  170:16 173:10  195:16 196:4  199:8  <b>setting</b> 141:1  142:17 170:10  178:23</p>
--	--	---	--

[settled - slide]

<p><b>settled</b> 175:7  <b>setup</b> 151:21  152:15  <b>seven</b> 3:22 20:5  43:23,25 65:4  99:9 110:18  111:10 114:12  118:4 121:14  121:23,25  <b>several</b> 8:16  45:14 47:7  <b>severan</b> 74:24  <b>severance</b>  103:2  <b>shaheen</b> 21:3,5  21:11,17,21  22:3,6,18,19  86:5,6,15,22,24  87:3,10,13  88:12,15,21,25  89:3,10,14  90:7 96:8  <b>shale</b> 155:12  <b>shales</b> 155:8  157:14 158:8  <b>shallow</b> 159:3  <b>shanor</b> 43:10  45:9 47:7  62:25 74:8  95:25 102:15  <b>share</b> 55:11,14  56:9 57:7,7,15  57:21 58:15  59:5 132:20  172:6,8,13,19</p>	<p><b>sharing</b> 172:10  <b>sharon</b> 21:5  86:6  <b>sharp</b> 171:14  171:17  <b>sheet</b> 78:17  <b>sheets</b> 134:14  <b>shelf</b> 48:12  72:13  <b>shell</b> 63:7 72:12  72:15  <b>shine</b> 157:8  <b>shorter</b> 136:21  <b>show</b> 157:23  177:2 181:25  186:1 198:4  <b>showed</b> 152:15  156:19  <b>showing</b> 14:8  25:5 92:4  99:20 124:22  124:25 135:12  135:14 141:5  141:19 159:2  181:24 184:4  <b>shown</b> 11:12  100:5 154:13  <b>shows</b> 49:20  58:23 120:6  138:10 154:9  154:17 158:4  158:11  <b>shutdown</b>  146:21 151:1</p>	<p><b>side</b> 62:2 69:18  144:6 154:13  162:25,25  182:1  <b>sign</b> 57:4 58:22  <b>signature</b>  199:14  <b>signed</b> 49:5  56:3,11,12  57:2 58:13,16  <b>similar</b> 80:19  139:18 149:20  <b>simplified</b>  137:16 138:2  <b>simply</b> 88:4  <b>simulation</b>  164:10 177:2  <b>simultaneously</b>  136:9,10 137:5  137:18 143:7  170:17  <b>single</b> 133:3  154:16 169:3  169:10,14  183:17  <b>singled</b> 56:16  <b>sir</b> 9:5 10:21  53:11 54:2  55:10,18 56:8  56:12 60:5,13  60:20 61:8  69:2 70:5 72:1  82:8,16,21  83:1,7,8 93:20  97:9,17 98:4</p>	<p>98:17 101:20  102:5,7 104:18  105:1,3,9,15,21  106:4,9,14,19  106:20,23  107:19,24  128:19,21  <b>sitting</b> 26:22  32:6  <b>situation</b> 58:9  107:11 191:13  <b>situations</b>  18:13  <b>six</b> 10:11 20:5  23:16,21 54:13  65:4 92:13  111:9 114:11  131:12 133:4  134:4 135:9  136:7 138:18  141:11 161:7  <b>size</b> 178:11,14  <b>sizes</b> 178:16  <b>skid</b> 150:19  <b>skip</b> 134:15  137:2 151:15  <b>sleeve</b> 173:20  <b>slide</b> 102:4  135:21,21  136:22 137:3  138:10,10,23  139:6 140:7,15  141:4 142:24  144:14 145:12  145:20 148:8</p>
--	---	--	--

[slide - spring]

<p>149:24 154:9  157:7,22  158:11,11  159:1 161:16  162:16 168:23  172:23 180:5  184:6 190:9  191:10  <b>slider</b> 102:3  <b>slides</b> 132:9,10  132:20 136:23  136:24 138:14  142:10 143:18  144:11 149:12  151:10 153:14  154:1,6 159:7  <b>slight</b> 24:4  <b>small</b> 115:6  <b>smaller</b> 171:22  <b>smoothly</b> 35:23  <b>software</b> 145:1  <b>sole</b> 160:5  <b>solidity</b> 171:6  <b>solved</b> 19:4  <b>someone's</b>  104:21  <b>somewhat</b> 35:2  <b>soon</b> 94:21  <b>sorry</b> 5:8 30:14  40:25 42:4,8  53:22 71:6  83:17 86:9  109:8,17  117:10,10  147:23 188:23</p>	<p><b>sort</b> 37:15  38:10 62:2  133:13 166:23  178:6  <b>sounds</b> 19:2  21:15 68:15  71:17 74:11  87:6 101:14  192:19  <b>source</b> 138:7,16  <b>south</b> 3:20  23:15 36:14  37:21 40:17,18  40:18 41:25  42:12,13,14  43:2,23,24  46:1 48:20  52:12 63:9,13  65:4 84:8  87:17,18 91:2  91:14,15,16,17  98:21 99:11  103:5,6 110:18  110:20 111:3,7  111:10,13  118:2,4 131:6  <b>southeast</b> 48:17  63:10 91:17  <b>southwest</b>  48:15 63:12  91:15  <b>space</b> 117:6  121:2 137:23  184:9</p>	<p><b>spacing</b> 3:24  4:4 23:11,20  31:25 36:21  37:23 38:14  41:3,13,15,18  43:22 45:25  48:14 52:10  58:17 63:8  65:3 77:11  78:8,11 84:4  84:12,15,17  87:16 91:13,21  99:7 110:14,15  110:22 111:5  111:17 117:23  118:8,11 120:2  120:7,8,13  135:9  <b>spaghetti</b> 184:5  <b>spare</b> 159:9  <b>speak</b> 2:5 53:24  136:3 191:1  <b>speaker</b> 109:8  <b>speaking</b>  187:10  <b>special</b> 84:12  84:18 93:25  197:10,24  <b>specific</b> 32:24  126:15  <b>specifically</b>  55:19 186:7  193:15  <b>specification</b>  95:16</p>	<p><b>specify</b> 163:7  <b>specs</b> 176:16,17  <b>spell</b> 9:14 26:18  53:5 59:25  71:16,21 76:21  82:3 105:10  127:15  <b>spelled</b> 127:18  127:24  <b>spencer</b> 21:5  86:7  <b>spent</b> 133:16  <b>spikes</b> 146:20  <b>spool</b> 150:6,8  180:19 181:9  181:25 182:4,9  <b>spreadsheet</b>  39:23 45:13  <b>spring</b> 3:17,18  53:20 54:6  65:6 72:12,21  84:5,11 87:15  91:11 99:5  103:1,2 110:12  111:2,3 117:24  117:25 121:15  131:1,2,18,19  134:10,12  136:17 139:4  143:16 155:2,4  155:4,6 156:4  156:25 157:1  157:14 158:8  158:18,19  159:1 188:10</p>
---	---	--	---

[springs - submitted]

<p><b>springs</b> 157:11 184:11 185:5 190:10,14 <b>spur</b> 43:8,10,18 43:24 44:6 <b>square</b> 150:5 <b>stacked</b> 41:7 <b>staff</b> 129:18 <b>stand</b> 132:2 <b>standard</b> 4:19 4:21 25:4,11 42:11 43:21 52:9 63:7 87:24 91:22,23 92:3 99:6,11 99:19 134:20 134:21 145:1 145:10 185:1 <b>standards</b> 56:14 57:13 <b>start</b> 2:5,19 5:2 53:24 55:5,8 110:10 116:21 127:15 129:3 133:19 <b>started</b> 154:12 <b>starting</b> 7:4 102:9 142:23 154:6 <b>state</b> 4:9 9:10 9:13 14:21 26:14,17 29:1 48:22 53:1,4 59:21,25 63:15 65:10 71:13,16</p>	<p>71:20 76:18,21 81:24 82:3 105:7,10 109:12 111:16 127:10,14 199:5 <b>stated</b> 120:20 136:11 164:22 167:8 194:23 <b>statement</b> 4:18 4:20 6:12 8:11 23:25 25:3,10 25:15 44:3 67:9 74:24 77:9 82:14 83:5 84:22 85:1,3,9 91:25 92:3,6,7 97:1,3 99:15,19,21,22 106:5,7 111:20 111:23 112:3,5 112:9 118:18 118:20,23 119:4 123:16 123:18 124:3 154:10 <b>statements</b> 4:13 46:5 48:24 52:16 63:17 65:12 84:21 85:4 103:14 157:7 193:14 <b>states</b> 18:1 24:8</p>	<p><b>station</b> 129:7 <b>status</b> 22:8,14 95:10 142:7 198:18 <b>statutory</b> 29:5 <b>stay</b> 112:16,22 113:21 <b>stays</b> 171:1 <b>steel</b> 99:9 158:6 <b>stenotype</b> 199:6 <b>step</b> 151:22 152:8 <b>stephanie</b> 127:8,17 <b>stephen</b> 127:8 127:23 145:6 150:22 152:16 153:16 <b>steps</b> 160:19 <b>stevens</b> 100:2,3 106:22 107:2 107:13 <b>steward</b> 52:1,7 54:7,10,12 56:6 58:19 <b>sting</b> 146:9 148:20 149:1 168:1 171:24 <b>stokes</b> 175:6 <b>stone</b> 3:18 <b>stop</b> 29:9 <b>storage</b> 140:12 <b>stranded</b> 103:7</p>	<p><b>stretch</b> 78:19 <b>string</b> 171:15 <b>strings</b> 147:9 <b>strip</b> 146:16 167:9,12,13 <b>stripping</b> 167:14 <b>structural</b> 121:7 <b>structure</b> 5:23 158:12,18,19 158:23,25 <b>sub</b> 6:17 25:23 30:17 61:9,15 61:19 85:17 100:12 113:2 119:11 148:21 155:3 <b>subject</b> 35:9 92:24 93:4 142:2 <b>submission</b> 24:6 50:21 <b>submit</b> 14:7,7 70:2,2,18 72:25 73:20 78:20 79:10,12 115:13 122:6 165:6,7 194:20 <b>submits</b> 79:17 <b>submitted</b> 13:22 19:24 48:23 49:23 52:20 54:22 67:7 74:3,23</p>
--	---	--	--

[submitted - take]

75:6 78:21 89:17 123:12 124:3 140:2 <b>submitting</b> 19:16 <b>subsection</b> 18:6 <b>substantially</b> 143:14,14 <b>substitute</b> 45:11 <b>subsurface</b> 151:1 <b>success</b> 185:14 185:15 <b>successful</b> 185:10 186:15 186:17 <b>succession</b> 154:24 156:7 157:10 <b>suggest</b> 189:20 <b>suggesting</b> 114:18 <b>suggests</b> 191:22 <b>suitable</b> 154:3 <b>suitably</b> 181:18 <b>suite</b> 92:4 <b>suited</b> 161:1 <b>sulfite</b> 149:22 <b>summarize</b> 126:5 <b>summarized</b> 136:5 <b>summarizing</b> 124:10 126:23	<b>summary</b> 15:3 55:9 81:2 123:23 126:20 132:17 193:17 <b>sundry</b> 140:1 165:4,6,7 <b>supercede</b> 90:6 <b>superceding</b> 90:1 <b>supervision</b> 143:20 <b>supervisor</b> 130:7,9,13 <b>supplant</b> 92:22 96:19 <b>supplement</b> 123:13 192:17 193:11 <b>supplemental</b> 78:23 79:12 125:15 192:6 <b>supplementing</b> 124:13 <b>supply</b> 192:4 <b>support</b> 11:5 125:15 157:7 <b>suppose</b> 123:9 <b>sure</b> 14:10 15:13 16:13 20:12,14 21:23 27:4 33:21 56:3 70:3,13 95:19 97:2,25 107:5 110:10 113:25 115:25	120:4 122:14 126:23 152:21 161:24 163:20 163:20 171:5 171:22 173:24 178:16 180:2 181:13,17 190:3 196:22 <b>surface</b> 134:17 136:12 138:1 144:16 145:2,7 151:5 162:7 163:25 174:6 175:2 179:6 180:4,12 182:23 183:8 <b>surrounding</b> 41:19 184:10 <b>surveillance</b> 153:6 <b>suspect</b> 14:9 <b>swear</b> 13:11 110:4 <b>swearing</b> 104:14 <b>sweep</b> 137:23 <b>swell</b> 172:25 177:17 <b>swellable</b> 170:19 173:8 <b>swelling</b> 170:22 <b>swells</b> 177:19 <b>sworn</b> 9:10 14:21 26:14 35:10 53:1	59:21 71:13 76:18 81:24 105:7 125:20 127:10 128:7 <b>system</b> 22:12 146:19 147:1,3 149:25 151:6 153:6 168:6 169:2,4,15 170:18 173:17 <b>systems</b> 170:20  <b>t</b>  <b>t</b> 9:16 76:24 105:12,12 127:18,24 <b>ta'd</b> 142:13 <b>table</b> 15:4 56:23 106:2,5 106:11 154:12 154:14 <b>tabulation</b> 141:18 142:6 <b>tack</b> 23:21,22 <b>tailpipe</b> 176:9 <b>take</b> 7:1 19:6 19:11,25 27:17 28:4 35:21 43:3,6 62:20 66:10,14 70:9 73:15 74:2 79:15 80:7 83:11 87:5 88:11 90:8 92:20 96:9 98:2 104:5
--	--	--	---

[take - thank]

108:6,18 112:19 116:8 122:10,25 123:21 160:9 161:13 163:1 164:4 185:3 186:21,23 187:3,14 188:17 191:7 194:13 195:1 197:22 198:2 <b>taken</b> 6:18 25:24 35:25 44:17 46:14 47:3 49:25 54:24 64:3,16 65:21 66:17 68:19 75:7 81:12 85:18,22 86:2 100:14 101:3 103:21 104:8 113:3 119:12 148:1 187:6 188:1 189:23 191:9 191:10 199:6 <b>takes</b> 162:14 <b>talk</b> 123:22 145:19 155:1 186:24 <b>talking</b> 18:22 73:8 93:19,21 95:19,20 106:21 134:8	<b>talks</b> 13:22 <b>target</b> 61:3 72:12,18 73:1 134:9 139:4 <b>targeting</b> 61:4 134:9 <b>targets</b> 72:16 <b>tbd</b> 65:8 136:17 <b>tcp</b> 176:11 <b>td</b> 152:5 <b>team</b> 53:19 190:4 193:25 197:17 <b>tech</b> 9:24 53:14 <b>technical</b> 4:17 90:11 98:12 123:4,20 126:6 131:22 133:12 133:15,22 159:20,22 188:4 192:23 193:4 196:12 <b>technology</b> 186:5 <b>telemetry</b> 184:23 185:19 <b>tell</b> 5:16 28:20 38:8 121:8 125:22 <b>telling</b> 17:17 <b>temperature</b> 166:3,5,16,21 172:17 <b>temperatures</b> 150:10	<b>template</b> 69:20 <b>templates</b> 69:9 <b>temporarily</b> 142:20 <b>temporary</b> 142:7 <b>ten</b> 68:3,4 84:8 100:20 101:5 114:12,12 187:1 <b>tenth</b> 115:23 <b>term</b> 21:13 75:18 189:5 <b>terminate</b> 185:23 186:12 <b>terminated</b> 89:5 90:6 <b>terminology</b> 90:6 <b>terms</b> 145:2 146:10 147:3 149:8 150:6,25 160:2 162:21 169:16 171:4 173:25 176:2 185:8,9 188:12 191:25 192:5 192:17 195:24 196:2 <b>test</b> 136:15 146:5,7 148:23 148:24 152:23 152:25 <b>testified</b> 4:14 8:8,12 9:11	14:22 24:2,7 24:13 26:15 44:5 46:7 49:1 52:18 53:2 59:22 63:18 65:13 67:9 71:14 74:25 76:19 80:22 81:25 84:24 87:21 91:3,6 98:22,25 103:16 105:8 110:2 111:21 111:24 127:11 <b>testify</b> 132:16 <b>testimony</b> 103:9 123:1,12 123:12 126:5 132:3 193:11 195:5 199:8 <b>testing</b> 148:15 <b>texas</b> 9:23 53:14 54:7 129:6 <b>thank</b> 3:14,15 6:6 7:1,3,25 10:24 11:2 13:2 14:9 15:1 16:2,8,20 18:19 19:5 20:1,11 22:6 22:20 23:9 25:2 26:21,22 27:7 30:12 33:24 35:9,24
---	---	--	--

[thank - tim]

36:7 39:13 40:8,14 42:24 43:6,7,15,16 44:17 45:5 46:22 48:10 49:16 51:3,5 51:15 52:6,22 54:19 59:9,24 60:8,10 61:17 62:4,5,7,20 63:5 64:11,17 64:25 65:1 66:15 67:4 68:14 70:5,6,8 70:23 72:2,4 72:23 73:3,15 74:4,20 76:12 77:6,7 80:8,17 82:6,10,12 83:8,9,15,16 84:2 85:20 86:21 89:10,22 90:7,23,25 98:3,4 100:23 102:16,23 103:22 104:7 105:13,22 106:20 107:20 108:4,5,8,12,18 108:24 115:12 122:15 125:18 128:6,21 133:19 134:24 135:5 153:8,12 153:17 154:9	159:8,12,13,18 159:22,25 161:5 164:7,19 165:12 166:20 187:5,25 188:5 188:12 189:3 196:3,9,10 198:24 <b>thanks</b> 14:12 <b>thereof</b> 199:11 <b>thick</b> 155:14,17 155:19 157:17 158:5,7 <b>thickness</b> 145:23 147:20 156:2 <b>thing</b> 53:20 54:6 55:17 70:13 114:15 135:15 145:24 147:7 149:3,17 162:18 167:24 178:21 <b>things</b> 59:6 135:6 163:17 171:4 <b>think</b> 15:18 16:25 17:8,9 18:21 27:17 29:4,14,23 30:1,2 32:14 32:15,16,19 33:7,14 34:13 34:17 35:4,6,8 35:12,17 36:22	47:15 53:22 58:11,25 60:2 62:11 67:24 68:11,13 69:20 77:23 79:8,23 83:1 97:10 101:12 102:1,2 106:2 108:6,16 113:24 114:25 123:19 126:2 126:10,12,21 127:4 128:8,9 134:1,22 137:3 144:10 149:4 149:24 151:11 151:15 153:25 154:6 156:4,8 159:23 161:1 161:16 163:6,7 163:25 164:14 164:16 165:10 167:21 177:9 180:5 181:13 181:15 184:6 186:14 187:18 192:15,25 193:7,8 194:3 194:5,23 196:6 197:7,16,18,20 198:11 <b>thinking</b> 76:3 145:8 177:17 <b>third</b> 72:11 110:1 113:9 114:11 156:24	190:14 <b>thorson</b> 84:23 85:5 <b>thorson's</b> 85:3 <b>thought</b> 27:1 30:7 89:15 121:1 123:9 <b>thoughts</b> 40:11 <b>thousand</b> 82:19 83:2 152:6 155:19,22 <b>three</b> 30:17,18 31:11 63:10 84:7 87:19,24 89:2,12 97:7 102:17 103:24 104:2 108:20 109:18 114:10 122:23 123:23 125:19 126:8 127:4,13 136:1 136:23 146:12 151:18 170:14 180:4 <b>thursday</b> 1:4 <b>tiffany</b> 13:8 14:20 <b>tight</b> 155:7,21 156:12,21,21 157:13 <b>till</b> 51:17 110:5 <b>tim</b> 98:22 101:17 105:6 105:12
---	--	--	--

**[time - trailing]**

<p><b>time</b> 12:3 16:24  21:13 25:25  34:2 50:20  53:15 56:10  57:18 58:14,21  58:25 62:19  67:5 68:17  75:14,23 78:5  85:19 100:11  100:25 101:23  108:17 112:19  113:3 116:7,10  116:11 119:8  122:5 125:2  126:4 127:5  133:16 136:21  143:2 147:19  159:9,12,14  160:23 163:18  187:5,8,9,17,17  192:24 193:1  193:22 194:9  194:25 196:21  198:18  <b>timed</b> 85:15  <b>timeline</b> 165:5  <b>timely</b> 6:13  21:22,24 25:16  25:21 44:13,14  46:8,10 49:20  54:20 63:25  64:1 65:18,19  67:17 81:4,7  85:10 88:7,9  92:8,17 99:23</p>	<p>100:7 103:17  112:14 113:14  113:20,23  114:18,22  119:5 124:23  125:2  <b>timer</b> 133:21  <b>times</b> 41:17  85:11 112:12  144:22  <b>timing</b> 133:19  134:25  <b>tiny</b> 157:19  <b>title</b> 10:13  15:19 54:14  129:17 130:12  <b>titled</b> 10:14  <b>today</b> 2:3 4:17  11:13 15:13  17:6 19:5  20:17 24:20  73:18 80:2  85:11 88:5  112:12 114:13  122:23 129:14  132:18,23  196:8,24 197:3  197:7 198:6  <b>today's</b> 3:2  17:2 124:6  <b>together</b> 37:16  53:18 54:3,9  67:1 84:1  102:17 120:6  197:22</p>	<p><b>told</b> 17:2  <b>tom</b> 91:6  <b>tomorrow</b>  62:15 73:21  80:5 114:14  115:22 116:5,6  122:7  <b>tony</b> 168:17  194:23 196:1  196:18,19  <b>took</b> 5:24 42:5  162:16 184:7  <b>tool</b> 145:21,24  147:10  <b>tools</b> 153:1  <b>top</b> 43:19 58:24  60:20,21,22,23  61:1,5,6,6,8,13  69:17 102:25  136:16 155:4,6  156:24 158:18  158:19 161:24  163:5  <b>topic</b> 88:22  <b>tops</b> 60:15,17  60:19 61:20  <b>torturing</b> 117:7  <b>total</b> 122:25  <b>totalizing</b>  150:21  <b>touch</b> 131:21  134:25 135:4  139:7 164:20  <b>touched</b> 134:2</p>	<p><b>touching</b> 137:3  <b>toward</b> 9:22  53:12  <b>towards</b> 16:25  53:25 129:4  148:23  <b>township</b> 3:20  23:16 43:23  46:1 48:20  52:12 63:9,13  65:4 84:8  87:17,18 91:1  98:20 103:4  110:20 111:7  111:10 118:2,4  131:5,6  <b>tpd</b> 144:20  <b>traces</b> 158:14  <b>tracking</b>  118:12  <b>tract</b> 36:13  52:14  <b>tractor</b> 152:11  177:8,11  <b>tracts</b> 39:9  41:15,19,21  42:7,10,11  106:11  <b>traditional</b>  160:4,8,14,23  <b>traditionally</b>  160:13  <b>trailing</b> 198:12  198:20</p>
---	---	---	--

[trajectories - under]

<p><b>trajectories</b> 135:13</p> <p><b>transcribed</b> 199:7</p> <p><b>transcription</b> 199:7</p> <p><b>transfusers</b> 151:2</p> <p><b>transit</b> 92:11 92:13 99:25 100:7</p> <p><b>transition</b> 190:16</p> <p><b>translucers</b> 151:6</p> <p><b>travel</b> 187:16</p> <p><b>treat</b> 160:19</p> <p><b>treated</b> 120:17</p> <p><b>tree</b> 180:7</p> <p><b>trip</b> 169:2,4,10 169:14</p> <p><b>tron</b> 48:25</p> <p><b>trong</b> 63:18</p> <p><b>troost</b> 10:18</p> <p><b>true</b> 86:15 131:20 144:22 191:21 199:7</p> <p><b>trust</b> 39:12</p> <p><b>truth</b> 9:11 14:22 26:15 53:2 59:22 71:14 76:19 81:25 105:8 127:11</p>	<p><b>try</b> 104:24 133:23</p> <p><b>trying</b> 32:20,23 37:6 75:23 134:15 196:4</p> <p><b>tschantz</b> 5:20 6:5 27:11,20 45:3 46:20 64:10 104:6</p> <p><b>tubing</b> 146:9 146:14 147:6,7 147:11,13 148:22 149:2 167:20 171:16 173:14,19,20 174:4,23 175:9 176:11 177:10 177:16 182:23 183:2,11</p> <p><b>tubulars</b> 138:1</p> <p><b>tuesday</b> 21:7</p> <p><b>turn</b> 6:23 9:5 12:25 13:9 28:5 43:16 71:9 101:18 126:25 153:3 154:5 168:19</p> <p><b>turner</b> 39:10,11 39:11,11</p> <p><b>turning</b> 102:1</p> <p><b>two</b> 10:10 21:9 22:7 24:10 25:19,19 37:15 47:12 50:23 51:13 52:11</p>	<p>70:9,24 80:7 84:1 85:23 86:1,13 87:16 92:10 113:6,7 113:9,18 114:10 115:3,6 115:24 116:9 117:9 122:25 123:3,6 124:15 125:24 127:5 133:15 141:4,5 144:21 146:4 149:12 150:7 150:13,20,23 157:5 160:14 160:24 165:21 166:16 167:17 174:1 177:9 178:13 182:9 184:20 187:18 196:20 198:4 198:14</p> <p><b>type</b> 30:5 32:24 133:1 134:2 157:8 158:7 190:6,7</p> <p><b>types</b> 32:20 160:11</p> <p><b>typically</b> 41:16 120:17</p> <hr/> <p style="text-align: center;"><b>u</b></p> <hr/> <p><b>u</b> 105:12 128:5 <b>uh</b> 15:5 172:12 176:6 177:1 181:8 189:14</p>	<p><b>ultimately</b> 131:15 133:6</p> <p><b>umbilical</b> 178:6 178:9,10,11,11</p> <p><b>umbilicals</b> 178:13</p> <p><b>unable</b> 32:10</p> <p><b>unaware</b> 107:3</p> <p><b>uncertainty</b> 162:20</p> <p><b>uncomfortable</b> 187:24</p> <p><b>uncommitted</b> 8:2 23:18 31:13 48:12 52:8 56:24 65:5 102:25 106:6 110:12 111:1 118:6</p> <p><b>unconditional</b> 190:18</p> <p><b>unconventional</b> 161:4 188:19 190:22 191:2</p> <p><b>under</b> 6:18 7:2 17:7 19:6,12 20:1 25:24 31:4 41:8 42:22 43:6 44:17 45:6 46:14 47:3 49:25 54:24 56:24 58:18 59:15 62:20 64:3,17 65:21</p>
--	---	--	---

[under - valves]

67:6 70:9 74:3 75:7,18 79:15 79:16 80:8 81:12 83:11 85:18 86:2,13 88:11 90:8 98:3 100:14 103:21 104:8 108:7,18 113:3 119:12 122:10 124:22 138:7 138:12,16 142:1 143:19 152:10 <b>underlying</b> 3:19 23:14 43:21 45:24 48:13 52:9 63:7 91:12 99:6 110:13 118:1 <b>underneath</b> 138:20 <b>understand</b> 12:13 34:16 77:22 93:12 121:3 145:22 151:24 166:6 184:19,24 190:8 195:12 199:8 <b>understanding</b> 30:22,23 113:11 123:3 166:9 194:16	195:18 <b>understood</b> 11:9 32:19 104:22 <b>unforeseen</b> 92:18 100:8 <b>unique</b> 160:7 160:12 <b>unit</b> 4:5 8:1 11:6 23:11,20 23:21 31:18,25 31:25 36:22 38:5,9,12,14,16 38:23,23 41:4 41:13,15,18 43:22,25 45:25 46:2 48:14,21 52:10,13,15 58:18 63:8,14 65:3,7,9 75:13 77:11 78:8 84:4,12,15,18 87:16 88:2,4,6 89:5,18 91:13 91:18,21 92:5 99:7,8,10,20 103:11 106:3 110:14,15,22 111:6,17 117:23 118:8 118:11 120:2,7 120:13 121:3 135:9 146:15 152:3,20 167:7 169:25	<b>units</b> 3:24 74:22 87:24 103:10 120:8 <b>university</b> 9:24 129:6,25 <b>unknown</b> 109:8 183:25 <b>unknowns</b> 183:22 <b>unleashed</b> 38:5 38:7 <b>unmute</b> 13:13 105:2 <b>unsuccessful</b> 186:13 <b>untimely</b> 114:1 <b>update</b> 5:5 24:24 49:15 50:22 72:22 <b>updated</b> 5:16 27:5 63:22 124:11 <b>updates</b> 133:24 <b>uplifting</b> 160:2 <b>upload</b> 28:19 179:21,22 <b>uploaded</b> 26:25 27:5 <b>upper</b> 169:8,16 <b>uptive</b> 191:16 <b>upward</b> 155:9 155:18 156:5 <b>usa</b> 98:7 122:18 <b>use</b> 41:25 66:12 114:4,14	139:20 179:24 <b>used</b> 60:22 90:6 138:6 158:23 <b>useful</b> 178:25 <b>using</b> 147:22 167:20,20 <b>usual</b> 8:4 <b>usually</b> 106:24 <b>ut</b> 129:8 <b>utilization</b> 29:5 <b>utilize</b> 144:24 160:21 <b>utilized</b> 144:20 <b>utilizing</b> 144:17 144:19,25 160:13
<b>v</b>			
<b>v</b> 9:16 60:1 76:24,24 <b>vacated</b> 93:9 <b>vacating</b> 94:6 <b>vacuum</b> 50:10 50:14 51:14 <b>vague</b> 189:15 190:7 <b>value</b> 163:24 <b>valve</b> 150:23 170:1 179:2,3 179:4,8,17,23 183:3,3 <b>valves</b> 146:21 150:13 151:1 180:19 181:5,9 181:11 182:9 182:15,17,18			

[van - wanted]

<p><b>van</b> 74:24 76:17</p> <p><b>vance</b> 2:10,10 3:14,15 5:1,3 5:15,21 6:8 7:3 7:10,10,15,19 12:19,21 18:20 18:24 19:2 20:8,9,18,20,25 21:18,20 22:7 22:9,16,17,25 23:1,6,9 24:12 24:18,21 25:3 26:9,24 27:3 27:12,14,23,24 35:13,15,19 36:23 38:1 40:11,14,15,22 40:24 41:23 42:2,9,19 43:6 47:21,22,24 48:1,4,8 83:19 83:20,24 84:2 85:20 108:21 108:22 109:1,3 109:5,23,24 110:10 113:16 113:24 114:4 114:14,23 115:1,3,4,10,12 115:16,17,20 115:25 116:5 116:13,17 117:9,14,18,20 120:1,4,10,14</p>	<p>120:23 121:5,6 121:10,17,20 121:22 122:4,5 122:7,14,16 187:15</p> <p><b>vance's</b> 119:21</p> <p><b>vanstaveren</b> 77:21 78:2</p> <p><b>vanstavern</b> 76:10,13,20,23 77:8</p> <p><b>vanwi</b> 44:4</p> <p><b>various</b> 10:20</p> <p><b>vdr</b> 11:11</p> <p><b>velocity</b> 175:7</p> <p><b>venezuela</b> 129:25</p> <p><b>vents</b> 52:14</p> <p><b>verbal</b> 165:2</p> <p><b>verbally</b> 139:24</p> <p><b>verify</b> 23:4</p> <p><b>verses</b> 175:7</p> <p><b>version</b> 27:5 28:11,24,25 63:22</p> <p><b>versus</b> 179:17</p> <p><b>vertical</b> 131:20 134:13 144:22 154:23 155:1 156:7,10 157:10 168:15 170:16 174:23</p> <p><b>vess</b> 52:17,17 59:17,18,20,23 60:1,1,11</p>	<p>61:17 62:4,8 62:10,12</p> <p><b>view</b> 42:20 141:8,19</p> <p><b>vil</b> 50:12</p> <p><b>virtue</b> 15:18</p> <p><b>voice</b> 71:18</p> <p><b>voidage</b> 189:18 189:18 195:11</p> <p><b>volume</b> 66:19 156:10 184:25 185:13 189:22 191:7,25 195:20,21</p> <p><b>volumes</b> 139:22 139:23 195:22</p> <p><b>voluntarily</b> 29:18,25 31:7 31:8,17,25 89:19</p> <p><b>voluntary</b> 16:25 31:3,23 32:9,10 33:4 33:15,18</p>	<p>150:16</p> <p><b>walking</b> 137:19</p> <p><b>wall</b> 138:4</p> <p><b>want</b> 3:1 14:10 14:15 24:23,23 27:22 28:6,24 33:15 50:25 51:6 56:18 57:15 58:6,22 61:24 66:10 73:20 78:16,19 83:25 87:9 89:7 104:24 115:3 117:3 123:21 126:8 130:15,20 134:24 137:6 138:23 139:6 152:13 153:10 161:24 162:22 163:11,14,19 164:1,3 165:17 167:3 173:24 178:12,16,21 178:23 181:17 184:19 186:14 187:11,23 188:16 192:5 193:21 194:20 196:8,15,16,18 197:4</p> <p><b>wanted</b> 49:3 139:19 194:16 197:12</p>
		<b>w</b>	
		<p><b>w</b> 53:7</p> <p><b>wait</b> 110:5 192:21</p> <p><b>waiting</b> 71:8</p> <p><b>waived</b> 100:3 107:6</p> <p><b>waiver</b> 107:17</p> <p><b>waiving</b> 107:7</p> <p><b>walk</b> 57:17 84:6 126:21</p>	

[wants - witnesses]

<p><b>wants</b> 79:1 192:22</p> <p><b>warran</b> 118:19</p> <p><b>warran's</b> 118:20</p> <p><b>warren</b> 111:20 112:2</p> <p><b>waste</b> 143:9 190:1 191:13 192:1</p> <p><b>watch</b> 133:21</p> <p><b>water</b> 144:19 144:22 146:16 155:11,24 156:6 157:6,21 160:14 167:9 167:10,12,13 167:14 170:22 170:24 171:1,6 185:13 190:16 190:17,20,23 191:3</p> <p><b>way</b> 29:9,11 30:8 34:5 35:22 42:20 58:1 72:19 117:6 127:3 139:19 145:25 147:9 149:5 153:3 166:1,2 176:3 182:18</p> <p><b>we've</b> 11:4 15:19 37:17 57:2 75:25 80:20 81:3</p>	<p>89:8,17 103:9 110:3 111:22 118:12,16 120:17 133:25 148:18 165:1</p> <p><b>website</b> 28:16 28:19,22 69:3 69:4,10,14,22 69:23</p> <p><b>week</b> 124:5 194:2 196:21 196:23 197:3,7 197:19 198:14</p> <p><b>weekends</b> 114:10</p> <p><b>weeks</b> 196:20</p> <p><b>weld</b> 169:1</p> <p><b>well's</b> 42:15</p> <p><b>wellbore</b> 183:17</p> <p><b>wellbores</b> 141:9 142:17 143:4</p> <p><b>wellhead</b> 150:6 150:25 167:3 180:10,11,16 181:25 183:9 183:10</p> <p><b>wells</b> 6:10 8:3,4 25:14 38:17 44:1,8,10 46:3 48:22 50:24 58:20 59:4 65:17 85:7 87:19,23,24</p>	<p>89:8 91:19,21 91:22 99:9,10 99:10,12 103:11 108:2 112:8 119:2 131:12 133:5 134:4,7,8,11 135:9,13,16,16 136:2,3,8,25 138:15,18,19 140:5,12,15 141:1,14,15,18 141:21,23,24 142:2,7,12,19 142:25 151:8 151:21 154:11 154:11,13 155:2 156:11 156:13 157:6 158:3,22 159:2 159:3,6 160:6 160:20 161:2,4 163:21 177:23 183:20 184:3,5 184:10,12,13 184:15,20 185:4,20 191:18 195:16</p> <p><b>went</b> 5:24 14:10 119:5,6</p> <p><b>west</b> 3:25,25 4:3,6 23:16 36:17 37:2,2,4 37:10,11 38:4 38:8 39:13</p>	<p>40:6 42:15 48:14,15,15,16 48:16 52:10 63:9,12 84:7 91:22 131:7,8</p> <p><b>wet</b> 190:17</p> <p><b>white</b> 158:22</p> <p><b>willing</b> 192:16</p> <p><b>wishes</b> 59:3</p> <p><b>withdraw</b> 21:1 93:7 94:25 95:4</p> <p><b>withdrawn</b> 2:20 7:16,21 94:19</p> <p><b>withdrew</b> 7:22</p> <p><b>withstand</b> 152:1 181:18</p> <p><b>witness</b> 35:22 37:25 40:10 57:25 58:7 70:25 77:19 91:5,7 98:24 99:1 101:9 107:21 126:4 126:16,17,22 127:1 128:2 143:23,25 153:18,19 199:12</p> <p><b>witness's</b> 71:3</p> <p><b>witnesses</b> 13:1 26:4 44:22 46:24 50:4 64:13 81:16</p>
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[witnesses - zone]

87:20,22 104:13 117:7 117:10,13 122:23,24 123:5,11,23 124:15 125:20 126:9,13,15 127:5 128:7 132:9 133:13 159:16 187:12 196:9 <b>wolf</b> 72:18 <b>wolfcamp</b> 45:23 72:12,13 72:15,25 84:5 84:16 <b>wombat</b> 103:10 <b>wonder</b> 13:14 19:1 113:12 192:11 197:25 <b>wondering</b> 70:10 105:25 <b>word</b> 189:18 <b>work</b> 10:18 51:20 101:25 123:24 129:11 130:3 137:5 144:8 170:23 187:15 197:15 198:13 <b>worked</b> 10:8,9 32:8,8 130:10 130:10 <b>working</b> 13:17 15:4,6 16:24	17:21 18:9,11 18:13 31:1,2 34:25 35:2 44:8 53:17 54:3 65:16 68:4 89:18 92:9 99:24 101:21,23 102:9,10 106:6 106:12,14,17 129:14,16 130:5 135:17 139:9 171:4 172:9,20 186:16 <b>workover</b> 152:19 <b>works</b> 22:9 51:21 123:25 131:17 139:2 143:12 <b>worldwide</b> 130:9,13 <b>worried</b> 97:6 <b>worry</b> 117:1 <b>worth</b> 137:3 <b>wpx</b> 98:9,14 99:4,12,23 100:2 106:15 106:16 <b>wr</b> 152:19 <b>wrapping</b> 134:1 <b>writing</b> 193:17 195:2 196:2	<b>written</b> 69:10 107:11 123:12 140:1 165:4 <b>wrong</b> 42:16 75:15 <hr/> <b>x</b> <hr/> <b>x</b> 9:15 176:14 <b>xgo</b> 100:1 <b>xr</b> 8:6 <b>xto</b> 20:15,16,25 100:2 106:22 107:4,13 <hr/> <b>y</b> <hr/> <b>y</b> 9:15 71:23 82:4,5 <b>yates</b> 49:3 51:10 <b>yeah</b> 35:1 40:9 50:20 59:8 61:24 69:15,21 93:14,24 121:10,18 130:22 148:12 150:3 163:11 164:19,22 165:20 167:4 167:23 169:19 170:13 171:3 173:22 175:10 175:18,19 178:25 179:5 180:23 181:12 181:21 182:16 183:13,24	186:3 188:18 189:1,2,8,10 194:5 196:3,22 197:14 <b>year</b> 10:18 36:10 136:7 <b>yearly</b> 145:22 168:5 <b>years</b> 10:10,11 54:13 <b>yellow</b> 135:10 157:11 <b>yep</b> 55:22 144:12 <b>yesterday</b> 2:7 27:3,14,25 42:5 44:9 46:11 63:22 67:24 85:12,15 95:1 103:13 <hr/> <b>z</b> <hr/> <b>z</b> 9:16 <b>zaitsev</b> 8:11 9:2 9:6,9,12,15,15 9:20 11:5 13:16 <b>zeekie</b> 118:9 <b>zone</b> 134:9 149:13 155:6 155:14 156:3 156:20,23 157:2,16,20 158:6,16 171:1 178:6 190:14 190:15,16,17
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**[zones - zooming]**

**zones** 142:17  
156:23 157:3  
157:24 158:10  
191:16  
**zoom** 1:7 135:4  
**zoomed** 138:3  
**zooming**  
137:10