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

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

APPLICATION OF CHEVRON U.S.A., Case Nos.  
INC. FOR COMPULSORY POOLING, 22409-22412  
LEA COUNTY, NEW MEXICO,

APPLICATION OF MATADOR Case Nos.  
PRODUCTION COMPANY 21683, 21685  
FOR COMPULSORY POOLING, 22103, 22104  
LEA COUNTY, NEW MEXICO,

APPLICATION OF E.G.L. Case Nos.  
RESOURCES, INC. 22083, 22084  
FOR COMPULSORY POOLING, 22114, 22115  
LEA COUNTY, NEW MEXICO,

|    |                                 |              |
|----|---------------------------------|--------------|
| 1  | APPLICATION OF CHISHOLM ENERGY  | Case Nos.    |
| 2  | OPERATING, L.L.C. FOR           | 21849, 21850 |
| 3  | COMPULSORY POOLING,             | 22393, 22394 |
| 4  | LEA COUNTY, NEW MEXICO,         |              |
| 5  |                                 |              |
| 6  | APPLICATION OF MEWBOURNE        | Case Nos.    |
| 7  | OIL COMPANY FOR COMPULSORY      | 22161-22164  |
| 8  | POOLING, LEA COUNTY,            |              |
| 9  | NEW MEXICO,                     |              |
| 10 |                                 |              |
| 11 | APPLICATION OF MATADOR          | Case Nos.    |
| 12 | PRODUCTION COMPANY FOR          | 21994, 21995 |
| 13 | COMPULSORY POOLING,             | 22000-22005  |
| 14 | EDDY COUNTY, NEW MEXICO,        |              |
| 15 |                                 |              |
| 16 |                                 |              |
| 17 | APPLICATION OF TAP ROCK         | Case Nos.    |
| 18 | OPERATING, L.L.C. FOR           | 22929, 22930 |
| 19 | COMPULSORY POOLING,             |              |
| 20 | EDDY COUNTY, NEW MEXICO,        |              |
| 21 |                                 |              |
| 22 | APPLICATION OF OXY U.S.A., INC. | Case No.     |
| 23 | FOR COMPULSORY POOLING,         | 22928        |
| 24 | LEA COUNTY, NEW MEXICO,         |              |
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| 1  | APPLICATION OF MATADOR           | Case Nos.    |
| 2  | PRODUCTION COMPANY FOR           | 22747, 22748 |
| 3  | COMPULSORY POOLING,              |              |
| 4  | LEA COUNTY, NEW MEXICO,          |              |
| 5  |                                  |              |
| 6  | APPLICATION OF AVANT OPERATING,  | Case Nos.    |
| 7  | L.L.C. FOR COMPULSORY POOLING,   | 22895, 22896 |
| 8  | LEA COUNTY, NEW MEXICO,          |              |
| 9  |                                  |              |
| 10 | APPLICATION OF LECACY RESERVES   | Case Nos.    |
| 11 | OPERATING, L.P. FOR COMPULSORY   | 22230, 22231 |
| 12 | POOLING, LEA COUNTY, NEW MEXICO, |              |
| 13 |                                  |              |
| 14 | APPLICATION OF AVANT OPERATING,  | Case Nos.    |
| 15 | L.L.C. FOR COMPULSORY POOLING,   | 22895, 22896 |
| 16 | LEA COUNTY, NEW MEXICO,          |              |
| 17 |                                  |              |
| 18 | APPLICATION OF MATADOR           | Case Nos.    |
| 19 | PRODUCTION COMPANY FOR           | 22571-22574  |
| 20 | COMPULSORY POOLING,              |              |
| 21 | LEA COUNTY, NEW MEXICO,          |              |
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1 APPLICATION OF DEVON ENERGY Case Nos.  
2 PRODUCTION COMPANY, L.P. 22958-22964  
3 FOR COMPULSORY POOLING,  
4 EDDY COUNTY, NEW MEXICO,

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6 APPLICATION OF MATADOR Case Nos.  
7 PRODUCTION COMPANY FOR 22006  
8 COMPULSORY POOLING, 22008-22014  
9 EDDY COUNTY, NEW MEXICO.

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VIDEOCONFERENCE HEARING  
DATE: Thursday, August 18, 2022  
TIME: 8:17 a.m. M.D.T.  
BEFORE: Hearing Examiner Bill Brancard  
Technical Examiner Dylan Rose-Coss  
LOCATION: Remote Proceeding  
Santa Fe, New Mexico  
REPORTED BY: Mariah Bryant, Notary Public  
JOB NO.: 5376524

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A P P E A R A N C E S

ON BEHALF OF CHEVRON U.S.A., INC., APACHE CORPORATION:

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ON BEHALF OF MATADOR PRODUCTION COMPANY, X.T.O.  
ENERGY, CHISHOLM ENERGY, OXY U.S.A., INC., FASKEN OIL  
AND RANCH, AND M.R.C. PERMIAN COMPANY:

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

ON BEHALF OF CIMAREX ENERGY CO., PANTERA ENERGY,  
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A P P E A R A N C E S (Cont'd.)

ON BEHALF OF MEWBOURNE OIL, MATADOR PRODUCTION  
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A P P E A R A N C E S (Cont'd.)

ON BEHALF OF MONTICELLO INVESTMENTS:

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

ON BEHALF OF MATADOR PRODUCTION COMPANY:

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ON BEHALF OF MARATHON OIL PERMIAN, L.L.C.:

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

ON BEHALF OF SABINAL ENERGY OPERATING:

BLAKE C. JONES, ESQUIRE (by videoconference)  
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(281)203-5730

ALSO PRESENT:

Adam Rankin  
Marlene Salvidrez  
Paul Baca  
Ryan McKee  
John Stewart  
Yarithza Pena  
Nedra Murphy  
Alana Shaefer  
Phillip Goetze  
Brett Willis  
Andrew Schill  
Lesley Forrest  
Dean McClure

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I N D E X

E X H I B I T S

| NO.  | DESCRIPTION         | ID/EVD |
|--|---------------------|--------|
| Tap Rock Operating, L.L.C. (Case nos. 22929, 22930): |                     |        |
| Exhibit A  | Landman Affidavit   | 28/28  |
| Exhibit B  | Geologist Affidavit | 28/28  |
| (Exhibits retained by counsel.)                      |                     |        |

| NO.                                | DESCRIPTION                  | ID/EVD |
|------------------------------------|------------------------------|--------|
| Oxy U.S.A., Inc. (Case no. 22928): |                              |        |
| Exhibit A                          | Compulsory Pooling Checklist | 35/35  |
| Exhibit B                          | Application                  | 35/35  |
| Exhibit C                          | Landman Affidavit            | 35/35  |
| Exhibit D                          | Geologist Affidavit          | 35/35  |
| Exhibit E                          | Notice Affidavit             | 35/35  |
| Exhibit F                          | Affidavit of Publication     | 35/35  |
| (Exhibits retained by counsel.)    |                              |        |

| NO.  | DESCRIPTION                   | ID/EVD |
|--|-------------------------------|--------|
| Matador Production Company (Case nos. 22747, 22748): |                               |        |
| Exhibit A  | Compulsory Pooling Checklists | 40/40  |
| Exhibit B  | Application                   | 40/40  |
| Exhibit C  | Landman Affidavit             | 40/40  |
| Exhibit D  | Geologist Affidavit           | 40/40  |

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

| NO.       | DESCRIPTION   | ID/EVD |
|-----------|---|--------|
|           | Matador Production Company (Case nos. 22747, 22748<br>Cont'd.): |        |
| Exhibit E | Statement of Notice   | 40/40  |
| Exhibit F | Affidavit of Publication  | 40/40  |
|           | (Exhibits retained by counsel.)                                 |        |

| NO.       | DESCRIPTION                                       | ID/EVD |
|-----------|---|--------|
|           | Avant Operating, L.L.C. (Case nos. 22895, 22896): |        |
| Exhibit A | Landman Affidavit                                 | 47/47  |
| Exhibit B | Geologist Affidavit                               | 47/47  |
| Exhibit C | Notice Affidavit                                  | 47/47  |
|           | (Exhibits retained by counsel.)                   |        |

| NO.       | DESCRIPTION  | ID/EVD |
|-----------|--|--------|
|           | Legacy Reserves Operating, L.P. (Case nos. 22230,<br>22231): |        |
| Exhibit A | Compulsory Pooling Checklist                                 | 57/57  |
| Exhibit B | Applications   | 57/57  |
| Exhibit C | Landman Affidavit  | 57/57  |
| Exhibit D | Geologist Affidavit  | 57/57  |
| Exhibit E | Notice Affidavit   | 57/57  |
| Exhibit F | Affidavit of Publication                                     | 57/57  |
|           | (Exhibits retained by counsel.)                              |        |

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

| NO.   | DESCRIPTION                  | ID/EVD |
|---|------------------------------|--------|
| Matador Production Company (Case nos. 22571-22574): |                              |        |
| Exhibit A   | Compulsory Pooling Checklist | 68/68  |
| Exhibit B   | Applications                 | 68/68  |
| Exhibit C   | Landman Affidavit            | 68/68  |
| Exhibit D   | Geologist Affidavit          | 68/68  |
| Exhibit E   | Notice Affidavit             | 68/68  |
| Exhibit F   | Affidavit of Publication     | 68/68  |

(Exhibits retained by counsel.)

| NO.  | DESCRIPTION         | ID/EVD |
|--|---------------------|--------|
| Devon Energy Production Company, L.P. (Case nos. 22961-22964): |                     |        |
| Exhibit A  | Landman Affidavit   | 96/96  |
| Exhibit B  | Geologist Affidavit | 96/96  |
| Exhibit C  | Notice Affidavit    | 96/96  |

(Exhibits retained by counsel.)

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P R O C E E D I N G S

HEARING EXAMINER: I am Bill Brancard, the hearing examiner. With me is Dylan Rose-Coss, the technical examiner. We have a court reporter today so, please, slowly and clearly. I don't think we have any other announcements other than the fact that our building is still under construction, so you may hear drilling behind me.

With that, we have our worksheet -- final docket worksheet listed on our website. There are 56 cases listed but some of them will go quickly today. In fact, I'll start with the last four cases just to break up the routine here. These are cases 22409, 22410, 22411, 22412, Chevron U.S.A.

MS. BENNETT: Good morning, Mr. Hearing Examiner. This is Deana Bennett on behalf of Chevron U.S.A. And, I apologize, I'm a little -- I mean, I'm here. I wasn't ready for these four to be called last, but I understand why you are.

HEARING EXAMINER: Yes. So you had a late-filed continuance motion?

MS. BENNETT: Yes, apologies for that. We had filed a Motion to Vacate the Pre-Hearing Order and a Motion for a Continuance but hadn't filed the actual motions to continue the cases. And, when I was

1 reviewing the worksheet last night, I realized that  
2 oversight, and we immediately filed the Motions for  
3 Continuance.

4 HEARING EXAMINER: Okay. So this is  
5 based on a Scheduling Order which has already  
6 continued the cases, so the Motion for Continuance is  
7 granted. So cases 22409, 410, 411, and 412 are  
8 continued. Thank you.

9 MS. BENNETT: Thank you very much. And  
10 I will be more technologically put together for the  
11 next cases I'll be participating in.

12 HEARING EXAMINER: Thank you.

13 MS. BENNETT: Thank you.

14 HEARING EXAMINER: All right. With  
15 that, I'll start then back at the beginning. We're  
16 going to call the first eight cases. These are cases  
17 21683, 21685, 22103, 22104, 22083, 22084. Now I have  
18 added on cases 22114, 22115 in case we can also  
19 dispose of those at the same time. So let's start  
20 with Matador Production Company.

21 MR. FELDEWERT: Good morning, Mr.  
22 Examiner and Mr. Rose-Coss. This is Michael Feldewert  
23 with Holland and Hart on behalf of Matador Production  
24 Company.

25 HEARING EXAMINER: All right. We have

1 E.G.L. Resources, but I believe it's Earthstone now?

2 MR. PADILLA: That's correct, Mr.  
3 Examiner. Ernest L. Padilla for Earthstone.

4 HEARING EXAMINER: Thank you. And then  
5 I have entries for some of the cases. Cimarex Energy?

6 MR. SAVAGE: Good morning, Hearing  
7 Examiner, Technical Examiner. Darin Savage with the  
8 Santa Fe office of Abadie and Schill on behalf of  
9 Pantera Energy, Incorporated and Cimarex Energy Co.

10 HEARING EXAMINER: Thank you. E.O.G.  
11 Resources.

12 MR. PARROT: Good morning, Mr.  
13 Examiner. This is James Parrot with Beatty and  
14 Wozniak here for E.O.G. Resources, Inc.

15 HEARING EXAMINER: All right. I have  
16 an X.T.O. Energy entry.

17 MR. FELDEWERT: Mr. Examiner, Michael  
18 Feldewert with the Santa Fe office of Holland and  
19 Hart.

20 HEARING EXAMINER: All right. Are  
21 there any other entries of appearances then, cases  
22 21683, 685, 22103, 104, 083, 084, 114, 115?

23 [No audible response.]

24 HEARING EXAMINER: Hearing none, Mr.  
25 Feldewert, can we start with you?

1 MR. FELDEWERT: Sure. My understanding  
2 from speaking with the client this week is that the  
3 efforts to try to resolve these matters are, as they  
4 said, progressing nicely. Our preference would be to  
5 have a status conference in a month or two.

6 HEARING EXAMINER: I'll also note here  
7 that E.G.L. indicated that -- I mean, sorry --  
8 Earthstone indicated 22114, 22115 should be added to  
9 this group. Do you have any objections to that?

10 MR. FELDEWERT: No. And, in fact, I --  
11 there -- in my opinion, that's correct, so no  
12 objection.

13 HEARING EXAMINER: All right. Mr.  
14 Padilla?

15 MR. PADILLA: I agree with Mr.  
16 Feldewert's representations of -- in fact, I got an  
17 e-mail this morning saying that the trade is being  
18 finalized, so they asked me to move the status  
19 conference to a later date. And that's where we are.

20 HEARING EXAMINER: All right. So  
21 should we do this two months from now or a month from  
22 now? Two months from now?

23 MR. PADILLA: I vote two.

24 HEARING EXAMINER: All right. So how  
25 about October 6th for a status conference?

1 MR. PADILLA: That works for us.

2 HEARING EXAMINER: And I'll check in  
3 with the other parties. Cimarex?

4 MR. SAVAGE: No objection on that.  
5 Thank you.

6 HEARING EXAMINER: E.O.G.?

7 MR. PARROT: No objection.

8 HEARING EXAMINER: And then, Mr.  
9 Feldewert, X.T.O. on this?

10 MR. FELDEWERT: No objection.

11 HEARING EXAMINER: All right. So  
12 status conference October 6th.

13 MR. FELDEWERT: Thank you, sir.

14 HEARING EXAMINER: So that's for cases  
15 21683, 685, 22103, 104, 22083, 22084, and we're going  
16 to add to the Scheduling Order case 22114 and 22115.  
17 Thank you, everyone.

18 Now we're on items 9, I believe,  
19 through 16 and so this would be case 21849, 21850,  
20 22393, 22394, 22161, 22162, 22163, and 22164.  
21 Chisholm Energy.

22 MR. FELDEWERT: May it please the  
23 Examiner, Michael Feldewert of the Santa Fe office of  
24 Holland and Hart appearing on behalf of Chisholm.

25 HEARING EXAMINER: All right.

1 Mewbourne Oil Company.

2 MR. BRUCE: Mr. Examiner, Jim Bruce  
3 entering an appearance on all cases on behalf of  
4 Mewbourne.

5 HEARING EXAMINER: Thank you. I also  
6 have entries from Oxy U.S.A. and E.O.G. Resources. Is  
7 that Mr. Parrot?

8 MR. PARROT: Sorry, Mr. Examiner. I  
9 thought you were waiting for Oxy. Yeah. This is  
10 James Parrot with Beatty and Wozniak representing  
11 E.O.G. Resources, Inc.

12 HEARING EXAMINER: Okay. So we have  
13 Oxy U.S.A.? I don't know if that's you, Mr.  
14 Feldewert.

15 MR. FELDEWERT: I will enter an  
16 appearance on behalf of Oxy U.S.A. in this matter.

17 HEARING EXAMINER: Okay. Apache  
18 Corporation?

19 MS. BENNETT: Good morning, Mr.  
20 Examiner. Deana Bennett from Modrall Sperling on  
21 behalf of Apache Corporation.

22 HEARING EXAMINER: All right. And then  
23 we have C.O.G. Operating.

24 MS. MUNDS-DRY: Thank you, Mr. Hearing  
25 Examiner. Ocean Munds-Dry with C.O.G. Operating,

1 L.L.C.

2 HEARING EXAMINER: Thank you. I think  
3 that's all the entries I have. Are there any other  
4 entries of appearances cases 21849, 850, 22393, 394,  
5 22161, 162, 163, 164?

6 [No audible response.]

7 HEARING EXAMINER: Hearing none, let's  
8 start with Mr. Bruce.

9 MR. BRUCE: Mr. Examiner, I was  
10 informed the other day that the parties are trying to  
11 work things out, and they're getting pretty close. I  
12 suppose it doesn't matter whether we set it for  
13 another status conference or a hearing. I will defer  
14 to Mr. Feldewert on that but, either way, it should  
15 probably be bumped a couple of months at least.

16 HEARING EXAMINER: Mr. Feldewert,  
17 you've been deferred to.

18 MR. FELDEWERT: In deference to Mr.  
19 Bruce, I agree with his representation. There's a  
20 couple other things, Mr. Examiner. There's some  
21 moving parts here. We're actually going to dismiss  
22 the Chisholm Energy cases, okay, because Earthstone  
23 Operating, we had filed cases on their behalf that are  
24 on the September 1st docket that will replace these  
25 Chisholm Energy cases. And the Earthstone Operating

Page 20

1 cases, Mr. Examiner, are 22978, 22979, 22980, and  
2 22981. They are currently on the September 1st  
3 docket. They should eventually be consolidated, if --  
4 as -- if needed, with the Mewbourne cases since they  
5 replaced the Chisholm Energy cases. But I do agree  
6 with Mr. Bruce's suggestion that we hold another  
7 status conference. I would suggest November for  
8 purposes of seeing where things stand at that point.

9 HEARING EXAMINER: All right. Let me  
10 offer November 3rd for a status conference. Mr.  
11 Bruce, any objection to that or to the idea of  
12 exchanging cases here?

13 MR. BRUCE: None whatsoever. November  
14 3rd is fine.

15 HEARING EXAMINER: All right. Let me  
16 go around to the other parties then. Mr. Parrot?

17 MR. PARROT: No objection.

18 HEARING EXAMINER: All right. Ms.  
19 Bennett?

20 MS. BENNETT: No objection.

21 HEARING EXAMINER: Ms. Munds-Dry?

22 MS. MUNDS-DRY: No objection.

23 HEARING EXAMINER: Thank you. Okay.  
24 So we will have a status conference for these cases  
25 and it is, so far, cases 21849, 21850, 22393, 22394

1 and cases 22161, 162, 163, and 164. So I guess, if  
2 you could, Mr. Feldewert, file a little motion to  
3 amend the Prehearing Order indicating the cases will  
4 be -- have been dismissed and new cases should be  
5 added to the ...

6 MR. FELDEWERT: So that would be to  
7 amend the Prehearing Order?

8 HEARING EXAMINER: Yes.

9 MR. FELDEWERT: Okay. Yeah.

10 HEARING EXAMINER: Assuming we have  
11 one.

12 MR. FELDEWERT: That's a good question.  
13 I hadn't checked that. And then moving the matters to  
14 the November 3rd docket?

15 HEARING EXAMINER: Right. Yeah. Don't  
16 worry about that. I'll just issue a little order  
17 then. But whenever you are ready to dismiss your  
18 cases, et cetera, file a piece of paper with us.

19 MR. FELDEWERT: I will do that.

20 HEARING EXAMINER: All right. Thank  
21 you very much. So these cases are moved to November  
22 3rd for a status conference.

23 MR. FELDEWERT: Thank you.

24 HEARING EXAMINER: Okay. Now let's try  
25 to figure out where we are on the next batch of cases.

1 Cases 21994, 21995, 22000, 001, 002, 003, 004, and  
2 005, which may be connected to cases later on in the  
3 docket starting with 22006. So let me call Matador  
4 Production Company here.

5 MR. BRUCE: Mr. Examiner, Jim Bruce,  
6 representing Matador. And, yes, the cases are all  
7 connected.

8 HEARING EXAMINER: Okay. Thank you.  
9 And I'll get back to you in a second. Let me just get  
10 all the other contestants up. E.O.G. Resources.

11 MR. PARROT: Good morning, Mr.  
12 Examiner. This is James Parrot with Beatty and  
13 Wozniak representing E.O.G. Resources, Inc.

14 HEARING EXAMINER: Thank you. Devon  
15 Energy Production Company?

16 MR. SAVAGE: Good morning. Darin  
17 Savage with the Santa Fe office of Abadie and Schill  
18 for Devon Energy Production Company.

19 HEARING EXAMINER: Okay. Jalapeno  
20 Corporation. Peifer Hanson Law Firm. All right.  
21 Anyone else here for cases 21994, 995, and 22000  
22 through 005, et cetera?

23 [No audible response.]

24 HEARING EXAMINER: Hearing none, Mr.  
25 Bruce, I believe you filed some Motions to Dismiss; is

1 that correct?

2 MR. BRUCE: Yes, Mr. Examiner. I filed  
3 a Motion to Dismiss cases 17 through 24 as well as  
4 cases 45 to 52, and I have so notified the other  
5 parties.

6 HEARING EXAMINER: All right. And I  
7 understand there's -- so there's no competing cases  
8 here so that's it then.

9 MR. BRUCE: Correct.

10 HEARING EXAMINER: All right. Any  
11 other strong objections from the parties? I see a nod  
12 from Mr. Savage. Mr. Parrot?

13 MR. PARROT: No objection.

14 HEARING EXAMINER: All right. So with  
15 that, we will move forward on the Motions to Dismiss  
16 on items 17 through 24 and, I believe, that's also 45  
17 through 52; is that correct, Mr. Bruce?

18 MR. BRUCE: Yes, sir.

19 HEARING EXAMINER: All right. Well  
20 that thins out the agenda for today.

21 MR. BRUCE: Glad to help.

22 HEARING EXAMINER: Thank you, everyone.

23 MR. SAVAGE: Thank you.

24 MR. BRUCE: Thank you.

25 HEARING EXAMINER: All right. Let's

1 try an actual hearing then. Cases 25 and 26, Tap Rock  
2 Operating.

3 MR. RODRIGUEZ: Good morning, Michael  
4 Rodriguez with Tap Rock Operating, L.L.C.

5 HEARING EXAMINER: Okay. And are there  
6 any other interested parties then for cases 22929,  
7 22930?

8 [No audible response.]

9 HEARING EXAMINER: Hearing none --

10 MR. VAWTER: Hi there. This is Andrew  
11 Vawter with Monticello Investments, the successor  
12 interest to Featherstone.

13 HEARING EXAMINER: I'm sorry. Could you  
14 repeat your name again, sir?

15 MR. VAWTER: Andrew Vawter.

16 HEARING EXAMINER: Okay. And you said,  
17 "Featherstone"?

18 MR. VAWTER: Correct. With a successor  
19 interest to Featherstone's interest that's listed.

20 HEARING EXAMINER: All right. And I  
21 think I had an entry here from E.O.G. Resources also.

22 MR. PARROT: Yes, Mr. Examiner. This  
23 is James Parrot, with Beatty and Wozniak, representing  
24 E.O.G.

25 HEARING EXAMINER: Okay. Let's start

1 with E.O.G. Do you have any objections to this case  
2 going ahead by affidavit?

3 MR. PARROT: No. We don't.

4 HEARING EXAMINER: Okay. Let me turn  
5 to Featherstone then. Does Featherstone have any  
6 objection to this case going ahead by affidavits?

7 MR. VAWTER: No.

8 HEARING EXAMINER: Thank you. All  
9 right. Any other persons then for cases 22929, 22930?  
10 Hearing none, Mr. Rodriguez, I believe we continued  
11 this from the last hearing. Please proceed, but I  
12 think you need to introduce all your exhibits.

13 MR. RODRIGUEZ: Thank you. Yes. That  
14 is correct. These cases were continued to correct the  
15 pool code to a Wildcat oil pool with standard offset  
16 and spacing that allows the well -- and it's described  
17 in the applications -- to be formed. And, in these  
18 cases, Tap Rock is seeking to pull all uncommitted  
19 within the Bone Spring formation in Eddy County, New  
20 Mexico. And, specifically case number 22929, Tap Rock  
21 requests an order pooling all uncommitted interests in  
22 the Wolfcamp 25S, 25E 14, Bone Spring pool code 98372  
23 within the Bone Spring formation underlying a 640-acre  
24 standard horizontal spacing unit comprised of the  
25 south half of Sections 13 and 14, Township 25 south,

Page 26

1 Range 25 east. And it seeks to dedicate this unit to  
2 the Cold Snack Federal Com 153 and 154H wells. And  
3 the completed interval for the Cold Snack Federal Com  
4 153 will be within 330 feet of the quarter-quarter  
5 line separating the north half, south half from the  
6 south half, south half of Sections 13 and 14 to allow  
7 the inclusion of this acreage into a standard  
8 horizontal spacing unit.

9 And, in case number 22930, Tap Rock  
10 requests a similar order pooling all uncommitted  
11 interests in the same pool within the Bone Spring  
12 formation underlying a 640-acre standard horizontal  
13 spacing unit comprised of the north half of Sections  
14 13 and 14. And it seeks to dedicate this unit to the  
15 Cold Snack Federal Com 151 and 152H wells. The  
16 completed interval for the Cold Snack Federal Com 152H  
17 will be within 330 feet of the quarter-quarter line  
18 separating the north half, north half from the south  
19 half, north half of Sections 13 and 14 to allow this  
20 acreage -- the inclusion of this acreage into a  
21 standard horizontal spacing unit.

22 The exhibits submitted to the Division  
23 of these cases are identical and contain the  
24 Compulsory Pooling Checklist. Exhibits A, which are  
25 the landman's testimony and related land exhibits.

1 Exhibits B, which is the geologist's testimony and  
2 related geology exhibits. And notice can be found in  
3 Exhibits A-6, which contains the sample Notice of  
4 Hearing letter, and contains a tracking list, and the  
5 current status of the parties who were notified of  
6 this hearing via certified mail. And Exhibit A-7 is  
7 the Affidavit of Publication demonstrating that all  
8 notice requirements for these applications have been  
9 met.

10 And with that, I ask that Exhibits A  
11 through A-7 and B through B-5 be admitted into the  
12 record and case numbers 22929 and 22930 be taken under  
13 advisement.

14 (Tap Rock Operating, L.L.C. Exhibit A  
15 and Exhibit B were marked for  
16 identification.)

17 HEARING EXAMINER: Thank you. I'll  
18 start with Mr. Parrot. Any questions or concerns?

19 MR. PARROT: No. Thank you.

20 HEARING EXAMINER: Thank you. Mr.  
21 Vawter, any questions or concerns?

22 MR. VAWTER: No concerns.

23 HEARING EXAMINER: Thank you. We'll  
24 turn to Mr. Rose-Coss. Any questions?

25 MR. TECHNICAL EXAMINER: All right.

1 Well there we go. Yes. Good morning, Mr. Rodriguez  
2 -- for you today. So maybe my question is something  
3 that was addressed in the last hearing. Could you  
4 explain to me a little bit more about the pool code  
5 change, how this is a wildcat pool and an oil pool  
6 spacing as it relates to, like, the Wolfcamp tradition  
7 -- or often being a gas pool and often being Purple  
8 Sage? How is this unfolding here?

9 MR. RODRIGUEZ: I believe there was  
10 originally a Bone Spring gas pool in that area but  
11 recent production records indicate that this area is  
12 more oily than it is gassy and the Aztec O.C.D.  
13 office, I believe, prior the date of the hearing --  
14 last hearing followed up with us agreeing with those  
15 -- with that production information and created a  
16 wildcat oil pool in the Bone Spring area for the area  
17 that these spacing units cover. And so we continued  
18 the case in order to adjust that and the pool code  
19 that you see now is what is reflected from all of  
20 that.

21 MR. TECHNICAL EXAMINER: Okay. So this  
22 is a Bone Spring oil pool. How is it -- is this the  
23 -- and then you said something about it being the same  
24 pool for the Wolfcamp and the Bone Spring; is that  
25 correct? How does that work?

1 MR. RODRIGUEZ: I'm sorry. Maybe I  
2 misspoke. The Wolfcamp is in the Purple Sage-Wolfcamp  
3 spacing units that went over the last hearing. Those  
4 are in Purple Sage pools. However, this -- these two  
5 are Bone Spring wildcat oil pools.

6 MR. TECHNICAL EXAMINER: Okay. And do  
7 you know if -- did the wells have to be spaced any  
8 differently? Does the spacing work out then?

9 MR. RODRIGUEZ: The spacing conforms to  
10 how we have developed and arranged the wells within  
11 these spacing units. So there's standard oil spacing  
12 and offsets.

13 MR. TECHNICAL EXAMINER: Okay. And, on  
14 the mock C102s submitted, is there a reason that  
15 there's a bunch of, like -- I'm looking at page 12 of  
16 the PDF -- a bunch of, like, message or, like, text  
17 boxes everywhere on that PDF. Is that for a reason or  
18 is that an error?

19 MR. RODRIGUEZ: I have no idea. I did  
20 not notice that in Adobe Acrobat. Now I'm seeing it  
21 off of the PDF submitted to the website. I'm not sure  
22 where that came from, but I can certainly resubmit  
23 them perhaps. That seems like that could be pretty  
24 distracting.

25 MR. TECHNICAL EXAMINER: Yeah. I mean,

1 it's merely distracting. I would just suggest check  
2 for that going forward. I've seen it on a bit of  
3 stuff. I don't know what happens either. It does  
4 make it hard if we needed any of the information from  
5 that.

6 MR. RODRIGUEZ: I'll get right on that.  
7 Thank you.

8 MR. TECHNICAL EXAMINER: And can you  
9 tell me about any challenges you had delivering notice  
10 to all the parties or everyone was identifiable?

11 MR. RODRIGUEZ: Yeah. I believe, from  
12 the Exhibits -- let's see. What page is it? Page 25,  
13 I believe, of the PDF shows that some items still  
14 might be in transit, however, all parties have been  
15 identified. And no undeliverable items are reflected  
16 in that Exhibit.

17 MR. TECHNICAL EXAMINER: Okay. And  
18 then so then was the newspaper notice out of an  
19 abundance of caution?

20 MR. RODRIGUEZ: Yeah. We'll  
21 belt-and-suspenders our notice just to make sure that  
22 we're covering all our bases.

23 MR. TECHNICAL EXAMINER: Okay. And  
24 that was done -- right?

25 MR. RODRIGUEZ: Yes. It was.

1 MR. TECHNICAL EXAMINER: Okay. Well  
2 those exhaust the questions I have for you, so thank  
3 you.

4 MR. RODRIGUEZ: Thank you.

5 HEARING EXAMINER: Thank you. The only  
6 thing I'll note, Mr. Rodriguez, is if you go to your  
7 checklist -- your revised checklist, it still has the  
8 prior hearing date at the top.

9 MR. RODRIGUEZ: I can fix that and  
10 resubmit those later this afternoon.

11 HEARING EXAMINER: Okay. No problem.  
12 Are there any other questions then for cases 22929,  
13 22930?

14 [No audible response.]

15 HEARING EXAMINER: Hearing none, the  
16 Exhibits will be admitted into the record and 22929,  
17 22930 will be taken under advisement.

18 MR. RODRIGUEZ: Thank you.

19 HEARING EXAMINER: Thank you. Okay.  
20 With that, I will call item 27, case 22928, Oxy  
21 U.S.A., Inc. I believe they're represented by  
22 Gallagher and Kennedy. I see Mr. Moellenberg.

23 MR. MOELLENBERG: Good morning, Mr.  
24 Hearing Officer. Dalva Moellenberg for Oxy U.S.A. and  
25 Scott Woody also should be on. I'm not sure where he

1 is

2 MR. WOODY: It looks like someone just  
3 unmuted me.

4 MR. MOELLENBERG: Oh there we go.

5 MR. WOODY: Mr. Hearing Officer, this  
6 is Scott Woody with Gallagher and Kennedy.

7 HEARING EXAMINER: Thank you. Mr.  
8 Moellenberg, who is going to handle it for your firm?

9 MR. MOELLENBERG: Mr. Woody will handle  
10 it. Thank you.

11 HEARING EXAMINER: Thank you. Okay. I  
12 have an entry from C.O.G. Operating.

13 MS. MUNDS-DRY: -- Examiner, Ocean  
14 Munds-Dry with C.O.G. Operating, L.L.C.

15 HEARING EXAMINER: Okay. Does C.O.G.  
16 object to this case going forward by affidavit?

17 MS. MUNDS-DRY: We have no objection  
18 to this case going forward by affidavit. Thank you.

19 HEARING EXAMINER: Thank you. Are  
20 there any other entries of appearance by case number  
21 22928?

22 Hearing none, Mr. Woody, you may  
23 proceed.

24 MR. WOODY: Thank you, Mr. Hearing  
25 Officer. In case 22928 Oxy seeks to pool all

1 uncommitted mineral interests in the Bone Spring  
2 formation for a horizontal spacing unit, so it'd be  
3 underlying the western half of the western half of  
4 Sections 1 and 12 of Township 22 south, Range 32 east  
5 and the western half of the western half of Section  
6 36, Township 21 south, Range 32 east. These are all  
7 in Lea County. This will form a standard,  
8 approximately 480-acre, more or less, spacing unit  
9 pursuant to the Division's guidelines and setback  
10 requirements.

11 Oxy seeks to dedicate this to the Paw  
12 Swap 1236 Fed Com Number 11H well. This will be  
13 located in the Red Tank Bone Spring Pool. Our Pool  
14 Code is 51683. The surface location will be in Unit  
15 C, the northeast quarter of the northwest quarter of  
16 Section 13, Township 22 south, Range 32 east with an  
17 intended bottom in Unit D of the northwest quarter of  
18 the north -- excuse me -- the northwest quarter of the  
19 west quarter of Section 36, Township 21, Range 32  
20 east. Our depth is approximately 9,510 feet.

21 At the time, Your Honor, we have timely  
22 submitted our packet, which is -- will include Exhibit  
23 A, our Checklist; Exhibit B, our Application; Exhibit  
24 C, our landperson Affidavit with standard landperson  
25 Exhibits marked C1 through C4; and Exhibit D, our

1 geologist Affidavit with our standard geologist  
2 Exhibits marked D1 through D4; Exhibit E, our  
3 self-affirming Affidavit of the Letter Notice; and  
4 Exhibit F, our Notice of Publication.

5 At this time, I respectfully request  
6 that the Affidavits and Exhibits be admitted and this  
7 case be taken under advisement. And we'll stand for  
8 questions.

9 (Oxy U.S.A., Inc. Exhibit A, Exhibit B,  
10 Exhibit C, Exhibit D, Exhibit E, and  
11 Exhibit F were marked for  
12 identification.)

13 HEARING EXAMINER: Thank you. Let's  
14 start with Ms. Munds-Dry. Any questions?

15 MS. MUNDS-DRY: No questions. Just  
16 like to state, for the record, that we believe C.O.G.  
17 should no longer be a pool party.

18 HEARING EXAMINER: Okay. And under the  
19 Exhibits, I don't believe it's listed as a pool party.

20 MR. WOODY: That's correct, Your Honor.  
21 After the continuance, we changed that.

22 HEARING EXAMINER: Thank you.

23 MR. WOODY: The only pool parties  
24 appear to be, as noted on C-2, Chevron Midcontinent,  
25 Allar, Strategic, and Highland.

1 HEARING EXAMINER: Thank you. Mr.  
2 Rose-Coss, any questions?

3 MR. TECHNICAL EXAMINER: I do not have  
4 any questions. Thank you, Mr. Brancard.

5 HEARING EXAMINER: Okay. Mr. Woody,  
6 just out of curiosity, you listed those on, as you  
7 said, on your Exhibit C-2, is that correct, as those  
8 are the pool parties, but I see you also made a lot of  
9 effort to notify some other people like this Axis  
10 Energy?

11 MR. WOODY: Yes, sir. And there's a  
12 separate reason for that: we wanted to make sure  
13 everybody was well aware of this and going forward.  
14 But we did notify Axis, and Intrepid, and B.L.M. on  
15 this because it is in the potash development area.

16 HEARING EXAMINER: Okay. And what's  
17 Axis's relationship to this case?

18 MR. WOODY: That, Your Honor, is  
19 another case that will be coming up in the next couple  
20 of months, and we just wanted everybody in early.

21 HEARING EXAMINER: Okay. But they are  
22 not a pool party in this case?

23 MR. WOODY: No, sir. As represented on  
24 C-2, the only pool parties at this time is Chevron,  
25 Allar, Strategic, and Highland.

1 HEARING EXAMINER: Okay. Thank you.  
2 Are there any other interested persons then for case  
3 22928?

4 [No audible response.]

5 HEARING EXAMINER: Hearing none, the  
6 Exhibits will be admitted into the record and case  
7 22928 will be taken under advisement.

8 MR. WOODY: Thank you.

9 HEARING EXAMINER: With that, we're on  
10 items 28 and 29. These are cases 22747, 22748.

11 MS. VANCE: Good morning, Mr. Hearing  
12 Examiner and Mr. Rose-Coss. Paula Vance with the  
13 Santa Fe office of Holland and Hart on behalf of the  
14 applicant, Matador Production Company.

15 HEARING EXAMINER: Thank you. I have  
16 an entry from Conoco Philips.

17 MS. MUNDS-DRY: Thank you, Mr. Hearing  
18 Examiner. Ocean Munds-Dry with Conoco Philips and  
19 Burlington Resources Oil and Gas.

20 HEARING EXAMINER: Thank you. I will  
21 note that there were a number of, I believe they were  
22 royalty interest owners who had contacted us -- their  
23 e-mails are in the case file -- requesting a  
24 continuance in this case. I am seeing whether any of  
25 those persons are here today. And the names I have

Page 37

1 are Denise Crimmins, Aimee Ducharme -- probably  
2 murdered that -- Celeste Martley, Michelle Deane. Are  
3 any of those persons on the call today?

4 Hearing none, Ms. Vance, to explain  
5 what efforts you've done with the royalty interest  
6 owners and to present your case.

7 MS. VANCE: Sure. Just to touch on the  
8 first question regarding the royalty interests, it's  
9 our understanding that Matador has reached out to  
10 those parties, and they are no longer seeking that  
11 continuance, and they have come to an agreement. And  
12 it's our understanding that we're able to move forward  
13 with these cases.

14 HEARING EXAMINER: Thank you. We do  
15 have correspondence from Mr. Feldewert that copies  
16 each of these persons to that effect, and we did not  
17 get any responses from those parties, so I will take  
18 silence as assent in this case and allow you to move  
19 forward with your case.

20 MS. VANCE: Thank you, Mr. Hearing  
21 Examiner. So, in case 22747, Matador seeks to pool  
22 uncommitted interests within the Bone Spring  
23 formation. Pool Code 96399 underlying a standard  
24 320-acre horizontal spacing unit comprised of the west  
25 half of the east half of Sections 16 and 21, Township

1 20 south, Range 33 east, Lea County, New Mexico. And  
2 Matador seeks to dedicate this spacing unit to the  
3 proposed Pony Express Federal Com 403H, 504H, and 603H  
4 wells.

5 Then, in case 22748, Matador seeks to  
6 pool uncommitted interests within the Bone Spring  
7 formation, Pool Code 96399 underlying a standard  
8 320-acre horizontal spacing unit comprised of the east  
9 half of the east half of Sections 16 and 21, Township  
10 20 south, Range 33 east, Lea County, New Mexico. And  
11 Matador seeks to dedicate this spacing unit to the  
12 proposed Pony Express Federal Com 404H, 505H, and 604H  
13 wells.

14 In each of these cases, we have  
15 provided the compulsory pooling checklists as well as  
16 the affidavit and testimony of landman Isaac Evans and  
17 geologist, Andrew Parker, both of whom have previously  
18 testified before the Division and their credentials  
19 have been accepted as a matter of record. Mr. Evans,  
20 his Affidavit is Exhibit C, which includes sub  
21 exhibits C-1, C102s; C-2, a land track map; C-3, a  
22 list of uncommitted working interest owners; C-4, a  
23 list of overriding royalty interest owners; C-5,  
24 sample well proposal letters and AFEs; and C-6, a  
25 chronology of contacts.



1 objections. Thank you.

2 HEARING EXAMINER: Thank you. Mr.  
3 Rose-Coss.

4 TECHNICAL EXAMINER: Hi. Yes. Good  
5 morning. You know, looking through, it appears that  
6 these wells are going to penetrate Capitan Reef  
7 Formation. I suppose this is -- it's really something  
8 that would come later and be handled by the geologist  
9 but has there been any -- you know, the -- when the  
10 APDs are eventually filed. Do you know if any  
11 consideration has been made in well design or location  
12 placements of the well pads in this case? Is this in  
13 the potash region or is there any, like, B.L.M. drill  
14 islands that are negotiated in these cases?

15 MS. VANCE: I would have to follow up  
16 with Matador to get better clarification on that for  
17 you. It is my understanding that they are, at least  
18 for case 22748, they do have a common well pad that  
19 they're going to be drilling from. But, as far as  
20 anything more specific than that, I would have to  
21 follow up with Matador, but I'm happy to do that if  
22 you would like any clarification on that.

23 TECHNICAL EXAMINER: Sure. I guess I  
24 suppose I'd be curious if it affected the well costs  
25 -- the well cost proposal at all if -- yeah.

1 MS. VANCE: I -- oh I'm sorry.

2 TECHNICAL EXAMINER: No. Go ahead.

3 MS. VANCE: Well at least in terms of  
4 case 22748 where I discussed with Matador the common  
5 well pad, they did state that there was no impact to  
6 cost and the lateral would be -- it would be the same  
7 completed lateral even though they're -- they've got  
8 it all coming from a common well pad.

9 TECHNICAL EXAMINER: Sure. Yeah. The  
10 issues with drilling through the Reef in the kind of  
11 vertical section of the well, and the cement, and the  
12 drilling fluids that would need to be used for that  
13 interval, which I understand makes it more expensive  
14 but not exactly sure how that's handled here.

15 It seems as if all of the parties have  
16 been identified and notified. And that's correct?  
17 Were they all identified and notified but the paper  
18 notice was still run?

19 MS. VANCE: Well so, initially, we did  
20 a round of notification in April. And then we did a  
21 second round of notification both mailing and  
22 publication end of April. And then we also did the  
23 same in July and any parties that have not yet  
24 received letter notification, which I think there may  
25 be some that are still in transit, we did the

1 notification by publication to cover those parties.

2 TECHNICAL EXAMINER: Okay. So parties  
3 -- well that exhausts my questions then. So thank you  
4 for your time, Ms. Vance.

5 MS. VANCE: Thank you, Mr. Rose-Coss.

6 HEARING EXAMINER: Thank you. Okay.  
7 Are there any other interested persons then for cases  
8 22747, 22748?

9 [No audible response.]

10 HEARING EXAMINER: Hearing none, the  
11 Exhibits will be admitted into the record and the  
12 cases will be taken under advisement.

13 Now, Mr. Rose-Coss, was there any  
14 further information you needed?

15 TECHNICAL EXAMINER: Yeah. Could you  
16 have Matador send some of the well bore diagrams and  
17 drilling plans to accommodate drilling through the  
18 Reef or a statement saying that that's been considered  
19 and nothing is necessary?

20 MS. VANCE: I will follow up with  
21 Matador on that.

22 TECHNICAL EXAMINER: Okay. Thank you.

23 MS. VANCE: Is that something that can  
24 be provided by e-mail or is that something that needs  
25 to be entered into the record?

1 TECHNICAL EXAMINER: Mr. Brancard?

2 HEARING EXAMINER: Well it's up to you,  
3 Mr. Rose-Coss, if you want -- I mean, it's not  
4 something that is part of the exhibits normally so ...

5 TECHNICAL EXAMINER: Well e-mail, and  
6 I'll upload it to the record or to the case file;  
7 right?

8 HEARING EXAMINER: Yeah.

9 MS. VANCE: Anything else?

10 HEARING EXAMINER: I think that's it.  
11 Thank you.

12 MS. VANCE: Thank you.

13 HEARING EXAMINER: Case will -- 22747,  
14 748 are taken under advisement, the record left open  
15 for the submittal of the additional information.  
16 Thank you.

17 And with that, we're on items 30 and  
18 31, cases 22895, 22896, Avant Operating.

19 MS. HARDY: Good morning, Examiners.  
20 Dana Hardy with the Santa Fe office of Hinkle Shanor  
21 on behalf of Avant Operating, L.L.C.

22 HEARING EXAMINER: All right. ANd we  
23 have an Entry of Appearance from Marathon Oil Permian.

24 MS. BRADFUTE: Good morning, Mr.  
25 Examiner. This is Jennifer Bradfute on behalf of

1 Marathon Oil Permian, L.L.C.

2 HEARING EXAMINER: Thank you. Are  
3 there any other -- does Marathon object to these cases  
4 going forward by affidavit, Ms. Bradfute?

5 MS. BRADFUTE: No, Mr. Examiner. We do  
6 not.

7 HEARING EXAMINER: Thank you. Are  
8 there any other entries of appearance for cases 22895  
9 and 22896?

10 [No audible response.]

11 HEARING EXAMINER: Hearing none, Ms.  
12 Hardy, you may proceed.

13 MS. HARDY: Thank you. In case number  
14 22895, Avant seeks an order pooling uncommitted  
15 interests in a 640-acre, more or less, standard  
16 overlapping spacing unit in the Bone Spring Formation  
17 underlying the east half of Section 36, Township 19  
18 south, Range 32 east and the east half of Section 1,  
19 Township 20 south, Range 32 east in Lea County. Avant  
20 proposes to dedicate that unit to the 604H, 605H, and  
21 606H wells. And this is a proximity tract spacing  
22 unit with the 605H well being the proximity tracked  
23 defining well. This unit partially overlaps with the  
24 spacing unit for Marathon's Maroon Bells Federal Com  
25 well.

1           In case number 22896, Avant seeks an  
2 order pooling uncommitted interests in the Bone Spring  
3 Formation underlying a 640-acre standard horizontal  
4 spacing unit comprised of the west half of Section 36,  
5 Township 19 south, Range 32 East and the west half of  
6 Section 1, Township 20 south, Range 32 East. And that  
7 unit will be dedicated to the 601H, 602H, and 603H  
8 wells. That unit is also a proximity tract unit with  
9 the 602H well being the proximity tract defining well.

10           In both cases, our Exhibits include the  
11 Affidavit of land professional Shelly Albrecht,  
12 geologist, John Harper, and my Notice Affidavit. Ms.  
13 Albrecht provides the standard land exhibits,  
14 including the C-102s, the ownership information and  
15 tracks, well proposal, and the chronology of contact.

16           The land ownership information, in both  
17 cases, is included on Exhibit A-3, which also  
18 identifies the uncommitted interests to be pooled.  
19 And, when I was looking at this preparing for the  
20 hearing, I realized that the pooled interests are  
21 highlighted on the first page of Exhibit A-3 but the  
22 overrides are also being pooled, and they are listed  
23 on the second page but they're not highlighted. So I  
24 would like to submit an updated Exhibit A-3 that just  
25 highlights those overrides to be clear that they're

1 also being pooled.

2 The geologist, John Harper, submits a  
3 regional location map, cross section map, structure  
4 map, structural and stratigraphic cross sections, and  
5 a gun barrel development plan.

6 My Notice Affidavit includes a chart  
7 that lists the parties who were notified and the dates  
8 on which Notices were sent. And, in this case, it  
9 seems to be a miracle because we actually received all  
10 of the green cards back, and I haven't seen that  
11 happen in a little while. We did also publish notice  
12 out of an abundance of caution.

13 But, in any event, unless there are  
14 questions, I would request that the Exhibits be  
15 admitted into the record and that these cases be taken  
16 under advisement. Thank you.

17 (Avant Operating, L.L.C. Exhibit A,  
18 Exhibit B, and Exhibit C were marked  
19 for identification.)

20 HEARING EXAMINER: Thank you. We'll  
21 start with Marathon. Ms. Bradfute, any questions or  
22 concerns?

23 MS. BRADFUTE: No, Mr. Hearing  
24 Examiner, no questions or objections at this time.

25 HEARING EXAMINER: Okay. And you

1 obviously have been notified of the overlap with your  
2 spacing --

3 MS. BRADFUTE: Yeah. Yes, Mr.  
4 Examiner. And Marathon is preserving its rights to  
5 seek de novo -- a de novo application if it needs to  
6 as it continues to work with Avant.

7 HEARING EXAMINER: Okay. Great. Thank  
8 you.

9 Mr. Rose-Coss?

10 TECHNICAL EXAMINER: Sure. Yes. Good  
11 morning.

12 MS. HARDY: Good morning.

13 TECHNICAL EXAMINER: So I noticed again  
14 here that these wells are going to penetrate the Reef  
15 and are in the R111P area. Do you know if there was  
16 any challenges with the drill island and/or  
17 construction details with the wells that are going to  
18 compensate for drilling through the Reef, if that's  
19 going to increase the costs at all?

20 MS. HARDY: Not that I know of, Mr.  
21 Examiner.

22 TECHNICAL EXAMINER: Okay. I know  
23 that's a -- it's a -- and it's a big consideration for  
24 me in the saltwater disposal world that the well  
25 designs need to change a lot. And so I imagine they

1 need to as well and that -- just wanted to make that  
2 was compensated for in these, or addressed, or  
3 considered would be my only thought here. So if you  
4 could send us the same sort of statement that I asked  
5 for in the previous case addressing that thought.

6 MS. HARDY: Sure.

7 TECHNICAL EXAMINER: And that would be  
8 my only question here as well. I believe Mr. Brancard  
9 is going to inquire as well, as somewhat of an aside,  
10 but we've noticed in the checklist that the  
11 introductory -- the application checklist, that the  
12 drilling supervising costs per month and production  
13 supervision costs per month are 20 percent or so more  
14 than we typically see. Can you speak to that at all,  
15 where those additional costs might be coming from in  
16 these cases, or inflation?

17 MS. HARDY: I am hearing from clients  
18 that that is a occurring due to service company  
19 availability -- you know, issues associated with  
20 service company availability and also inflation. I  
21 don't have specific information on the reason in this  
22 case but that's generally been my understanding, and  
23 I'm seeing that coming up more often. If you'd like,  
24 I can ask Avant specifically about that.

25 TECHNICAL EXAMINER: You know, I'll

1 pass to Mr. Brancard here. I'm not especially  
2 interested but that is something that we are looking  
3 for. That's all my questions.

4 MS. HARDY: Thank you.

5 HEARING EXAMINER: Thank you. Yeah.  
6 So, yeah, 10,000 a month for drilling is, I think,  
7 outside the norm of what we see. We normally see  
8 7,000 or 8,000 a month so, if you could provide some  
9 explanation as to why that is, that would be helpful.

10 MS. HARDY: Sure. Okay. I'd be happy  
11 to do that.

12 HEARING EXAMINER: Yeah. I mean, I do  
13 notice, as Mr. Rose-Coss has noticed, the last two  
14 cases the well costs are pretty high, over 10 million  
15 for each of these wells. So that may be what you're  
16 seeing Mr. Rose-Coss is the cost of drilling in this  
17 area.

18 TECHNICAL EXAMINER: Yeah that could --

19 MS. HARDY: That's possible.  
20 Certainly. Okay. I will inquire and provide that.

21 HEARING EXAMINER: Thank you. Any  
22 other questions or concerns then for cases 22895,  
23 22896?

24 [No audible response.]

25 HEARING EXAMINER: Hearing none, the

1 Exhibits will be admitted into the record. These  
2 cases will be taken under advisement, the record left  
3 open for the submittal of the additional information  
4 that we requested. So it's the drilling plans. It's  
5 the supervision cost explanation. And then, I  
6 believe, you also mentioned you were going to revise  
7 Exhibit A-3.

8 MS. HARDY: That's correct. To  
9 highlight the overrides.

10 HEARING EXAMINER: Thank you. Okay.  
11 Good. I like to sort of say that on the record  
12 because somebody else will end up writing the order  
13 going, what did they ask for.

14 MS. HARDY: Yeah. Thank you.

15 HEARING EXAMINER: So thank you. Okay.  
16 With that, we'll be on items 32 and 33. These are  
17 cases 22230, 22231, Legacy Reserves Operating.

18 MR. PARROT: Good morning. Good  
19 morning, Mr. Hearing Examiner. And this is James  
20 Parrot representing E.O.G. -- sorry Legacy Reserves.  
21 Sorry about that.

22 HEARING EXAMINER: All right. We have  
23 a number of Entries of Appearance here, some of whom  
24 may have dropped by the wayside. Because this was a  
25 contested case at some point. We actually still have

1 a Prehearing Order in effect that I probably need to  
2 vacate on the record if no one objects. So let's go  
3 through and see who is here and, if anyone objects to  
4 these cases being put forward by affidavit. Let's  
5 start with C.O.G. Operating.

6 MS. MUNDS-DRY: Good morning, Mr.  
7 Hearing Examiner. Ocean Munds-Dry with C.O.G.  
8 Operating. We've withdrawn our Entry of Appearance  
9 and so, godspeed.

10 HEARING EXAMINER: Thank you. E.G.L.  
11 Resources.

12 MR. BRUCE: Mr. Examiner, Jim Bruce  
13 representing E.G.L. Resources and also P.B.E.X., and I  
14 have no objection to the matter proceeding by  
15 affidavit.

16 HEARING EXAMINER: Thank you. Fasken  
17 Oil and Ranch.

18 MR. FELDEWERT: Good morning, Mr.  
19 Examiner. Michael Feldewert with the Santa Fe office  
20 of Holland and Hart on behalf of Fasken Oil and Ranch.  
21 We do not object to the matters proceeding by  
22 affidavit.

23 HEARING EXAMINER: Thank you.  
24 Earthstone Permian.

25 MS. HARDY: Good morning. Dana Hardy

1 with the Santa Fe office Hinkle Shanor on behalf of  
2 Earthstone Permian and Earthstone Operating.

3 HEARING EXAMINER: All right. Thank  
4 you. Are there any other entries of appearance for  
5 cases 22230, 22231?

6 Okay. So let's get back then to Legacy  
7 Reserves here. Mr. Parrot, so it hasn't been done  
8 formally, so I will vacate the Prehearing Order now so  
9 all those deadlines go away and nobody's in violation  
10 of that.

11 MR. PARROT: Thank you.

12 HEARING EXAMINER: But I will notice in  
13 here, and perhaps I'm just not seeing it, that I do  
14 not see in the case file a prehearing statement from  
15 Legacy.

16 MR. PARROT: I believe we filed a  
17 prehearing statement several months ago, but I can  
18 refile that for you today just to make sure that it's  
19 in the record if that would be helpful.

20 HEARING EXAMINER: Yes. We need a  
21 prehearing statement. It's --

22 MR. PARROT: Okay. I'll get that in  
23 today so that it's in the record for you

24 HEARING EXAMINER: Okay. Yeah. I mean  
25 --

1 MR. PARROT: These cases have been  
2 pending for well over a year so, with all the  
3 continuances and everything, the record has gotten a  
4 little complicated.

5 HEARING EXAMINER: Yes. It has. And I  
6 also note that, when you submitted your exhibits, you  
7 said you were resubmitting your exhibits but, again, I  
8 couldn't find an original set of exhibits, which is  
9 irrelevant because we just go with whatever you  
10 submit.

11 MR. PARROT: Okay.

12 HEARING EXAMINER: But again, that just  
13 may be me not finding things in the case file. So but  
14 if you could submit the prehearing statement, that we  
15 need in order for this case to go forward.

16 MR. PARROT: Yep. Absolutely.

17 HEARING EXAMINER: Okay. And with  
18 that, please proceed with your rest of your case.

19 MR. PARROT: Okay. Will do. Thank  
20 you. Well this is James Parrot with Beatty and  
21 Wozniak representing Legacy Reserves Operating, L.P.  
22 Mr. Brancard and Mr. Rose-Coss, thanks for your time  
23 today. I would like to present these cases  
24 consolidated because they're pretty much the same.  
25 Case numbers 22230 and 31 are Applications to pull all

1 committed interests in two Bone Spring units. One is  
2 committed to the Ruby Fed Com 501H well 320-acre unit  
3 covering the west half of the east half of Sections 15  
4 and 22 in 19 south, 33 east. And the other is for the  
5 502H well. Same sections but it's the east half, east  
6 half. They're all in Lea County. No proximity  
7 tracts.

8 The exhibit packet was filed last week.  
9 It was the checklist, the application, and the  
10 affidavits. Exhibit A is the checklist. Exhibit B is  
11 the Applications. Exhibit C is Mr. Willis's  
12 Affidavit; he's Legacy's land witness. He has  
13 previously testified before the Division and had his  
14 qualifications accepted. He notes that Exhibit C-1 is  
15 the general location map. C-2 includes the Form  
16 C-102s, and Mr. Willis notes that there are no  
17 overlapping units for either well. C-3 includes the  
18 spacing units and wells.

19 C-4 is the ownership within the units  
20 and Legacy would like to note that Fasken, although  
21 shown as uncommitted, is no longer a pooled party.  
22 That was a recent development. C-5 contains a sample  
23 proposal that was sent to the working interest owners  
24 in the unit. C-6 is the AFEs for the wells. And then  
25 C-7 is a extended chronology of the contacts with all

1 of the various interested parties, and we're very  
2 delighted to note that we were able to work out all of  
3 the different interests with the stakeholders, so we  
4 don't have a contested hearing for you today.

5 Exhibit D is Mr. Stewart's Affidavit.  
6 He's a geology witness. He has previously testified  
7 before the Division and had his qualifications  
8 accepted. D-1 is a locator map. D-2 is a structure  
9 map for the Bone Spring showing the cross section from  
10 A to A prime or the wells used to construct the  
11 cross-section rather. D-3 is the cross section  
12 itself. And then D-4 includes Mr. Stewart's  
13 conclusions from his Affidavit. We wouldn't normally  
14 include this, but we filed the exhibits when we were  
15 anticipating the possibility of a contested hearing,  
16 so we just left those in there. And he does state the  
17 wells are representative of the area geology and  
18 there's no faulting, pinching, or other geologic  
19 hazards.

20 Exhibit E is the Notice Affidavits  
21 showing notice was mailed to a number of interested  
22 parties. It includes the green cards. A few were  
23 undeliverable. And Exhibit F shows the Affidavits of  
24 Publication. Notice was published in three papers:  
25 The Albuquerque, Carlsbad, and Hobbs newspapers. And,

1 with that, I'd request the Exhibits be admitted into  
2 the record and the matters be taken under advisement.

3 (Legacy Reserves Operating, L.P.  
4 Exhibit A, Exhibit B, Exhibit C,  
5 Exhibit D, Exhibit E and Exhibit F were  
6 marked for identification.)

7 HEARING EXAMINER: Thank you. We'll  
8 start with C.O.G. Ms. Munds-Dry, any questions or  
9 concerns?

10 MS. MUNDS-DRY: No questions, no  
11 objections. Thank you.

12 HEARING EXAMINER: Thank you. Mr.  
13 Bruce, E.G.L., P.B.X. [sic]?

14 MR. BRUCE: Nothing. Nothing.

15 HEARING EXAMINER: Thank you. Mr.  
16 Feldewert, Fasken?

17 MR. FELDEWERT: Mr. Parrot, I don't  
18 have the -- let's see. I'm looking at the Exhibits  
19 you filed. So I see you show Fasken with a working  
20 interest, but you've indicated that Fasken is no  
21 longer being pooled; is that correct?

22 MR. PARROT: That's correct. Fasken is  
23 no longer a pooled party.

24 MR. FELDEWERT: In either case?

25 MR. PARROT: For either well, correct.

1 MR. FELDEWERT: Okay. All right.  
2 Great. Thank you very much.

3 MR. PARROT: Yes.

4 HEARING EXAMINER: Thank you. Ms.  
5 Hardy, Earthstone?

6 MS. HARDY: No questions. Thank you.

7 HEARING EXAMINER: Thank you. Mr.  
8 Rose-Coss?

9 TECHNICAL EXAMINER: Hi, yes. Good  
10 morning. So I'm coming late to this case. Seems like  
11 it's been going on for a while, and I appreciate the  
12 chronology of events that was submitted, page 107 and  
13 155. That's helpful. And potentially maybe not under  
14 my purview, but I'd still be interested to know if you  
15 could summarize some of the events that have led us  
16 out of the contest for the hearing. It was contested.  
17 And can you tell me the nature of the contests and  
18 some of the ways that it was resolved?

19 MR. PARROT: Sure. I think the nature  
20 of the contest just arises from the fact that this is  
21 anticipated to be an excellent area and a lot of  
22 companies are excited to drill wells here. And a  
23 number of companies have interests in the area and  
24 wanted to drill wells. There were originally a set of  
25 applications for the Bone Spring that proposed 2-mile

1 horizontal laterals in the east half of Sections 22  
2 and the Section immediately to the south. So it was  
3 basically offset 1 mile to the south.

4 And, after many months of discussions  
5 between the parties, they have worked out an agreement  
6 where everybody is okay with the development plans for  
7 Legacy to develop the Ruby wells in the east half of  
8 Sections 15 and 22 rather than other wells going in  
9 the east half of Sections 22 and 27. And partially  
10 that involved Earthstone's assessor, Chisholm, working  
11 out an arrangement with Legacy where Legacy agreed  
12 that Chisholm would be the operator for some certain  
13 lands and then Chisholm agreed that Legacy would be  
14 the operator for these lands.

15 And so Earthstone is the successor to  
16 Chisholm, I think, initially was not necessarily aware  
17 of that arrangement but a number of conversations took  
18 place between the companies and the end result was  
19 that both companies agreed to not protest each other's  
20 proposals to operate certain lands. So I think that's  
21 probably a good place for me to stop and see if you  
22 have any questions.

23 TECHNICAL EXAMINER: No. Thanks. I  
24 guess that makes it clear as mud. I probably --

25 MR. PARROT: Then I'd have to show you

1 a very complicated map with, like, six different  
2 colors and probably an animated PowerPoint  
3 presentation showing what units were proposed and  
4 where to really clarify it, but I think the point is  
5 that, just what I said in the beginning, several  
6 different companies own interests in these areas. All  
7 of them wanted to operate. It's a great area to  
8 drill. And eventually the companies agreed on certain  
9 arrangements whereby certain companies would operate  
10 certain lands and other companies would operate other  
11 lands. And that's just, you know, best for all  
12 parties concerned so we don't have to take up your  
13 time and energy with a contested hearing.

14 TECHNICAL EXAMINER: Yeah. No, well, I  
15 appreciate that, and I guess I -- my takeaway from  
16 today, looking through these cases, is, like, I don't  
17 know if I'd seen this -- seen a case worked out like  
18 this. But I'm not in a lot of these cases, so I'm, oh  
19 okay, that could work. I bet that was a challenge.  
20 And it seems like people are -- all the cases I've  
21 seen are filling in the kind of potash lease area, so  
22 I bet that is the hot area to be drilling in.

23 MR. PARROT: Well you can see on D-1  
24 that the brown, thin line on D-1 is the -- south of  
25 the brown line is the potash area and north is not

1 potash, so it's -- it, you know -- just that we're on  
2 the boundary there, it complicated things even more.

3 TECHNICAL EXAMINER: Yeah. Yeah.

4 Okay. Well those are my questions.

5 MR. PARROT: Okay.

6 TECHNICAL EXAMINER: So thanks and glad  
7 y'all worked it out.

8 MR. PARROT: We are too. Thank you  
9 very much to P.B.E.X., and Earthstone, and E.G.L., and  
10 Fasken for all of your hard work in coming to a  
11 conciliatory solution here.

12 TECHNICAL EXAMINER: Perfect. That's  
13 it for me, Mr. Brancard.

14 HEARING EXAMINER: Thank you. So, from  
15 you C-4 Exhibit, it looks like there's five parties  
16 being pooled here. I guess four, if you got rid of  
17 Fasken. But then, when we get down to your Notices,  
18 there's a whole lot of other people getting notice  
19 here.

20 MR. PARROT: There are a number of  
21 royalty owners who received Notice.

22 HEARING EXAMINER: Okay. So are you  
23 pooling overriding royalty interests in this  
24 proceeding?

25 MR. PARROT: No. We're just notifying

1 people of the action. I think it was more notice than  
2 was necessary.

3 HEARING EXAMINER: Okay. Because some  
4 parties, you know, have the override royalty interests  
5 as actual pool parties and lists them.

6 MR. PARROT: The folks that are being  
7 pooled are working interest owners.

8 HEARING EXAMINER: Okay. All right.  
9 And, I guess you know, in the future, while we love  
10 the green cards and love going through the green  
11 cards, if you could do -- a number of parties have  
12 adopted our suggestion of having a little spreadsheet  
13 that just sort of shows the party, and when the notice  
14 was sent, and was it received, and when it was  
15 received kind of, you know ...

16 MR. PARROT: Absolutely.

17 HEARING EXAMINER: You know, some  
18 people use a postal service, you know, report. Some  
19 people develop their own spreadsheets but it's helpful  
20 to us to kind of -- when there's a number of parties  
21 to kind of get a quick glance at what the status of  
22 the notice is.

23 MR. PARROT: We will certainly add that  
24 to the exhibits from now on.

25 HEARING EXAMINER: Okay. Any other

1 persons then for cases 22230, 22231?

2 [No audible response.]

3 HEARING EXAMINER: Hearing none, the  
4 Exhibits will be admitted into the record. So what we  
5 need is the Prehearing Statement. We cannot move  
6 forward on this case without your Prehearing  
7 Statement. And I don't know whether any of the  
8 parties would like to see this case continued for the  
9 Prehearing Statement. Is there any objection to us  
10 taking this case under advisement. I will throw that  
11 open to the other parties.

12 MR. BRUCE: No objection from E.G.L.

13 HEARING EXAMINER: Thank you.

14 MS. HARDY: No objection from  
15 Earthstone.

16 HEARING EXAMINER: All right. C.O.G.?

17 MS. MUNDS-DRY: No objection.

18 HEARING EXAMINER: Fasken?

19 MR. FELDEWERT: We're no longer being  
20 pooled, so we have no objection.

21 HEARING EXAMINER: All right. Great.  
22 Okay. So we'll take this case under advisement but,  
23 in order to move forward, we need the Prehearing  
24 Statement and, I guess, to deal with the Fasken issue,  
25 if you could just send -- also submit a revised

1 Exhibit C-4, indicates which parties are actually  
2 being pooled.

3 MR. PARROT: I will have those -- both  
4 o those in to you within the hour.

5 HEARING EXAMINER: All right. Thank  
6 you.

7 MR. PARROT: Thank you too.

8 HEARING EXAMINER: Okay. With that we  
9 will have another set of cases that were once  
10 contested by may not be anymore. So we're looking at  
11 items 34 through 37.

12 MS. VANCE: -- oh sorry.

13 HEARING EXAMINER: Don't jump the gun,  
14 Ms. Vance.

15 MS. VANCE: I will hold my horses.  
16 Sorry about that, Mr. Hearing Examiner.

17 HEARING EXAMINER: Cases 22571, 22572,  
18 22573, 22574, Matador Production.

19 MS. VANCE: Good morning, Mr. Hearing  
20 Examiner, Mr. Rose-Coss. Paula Vance with the Santa  
21 Fe office of Holland and Hart on behalf of the  
22 applicant, Matador Production Company.

23 HEARING EXAMINER: Okay. And we have  
24 an entry from ConocoPhillips and Burlington Resources.

25 MS. MUNDS-DRY: Good morning, Mr.

1 Hearing Examiner. Ocean Munds-Dry with ConocoPhillips  
2 and Burlington Resources Oil and Gas.

3 HEARING EXAMINER: Ms. Munds-Dry, if I  
4 read the case file correctly, your client has  
5 withdrawn its objections to this case being -- going  
6 forward by affidavit.

7 MS. MUNDS-DRY: Yes, Mr. Brancard. We  
8 have no objection to this case proceeding by  
9 affidavit.

10 HEARING EXAMINER: Thank you. Are  
11 there any other interested parties for cases 22571,  
12 572, 573, 574?

13 [No audible response.]

14 HEARING EXAMINER: Hearing none, Ms.  
15 Vance, you may proceed.

16 MS. VANCE: Thank you, Mr. Hearing  
17 Examiner. So we've got four cases. The first, in  
18 case 22571, Matador seeks to pull uncommitted  
19 interests within the Bone Spring Formation, Pool Code  
20 97088 underlying a standard 320-acre horizontal  
21 spacing unit comprised of the west half of the  
22 northeast quarter of Section 30, the west half of the  
23 east half of Section 19, and the west half of the  
24 southeast quarter of Section 18, Township 24 south,  
25 Range 36 east, Lea County, New Mexico. And Matador

1 seeks to dedicate this spacing unit to the proposed  
2 Huneke Fed Com 137H well.

3 Next, in case 22572, Matador seeks to  
4 pool uncommitted interests within the Bone Spring  
5 Formation, Pool Code 97088 underlying a standard  
6 320-acre horizontal spacing unit comprised of the east  
7 half of the northeast quarter of Section 30, the east  
8 half of the east half of Section 19, and the east half  
9 of the southeast quarter of Section 18, Township 24  
10 south, Range 36 east, Lea County, New Mexico. Matador  
11 seeks to dedicate this spacing unit to the proposed  
12 Huneke Fed Com 13H well.

13 Next, in case 22573, Matador seeks to  
14 pool uncommitted interests within the Wolfcamp  
15 Formation, Pool Code 33813 underlying a standard  
16 320-acre horizontal spacing unit comprised of the west  
17 half of the northeast quarter of Section 30, the west  
18 half of the east half of Section 19, and the west half  
19 of the southeast quarter of Section 18, Township 24  
20 south, Range 36 east, Lea County, New Mexico. And  
21 Matador seeks to dedicate the spacing unit to the  
22 proposed Huneke Fed Com 213H well.

23 And lastly, in case 22754, Matador  
24 seeks to pool uncommitted interests within the  
25 Wolfcamp Formation, Pool Code 33813 underlying a

1 standard 320-acre horizontal spacing unit comprised of  
2 the east half of the northeast quarter of Section 30,  
3 the east half of the east half of Section 19, and the  
4 east half of the southeast quarter of Section 18,  
5 Township 24 south, Range 36 east, Lea County, New  
6 Mexico. And Matador seeks to dedicate this spacing  
7 unit to the proposed Huneke Fed Com 214H well.

8 In these cases we have provided the  
9 compulsory pooling checklists as well as the affidavit  
10 and testimony of landman David Johns and geologist  
11 Andrew Parker, both of whom have previously testified  
12 before the Division and their credentials have been  
13 accepted as a matter of record. Mr. Johns' Affidavit  
14 is Exhibit C, which includes sub exhibit C-1, the  
15 C-102s, C-2, a land track map, C-3, a list of  
16 uncommitted owners. C-4, sample well proposal letters  
17 and AFEs. And C-5, a chronology of contacts. And  
18 this is followed by Mr. Parker's Affidavit, which is  
19 Exhibit D and includes sub exhibits D-1, a locator  
20 map. And then for case numbers 22571 and 22572 are  
21 sub exhibits D-2, a subsea structure map for the top  
22 of the Bone Spring Formation and D-3, a stratigraphic  
23 cross section of the Bone Spring Formation.

24 And then, for case numbers 22573 and  
25 22574, we have sub exhibits D-4, a subsea structure

1 map for the top of the Wolfcamp Formation, and D-5, a  
2 stratigraphic cross section for the Wolfcamp  
3 Formation. In these cases, Mr. Parker did not observe  
4 any faulting, pinch outs or other geologic impediments  
5 to the horizontal drilling of these wells.

6 And then lastly is Exhibit E, a  
7 Affidavit of Notice with sample letters that were  
8 timely mailed on February 11, 2022 and Exhibit F,  
9 which is the Affidavit of Notice of Publication, which  
10 was timely published on February 10, 2022. And,  
11 unless there are any questions, I would ask that all  
12 Exhibits and sub exhibits be admitted into the record  
13 for case numbers 22571, 22572, 22573, 22574 be taken  
14 under advisement at this time. Thank you.

15 (Matador Production Company Exhibit A,  
16 Exhibit B, Exhibit C, Exhibit D,  
17 Exhibit E, and Exhibit F were marked  
18 for identification.)

19 HEARING EXAMINER: Thank you. Ms.  
20 Munds-Dry, any questions or concerns?

21 MS. MUNDS-DRY: No questions or  
22 objections. Thank you.

23 HEARING EXAMINER: Thank you. Mr.  
24 Rose-Coss?

25 TECHNICAL EXAMINER: Yes. Good morning

1 again. So my quick observation here, and I'm not a  
2 field or a company geologist but, based on the cross  
3 sections in this well's location, it appears that  
4 there is a fault and these wells are going across  
5 structure. But are you aware of much other  
6 development in the area targeting these formations and  
7 how they've gone? I see also, on page 68 of 82, that  
8 this might be encroaching into new territory for these  
9 wells or for this sort of development; is that  
10 commented upon?

11 MS. VANCE: I would have to reach out  
12 to Matador for more information on that. I'm going  
13 off of what was provided in the Affidavit. And so, if  
14 there is a question about that, I'm happy to reach out  
15 to Matador for more information. I do believe that  
16 there is some development to the south that Matador  
17 has a unit just south that is also forced pool and  
18 they may have some development there. But again, I'd  
19 have to reach out to the geologist and to Matador to  
20 get further clarification on any of that.

21 TECHNICAL EXAMINER: Well I guess I'll  
22 kick it to Mr. Brancard. Is this my place to be  
23 asking that? Is that something we're concerned with  
24 or, if they want to put a well there, you know, they  
25 can have at it, if they have the lease? Or maybe Mr.

1 Brancard's stepped away. I --

2 HEARING EXAMINER: No. You know, you  
3 can ask the questions. I mean, it may get into more  
4 detail when the actual, you know, applications for  
5 drilling are filed with the geologist.

6 TECHNICAL EXAMINER: Sure. That could  
7 be. No and if you look at the cross section on -- or  
8 the isopach map, on page 68 of 82 in the files, you  
9 know, those contour lines are very close to each  
10 other. That's some steep -- I'd think they'd have a  
11 hard time placing that well. And then, if you look at  
12 the cross section from A to A prime, there's -- I  
13 mean, they haven't flattened it. There's a big jump  
14 in it, in the structure or in the tops, which suggests  
15 a fault. So that's my observation looking at the  
16 Exhibits but, again, maybe that's not of our concern  
17 in this case. I would also say that, you know, this  
18 one's through the Reef again, and I can't see the  
19 drilling cost proposals on the documents submitted, so  
20 we couldn't tell you whether or not that was a  
21 reasonable price for these, or not, or, like, inline  
22 with what we're used to seeing.

23 MS. VANCE: I believe if you go to the  
24 administrative costs for drilling, it is paragraph 16  
25 of Exhibit C.

1 TECHNICAL EXAMINER: Oh okay.

2 MS. VANCE: Eight thousand proposed  
3 while drilling.

4 TECHNICAL EXAMINER: I can see that,  
5 yeah, with a kind of tabulated well costs. That's,  
6 you know, I could see that. So then, okay. So it  
7 seems in line. So those are my observations for this  
8 case, and I'll pass it to Mr. Brancard again. See if  
9 he had anything else.

10 MS. VANCE: Thank you.

11 HEARING EXAMINER: Yeah. I do agree.  
12 Particularly the Wolfcamp. That is really tight.  
13 Yeah. It's taking either a jump up or a jump down,  
14 the formation.

15 TECHNICAL EXAMINER: These are all  
16 right on the edge of the, you know, Basin proper as it  
17 -- under the platform.

18 HEARING EXAMINER: Right.

19 TECHNICAL EXAMINER: And there's giant  
20 faults there with 1,000-foot of displacement. I would  
21 not want to be the guy landing these wells or steering  
22 them through the formation.

23 HEARING EXAMINER: Thank you. So this  
24 is a 2-mile lateral, but you're leaving a quarter  
25 section above and a quarter section below. You know

Page 71

1 we always ask about stranding, Ms. Vance, so ...

2 MS. VANCE: Yes. And I did reach out  
3 to Matador so -- to prepare for an answer on that. So  
4 I think I mentioned south -- southward of the proposed  
5 unit, Matador actually -- that's one of Matador's  
6 units and is currently forced pooled. So and that  
7 would be, I believe, in the southeast quarter of  
8 Section 30 and going south into Section 31. And then,  
9 as far as northward, that northeast quarter of Section  
10 18 going into Section 7, that is open and available  
11 for development but sort of unaware of anything  
12 ongoing there. But there is nothing that would  
13 prevent development in that area.

14 HEARING EXAMINER: Okay. So let me  
15 look at your -- you sent in some revised exhibits on  
16 interest owners. And --

17 MS. VANCE: Yes. And essentially those  
18 just update and reflect that we're no longer seeking  
19 to pool ConocoPhillips.

20 HEARING EXAMINER: Right. But we have  
21 this little double asterisk here for two of the  
22 owners. And it reads, "It appears that this interest  
23 has been conveyed numerous times. The conveyances  
24 have all been recorded within the last month. We will  
25 continue to work with all the assignees to reach

1 voluntary joinder." So what are you actually -- who  
2 are -- I mean, what interests are you actually pooling  
3 here?

4 MS. VANCE: I believe what's reflected  
5 in the Exhibit, but I can reach out to Matador to find  
6 out if there have been any further updates to  
7 communications with those parties.

8 HEARING EXAMINER: So they continue to  
9 be unleased mineral interests, or have they been  
10 leased?

11 MS. VANCE: I am not aware of any  
12 updates to their status but, again, I'm happy to reach  
13 out to Matador to get clarification on that.

14 HEARING EXAMINER: Well I'm just  
15 concerned that we're, you know -- we're pooling  
16 somebody who's not an interest owner anymore, and  
17 we're not pulling somebody who is an interest owner.  
18 Which may simply require your client to come back in  
19 for an amended order at some point in the future, once  
20 they've figured out who the real interest owners are.  
21 But any clarification you could get about that --  
22 obviously, if there are new parties, you obviously  
23 need to do new notice to them. And you would need to  
24 come in and amend the Order anyway.

25 MS. VANCE: I'll reach out to Matador,

1 and I'll get clarification on that, Mr. Hearing  
2 Examiner.

3 HEARING EXAMINER: I will just make a  
4 point here, and this is not for you -- well it is for  
5 you, Ms. Vance, but it's more for your law firm that  
6 whenever we see the applications in the case file or  
7 attached as part of the exhibits, the application does  
8 not include a required element, which is the proposed  
9 public notice. I'm guessing you must submit it  
10 separately somehow because it does end up in our  
11 docket but it's difficult, in going through this, to  
12 sort of make sure that that notice is correct, if we  
13 don't see it attached to the application.

14 MS. VANCE: If that's something that  
15 you would like to see filed, I know that we --  
16 obviously we end up getting that notice into the  
17 hearing docket but, if it's something that you'd like  
18 to see in the hearing packet or filed with the  
19 application, we can -- I will discuss with my  
20 colleagues, and we'll see what adjustments we can make  
21 on our end.

22 HEARING EXAMINER: Yeah. Most  
23 everybody else simply has it as an attachment to their  
24 application. Just the one paragraph proposed notice.

25 MS. VANCE: Anything else?

1 HEARING EXAMINER: Thank you. All  
2 right. Mr. Rose-Coss, did you have any information  
3 that you needed from these cases?

4 TECHNICAL EXAMINER: No. No. Those  
5 were just my observations. They're obviously privy to  
6 information I don't have that they'll feel confident  
7 landing the wells there so ...

8 HEARING EXAMINER: Okay. So once  
9 again, I should've started this case by saying that,  
10 it hasn't happened formally, but we will vacate the  
11 Prehearing Order so that all those deadlines go away.  
12 And we simply need the information then for what is  
13 the status on the --

14 MS. VANCE: Two interest owners.

15 HEARING EXAMINER: Yeah, unleased  
16 mineral interest owners here. And if you want us to  
17 just go forward with this case and then, if you need  
18 to come back and amend it, I guess that's fine. But  
19 otherwise we would have to keep this whole thing open,  
20 and you would have to do more notice so ...

21 MS. VANCE: That would be our  
22 preference, if we can have these cases taken under  
23 advisement. And I will reach out to Matador and see  
24 what clarification I can get on these interest owners.  
25 And, if we have to request to amend the Order, that

1 we'd do that separately.

2 HEARING EXAMINER: Okay. Thank you.  
3 With that, any other persons then for cases 22571,  
4 22572, 22573, 22574?

5 Hearing none, the Exhibits will be  
6 admitted into the record and these cases will be taken  
7 under advisement.

8 MS. VANCE: Thank you, Mr. Hearing  
9 Examiner. Thank you, Mr. Rose-Coss. Have a great  
10 day.

11 HEARING EXAMINER: All right. Now I  
12 like to check in with our court reporter, see how they  
13 are doing, and whether they need a break.

14 THE REPORTER: Thank you, Your Honor.  
15 I am okay as of now.

16 HEARING EXAMINER: Okay. Thank you.  
17 We have one chunk of cases left, so I believe that's  
18 it. All right. We are now on items 38 plus here, and  
19 I don't know how many -- how we're going to do these  
20 all together but it'll be good maybe to call them all,  
21 and then we can discuss what we're going to do. So we  
22 will call cases 22958, 22959, 22960, 22961, 22962,  
23 22963, and 22964, Devon Energy Production Company.

24 MR. SAVAGE: Mr. Hearing Examiner, Mr.  
25 Technical Examiner, good morning. Darin Savage with

1 the Santa Fe Office of Abadie and Schill appearing on  
2 behalf of Devon Energy Production Company. And I'd be  
3 glad to --

4 HEARING EXAMINER: All right.

5 MR. SAVAGE: And I'd be glad to address  
6 the -- how we'd like to approach these at the  
7 appropriate time.

8 HEARING EXAMINER: We will have the  
9 discussion about that. So I have an Entry from M.R.C.  
10 Permian Company.

11 MR. FELDEWERT: Good morning, Mr.  
12 Examiner. Michael Feldewert with the Santa Fe office  
13 of Holland and Hart.

14 HEARING EXAMINER: All right. And then  
15 a Entry from Sabinal Energy Operating.

16 MR. JONES: Good morning, Mr. Examiner.  
17 This is Blake Jones on behalf of Sabinal Energy  
18 Operating.

19 HEARING EXAMINER: Thank you. And then  
20 Chevron U.S.A., Inc.

21 MS. BENNETT: Good morning, Mr.  
22 Examiner. Deana Bennett on behalf of Chevron, and  
23 were in a subset of the cases, which are 22959, 22960,  
24 22963, and 22964. It's my understanding that those  
25 are the only cases in which Chevron has an interest.

Page 77

1 HEARING EXAMINER: Thank you. I will  
2 get back to you in a second.

3 MS. BENNETT: Okay.

4 HEARING EXAMINER: Let me just finish  
5 up here. Okay. I think that's -- are there any other  
6 interested persons then for cases 22958, 959, 960,  
7 961, 962, 963, 964.

8 [No audible response.]

9 HEARING EXAMINER: Hearing none, Ms.  
10 Bennett, is it correct that Chevron has objected to  
11 several of these cases going forward by affidavit?

12 MS. BENNETT: I believe that Chevron  
13 has withdrawn that objection, and I will have -- I'd  
14 like Mr. Savage to confirm that I'm right about that,  
15 but I believe that Chevron withdrew its objection and  
16 is no longer objecting to the cases moving forward by  
17 affidavit.

18 MR. SAVAGE: Ms. Bennett is correct.  
19 There has been a filing of a withdrawal of objections  
20 to these cases and the -- as I understand, the parties  
21 have resolved their differences.

22 HEARING EXAMINER: Okay. Well that's  
23 one issue out of the way. So let's get back then to  
24 -- well let me just check then with the other parties.  
25 M.R.C. Permian, do you object to these cases going

1 forward by affidavit?

2 MR. FELDEWERT: No, sir.

3 HEARING EXAMINER: Thank you. Sabinal  
4 Energy Operating.

5 MR. JONES: Sabinal does not object,  
6 and I would just state for the record that the parties  
7 are in the process of fine lining an agreement.

8 HEARING EXAMINER: Wonderful. Thank  
9 you. All right. So, as I understand it, and I  
10 probably don't understand it correctly, Mr. Savage,  
11 there are two sets of cases here that are  
12 alternatives?

13 MR. SAVAGE: Yes, sir. Devon believes  
14 that the first three cases, 22958, 22959, and 22960  
15 show the most promising approach to building and  
16 spacing units in these correction sections, and we  
17 would like to present these cases in consolidated form  
18 at first.

19 Because there have been some debate and  
20 perhaps some unresolved issues about how to approach  
21 these correction sections, we wanted to get everything  
22 out on the table, all options, for the Division to  
23 consider. And so we did pleadings in the --  
24 applications in the alternative and that would  
25 encompass the remaining four cases 22961 through

1 22964. And we'd like to present those as needed as a  
2 separate set in the alternative.

3 HEARING EXAMINER: Thank you. So, if I  
4 may summarize here, what you have going on in the  
5 first three cases is an argument that the top eight  
6 lots or the next row of eight lots can be considered a  
7 standard horizontal spacing unit.

8 MR. SAVAGE: That is correct, Mr.  
9 Brancard.

10 HEARING EXAMINER: And the remaining  
11 four cases, either just do four lots as a standard or,  
12 I believe, the last case you're doing a proximity  
13 well; is that correct?

14 MR. SAVAGE: There is a proximity well  
15 consideration in one of our cases in the last four.  
16 These, the last four cases, are premised on the  
17 Division viewing the building blocks as single lots --  
18 viewing single lots as the building blocks. The first  
19 three cases, the first set, is premised on an inherent  
20 equivalency between the north half, north half as a  
21 proper unit and the south half, north half as a proper  
22 unit based on building blocks that are two lots  
23 stacked, such as Lot 1 and Lot 8 stacked, for example,  
24 to create the proper building block as being  
25 equivalent and analogous to how you would handle a

1 standard section. And I would like to go into that in  
2 more depth in the presentation and perhaps --

3 HEARING EXAMINER: Well I think I'm  
4 going to effectively cut you off at the knees here and  
5 tell you what position the Division is taking on this.

6 MR. SAVAGE: Okay. Okay.

7 HEARING EXAMINER: First, I'd like to  
8 thank Mr. Savage and Mr. Feldewert who have reached  
9 out to the Division to try to get clarification about  
10 how we will deal with these irregular sections. And  
11 we have a whole row of them here on 21 south, which  
12 are oversized sections and result in a series of sort  
13 of excessive lots but some small size lots other than  
14 the normal quarter-quarter sections.

15 And the issue that has been raised is  
16 in the rules. The Horizontal Well Rule 1915.16.15b1,  
17 standard horizontal spacing unit for oil wells. Under  
18 A it says, "The horizontal spacing unit shall comprise  
19 one or more contiguous tracts." Tracts are defined as  
20 a government land division. "That the horizontal oil  
21 well's completed interval penetrates, each of which  
22 shall consist of a governmental quarter-quarter  
23 section or equivalent." And the issue, of course, is  
24 on that somewhat ambiguous term, "or equivalent."

25 I will fess up and say that I came up

1 with what I thought was a rather elegant solution to  
2 this problem, combining rule part 16 and the old part  
3 15. I met with our geologists, explained it to them,  
4 and they very politely told me I was full of hooey.  
5 And so their position, which is going to be our  
6 position, is that "or equivalent" means a lot in the  
7 case of a quarter-quarter section. So you can have  
8 four quarter-quarter sections in a row, or you can  
9 have four lots in a row. They will all be standard  
10 horizontal spacing units. You can combine them with  
11 proximity wells, but we are basically focusing on  
12 these quadrants.

13           Some of these lots may be small enough  
14 that you may have to get a nonstandard location for  
15 your well if you put it in there, but that's a  
16 separate administrative process. But for the sake of  
17 horizontal pooling and standard spacing -- horizontal  
18 spacing units -- this has nothing to do with vertical  
19 spacing units; that's a whole other part of the rules  
20 -- we are treating lots as if they are -- in other  
21 words, a tract is what you need. And so a lot or a  
22 quarter-quarter section is what you need contiguous  
23 of. So for the purpose of these cases, it would be my  
24 recommendation, Mr. Savage, that you go forward with  
25 961, 962, 963, and 964 and forget about 958, 959, 960.

1 MR. SAVAGE: Yes, sir. I will do that.

2 HEARING EXAMINER: I will say I brought  
3 this up again with all of our engineering bureau  
4 yesterday and, when I told them what you were  
5 proposing, those engineers who had experience working  
6 for the B.L.M. and federal tracts, you know, were  
7 having coronaries over what you were proposing. So,  
8 you know, they brought up the ghost of Thomas  
9 Jefferson and the Land Ordinance of 1785, you know.  
10 The public land survey section, you have to remember  
11 in America, is older than the Constitution, so these  
12 things have been around for a while.

13 MR. SAVAGE: Yes. If I may just -- if  
14 that's a final ruling, I would respect that ruling.  
15 There is -- the Division has some time to -- I know  
16 that Matador is going to be applying, as I understand,  
17 for spacing in these. There is some time to consider  
18 the issue. I would ask that I can make one point  
19 about the nature of the Rules and the definition of  
20 equivalent. But, if that's -- would be an improper  
21 use of the Division's time, then I will move forward.

22 HEARING EXAMINER: Well I will say  
23 that, for what you're proposing in 958, 959, 960, you  
24 can proceed that way, but you either have to have a  
25 proximity well or you have to apply for a nonstandard

1 spacing unit. Standard spacing units -- only your  
2 last four cases meet the definition and our  
3 understanding of what a standard horizontal spacing  
4 unit is.

5 MR. SAVAGE: Yes, Mr. Brancard, you  
6 know, if that is the final ruling. I do think that  
7 there is an alternative position and perspective on  
8 this but, if that is the final ruling of the Division,  
9 then I'll move forward with the other cases.

10 HEARING EXAMINER: Yeah. So however  
11 you want to proceed then. If you want to -- I'm glad  
12 you presented this in the alternative, so we're not  
13 just sending you back to the drawing board here.

14 MR. SAVAGE: Yes. You know, we wanted  
15 to get everything on the table to be considered, and  
16 we hoped to walk away from this with a good, final  
17 solution and resolution. And that was our intent, as  
18 opposed to, you know, hit-and-miss with various  
19 applications and then finding out that we're running  
20 into dead ends. So we wanted to provide the Division  
21 with the benefit of a comprehensive review.

22 I do think that it would be beneficial  
23 to the Division to hear the argument and conceptual  
24 basis for the first three cases. I can go -- I can  
25 address just that aspect and, if it happens to calm

1 your engineers down, which it may or may not; it may  
2 inflame them more. You know, but it would be on the  
3 record and it would be available for your  
4 consideration.

5 HEARING EXAMINER: You could do that,  
6 but I will say that the people who discussed this  
7 yesterday were aware of your application. We looked  
8 at our Exhibits, they looked at your explanation so  
9 ...

10 MR. SAVAGE: I understand that, and I  
11 appreciate that. I have given this substantial  
12 thought since the initial brief; that's Exhibit A.  
13 You know, as -- it may help inform future discussions,  
14 you know. The Division would have it as a base -- a  
15 knowledge part of their information base in the record  
16 should you want to revisit this.

17 So, with that, if you don't mind, I  
18 will just give a quick overview of the conceptual  
19 basis of the first three cases and then I'll proceed  
20 to the next set of four cases, if that's appropriate.

21 HEARING EXAMINER: Okay. Please  
22 proceed.

23 MR. SAVAGE: Okay. So, Mr. Brancard,  
24 the review of the Rules show that the Division has a  
25 great amount of discretion if not complete discretion

1 in the interpretation and application of Rule  
2 1915.16.15b1a. This is the rule that does the  
3 equivalency between the quarter-quarter section or the  
4 equivalent. The Rule states that "the continuous  
5 tracts that comprise the horizontal spacing unit shall  
6 consist of a governmental quarter-quarter section or  
7 equivalent."

8 Please consider that the term  
9 equivalent stands alone without any qualification  
10 after the conjunction "or," which is what should allow  
11 the Division substantial discretion in this matter.  
12 As Devon sees it, there is nothing in the Rules in  
13 part 16 that states for a tract to be equivalent to a  
14 quarter-quarter section that it has to be exactly 40  
15 acres, that it is -- that it has to be the same number  
16 of acres as a quarter-quarter section or even  
17 substantially close to 40 acres.

18 Equivalent in Blacklaw's Dictionary,  
19 Seventh Edition and other dictionaries is defined  
20 first as "equal in value, force, amount, effect, or  
21 significance." And secondly as, "corresponding in  
22 effect or function." Thus the equivalence can be  
23 based on a wide variety of differing criteria. Devon  
24 asks that the Division consider the equivalent effect,  
25 the equivalent significance, and function of the

1 proposed two-lot building blocks that we believe  
2 should be utilized to construct a standard horizontal  
3 spacing unit in the correction sections in a manner  
4 equivalent to how government quarter-quarter sections  
5 are utilized to construct standard spacing units in  
6 standard units -- in standard sections.

7           The building block proposed, consisting  
8 of two stacked lots, has the same effect,  
9 significance, and function in their correction  
10 sections as a quarter-quarter section has in its  
11 standard section. The two-lot building block is  
12 equivalent to 1/4 of the north half, north half of the  
13 correction section, same as a governmental quarter  
14 section is equivalent to 1/4 of the north half, north  
15 half of a standard section. They both serve the same  
16 effect, function, and value within their respective  
17 sections and, therefore, the two-lot building block  
18 would clearly meet the definition and meaning of,  
19 quote, "or equivalent," under the rule for  
20 establishing the spacing unit.

21           Now, as we see it, the former 40-acre  
22 requirement in Part 15 of the Rules, intended for  
23 spacing vertical wells, has been fully supplanted by  
24 the Rule in Part 16 for horizontal well, which allowed  
25 the rules in Part 16 to expand spacing units for

1 horizontal wells far beyond the restricted 40-acre  
2 limitation to 160 acres, or 320 acres, or 640 acres,  
3 for example, in order to prevent waste by optimizing  
4 production by the construction of these larger units.

5 The quarter-quarter section as a  
6 building block in a standard section is a remnant of  
7 convention, we believe, remaining in use because it  
8 provides a convenient convention for building  
9 horizontal spacing units in standard sections since  
10 they can be easily and conveniently utilized as a  
11 basic building block. It looks to us that there is  
12 nothing intrinsic to a quarter-quarter section that  
13 determines the optimal capture, migration, or  
14 production of hydrocarbons except the convenience of  
15 its use within the P.L.S.S.

16 Thus, as we see it, there is nothing in  
17 Part 16 that would prohibit or restrict the use of two  
18 stacked lots as a convention for building standard  
19 horizontal spacing units in correction sections  
20 pursuant -- do you hear that, Mr. Brancard?

21 HEARING EXAMINER: Yeah. Thank you.  
22 It was a call-in user.

23 MR. SAVAGE: -- okay, pursuant to the  
24 Rules in order to prevent waste and ensure optimal --  
25 so thus, there is -- we do not see anything in Part 16

1 that would prohibit or restrict the use of two stacked  
2 lots as a convention for building standard horizontal  
3 spacing units in correction sections pursuant to the  
4 Rules in order to prevent waste and ensure optimal  
5 production. Even if one or both of the two lots were  
6 less than the 40 acres of a quarter-quarter section,  
7 the two lot combined into a single building block  
8 would provide building block of sufficient acreage.

9           And then there -- and then, Mr.  
10 Brancard, there is more analysis to this. For  
11 example, we believe that a non-standard unit  
12 designation is predicated on a applicant seeking out a  
13 deviation from the standard unit directly, whereas  
14 Devon is attempting to conform to the rectangular  
15 criteria within the correction sections. We are not  
16 doing any kind of trapezoidal or diagonal requests or  
17 irregular shapes.

18           And, you know, it's not the fault of  
19 Devon that they have -- it has to deal with this --  
20 these sections. These sections were imposed upon the  
21 lands by the P.L.S.S., and we think there is a good  
22 approach for addressing this as expanded units, north  
23 half, north half and the south half, north half. You  
24 know, if any of that is -- if the Division finds any  
25 of that persuasive, we'd like to perhaps consider this

1 but, other than that, we will proceed with the final  
2 set.

3 HEARING EXAMINER: So as stated, we  
4 would offer that you go forward with cases 22961, 962,  
5 963, 964 because these are combining contiguous  
6 tracts, each tract of which is a governmental  
7 quarter-quarter section or equivalent. So, if you'd  
8 like to go forward with those four cases, you may  
9 proceed.

10 MR. SAVAGE: I would indeed. Thank you  
11 very much. And thank you for entertaining my  
12 presentation. So just a minute here. All right. In  
13 these cases, the second set, Darin Savage with the  
14 Santa Fair office of Abadie and Schill appearing on  
15 behalf of Devon Energy Production Company, L.P. As we  
16 noted, all objections to these cases have been  
17 withdrawn and, therefore, we'd like to proceed by  
18 affidavit in consolidated form. Again, we originally  
19 presented these four cases as alternatives, if the  
20 Division should, based on what has been presented,  
21 should decide further consideration is needed -- is  
22 warranted, then we offer the first set as options, but  
23 we will proceed with these cases as representing the  
24 contiguous tracts.

25 These four cases cover lands in the

1 north half of Correction Sections 1, 2, and 3 in  
2 Township 26 south, Range 27 east, Eddy County, New  
3 Mexico. The landman, Andy Bennett, for the cases has  
4 testified before the Division and his credentials have  
5 been accepted and made a matter of record. Also the  
6 geologist, Joe Dixon, has testified before the  
7 Division and his credentials have been accepted and  
8 made a matter of record.

9 In case numbers 22961, Devon would seek  
10 a order creating a standard for 80-acre, more or less,  
11 spacing unit comprised of Lots 5 through 8 of Sections  
12 1, 2, and 3 and pooling all uncommitted interests in  
13 the Wolfcamp Formation designated as an oil pool  
14 underlying the unit. The unit would be dedicated to  
15 the Burton Flat 3-1 Fed State Com 622H well.  
16 Orientation of the well is laydown west to east and  
17 all setback requirements under statewide Rules are  
18 met.

19 Mr. Bennett's Exhibit A for case 22961  
20 includes his landman Affidavit, the C-102s, an  
21 ownership breakdown, the low proposal letter with  
22 AFEs, and the chronology of contacts reflecting what  
23 Mr. Bennett describes as good faith negotiations and  
24 also reflected in some of the comments made by, for  
25 example, Sabinal counsel.



1 unit. And, I believe, here there -- and it's fully  
2 developed, in the landman Affidavit and also in the  
3 application, that there could be an option to view  
4 those lots and the spacing unit built upon those lots  
5 as being standard. And we accounted for notice on  
6 that. And, if that is the case that we can view  
7 those, that proposed unit, as a standard unit, then  
8 that would be our preference, to go forward with those  
9 being standard -- with that unit being standard.

10 The unit would be dedicated to the  
11 Burton Flat 3-1 Fed State Com 621H well and the 822H  
12 well. Orientation of the wells are laydown west to  
13 east and all setback requirements under the statewide  
14 rules are met. Mr. Bennett's Exhibits A for case  
15 22962 includes his landman Affidavit, the C-102, an  
16 ownership breakdown, the well proposal letter with  
17 AFE, the chronology of contacts showing good faith  
18 negotiations, as described by Mr. Bennett.

19 Mr. Dixon's Exhibit B for this case  
20 includes his geology Affidavit, along with the five  
21 standard geology Exhibits that show good potential for  
22 development, as described in his Affidavit. And,  
23 again, Exhibit C shows proper notice -- proper and  
24 timely notice in all respects.

25 Next, in case 22963, Devon would seek

1 an order establishing a standard 480-acre more or less  
2 spacing unit comprised of Lots 9 through 12 of  
3 Sections 1, 2, and 3 and pooling all uncommitted  
4 interests in the Bone Spring Formation designated as  
5 an oil pool underlying the unit. The unit would be  
6 dedicated to the Burton Flat 3-1 Fed State Com 333H  
7 well. Orientation of the well is laydown west to east  
8 and all setback requirements under statewide rules are  
9 met. Mr. Bennett's Exhibit for case 22963 includes  
10 his landman Affidavit, again the standard suite of  
11 land exhibits, C-102, ownership, well proposal with  
12 AFE, and the chronology of contacts.

13 Mr. Dixon's Exhibit B for this case  
14 includes his geology Affidavit along with the five  
15 standard geology exhibits that show good potential for  
16 development as described in his Affidavit. And,  
17 again, Exhibit C, as described, show timely notice --  
18 timely and effective notice.

19 Finally, in case 22964, Devon would  
20 seek an order establishing a nonstandard, if  
21 necessary, 832 -- 823.92-acre, more or less, spacing  
22 unit comprised of Lots 1 through 8 of Sections 1, 2,  
23 and 3 and pooling all uncommitted interests in the  
24 Bone Spring Formation designated as an oil pool  
25 underlying the unit. And this is another situation,

1 Mr. Brancard, in which we believe that the Division  
2 has authority and the discretion to view this proposed  
3 unit as a standard unit and that's fully explained and  
4 described both in the application and in the landman  
5 Affidavit.

6 And, if it -- we have positioned the  
7 well, that is the Burton Flat 3-1 Fed State Com 332H  
8 well, which is dedicated to the unit, we have  
9 positioned that to function and serve as a proximity  
10 well between the lots, and we would request that that  
11 unit be viewed as standard -- that proposed unit be  
12 viewed as standard, if that's allowable, and the  
13 proximity well come into play.

14 Orientation of the well is laydown west  
15 to east and all setback requirements under statewide  
16 Rules are met. Mr. Bennett's Exhibit A for case 22964  
17 includes his landman Affidavit and the standard suite  
18 of land exhibits: the C-102, an ownership breakdown,  
19 the well proposal letter with an AFE, and the  
20 chronology of contacts showing good faith negotiations  
21 as described by Mr. Bennett.

22 Mr. Dixon's Exhibit B for this case  
23 includes his geology Affidavit along with the five  
24 standard geology exhibits as described in his  
25 Affidavit. And, again, Exhibit C demonstrates timely

1 notice. Letter notice and publication notice. Both  
2 Mr. Bennett and Mr. Dixon believe that approval of the  
3 prior cases would be in the best interests of  
4 conservation, protection, and correlative rights, and  
5 the prevention of waste. But, if approval of those  
6 cases are not available then -- and going forward with  
7 the second set of four cases, we affirm that approval  
8 of the applications in these cases 22961 through  
9 22964, would uphold conservation, protection --  
10 protect correlative rights, and prevent waste in  
11 addition to preventing the drilling of unnecessary  
12 wells.

13 At the time I move that Exhibits A, B,  
14 and C, and all sub exhibits be accepted into the  
15 record for these cases, 22961 through 22964, and that  
16 these cases be taken under advisement. I'm available  
17 for any questions regarding these cases. Thank you.

18 (Devon Energy Production Company, L.P.  
19 Exhibit A, Exhibit B, and Exhibit C  
20 were marked for identification.)

21 HEARING EXAMINER: Thank you. Start  
22 with Mr. Feldewert. Questions or concerns.

23 MR. FELDEWERT: Just I have -- I do  
24 have a couple. And I appreciate the explanation as to  
25 -- with respect to these cases because it took me a

1 while to map everything out. But I'm looking at,  
2 let's see, cases 22961 and 22962 involve Wolfcamp.  
3 Now, when I look at the chronology of contacts --  
4 let's just go to the 22961 -- I think it's Exhibit  
5 A-4, page 36 of the PDF. I see M.R.C. Permian listed  
6 there. Now, when I go to the ownership tract for  
7 these two cases, I don't see M.R.C. as being credited  
8 with ownership in the Wolfcamp. So my question is  
9 does -- are you all showing -- is M.R.C. owning in the  
10 Wolfcamp or is M.R.C. owning only in the Bone Spring?

11 MR. SAVAGE: Mr. Feldewert, I believe  
12 that M.R.C. is owning, and as far as I understand it,  
13 is owning in both formations, but I would have to  
14 confirm that with the client. I'm looking here  
15 through the unit recapitulation.

16 MR. FELDEWERT: Right. So you're  
17 looking at A-2, for example --

18 MR. SAVAGE: Yes. The ownership  
19 recapitulation. I agree with you. I don't see M.R.C.  
20 Permian so perhaps that is the conclusion that their  
21 title arrived at, but we would certainly investigate  
22 and confirm that one way or another.

23 MR. FELDEWERT: Just to put some color  
24 on it, when I look at the ownership breakdown for the  
25 Bone Spring cases, you do have M.R.C. listed in Tract

1 3 as well as in the chronology. But, when I look at  
2 the ownership breakdown for the Wolfcamp cases, you  
3 have M.R.C. in the chronology, but I don't see M.R.C.  
4 as listed in Tract 3 or any of the other tracts.

5 MR. SAVAGE: Yes.

6 MR. FELDEWERT: So that's my question.

7 MR. SAVAGE: And that may be a matter  
8 of trying to utilize that chronology across the board  
9 and reflect the actual ownership.

10 MR. FELDEWERT: Okay.

11 MR. SAVAGE: And I will confirm that.  
12 That should be easily confirmed.

13 MR. FELDEWERT: Okay. All right. I  
14 appreciate that. I think that's all the questions I  
15 had, Mr. Examiner. Thank you.

16 HEARING EXAMINER: Thank you. Mr.  
17 Jones?

18 MR. JONES: Nothing further from  
19 Sabinal.

20 HEARING EXAMINER: Thank you. Ms.  
21 Bennett.

22 MS. BENNETT: No questions. Thank you.  
23 And thanks for the explanation on the tracts.  
24 Appreciate that clarification.

25 HEARING EXAMINER: Okay. Hope

1 everybody understands it. Not sure I do. But Mr.  
2 Rose-Coss?

3 TECHNICAL EXAMINER: Yeah. As another  
4 engineer -- or I'm a geologist so maybe that's why I  
5 understand it less. For the sake of discussion, Mr.  
6 Savage, could you maybe emphasize for me why you  
7 believe or if you believe that the Division's proposal  
8 for handling the lots and the sections is inferior to  
9 the proposal that you presented?

10 MR. SAVAGE: Well I'm not sure if I  
11 would call it necessarily inferior, and I do think  
12 that the Division has a great deal of discretion on  
13 this the way that equivalent is placed in the Rules in  
14 an unqualified way. But I would need to -- you know,  
15 I have not -- I did not research fully the definition  
16 of tract. My presumption was that -- so for, you  
17 know, the building blocks would constitute a discreet  
18 tract. For example, the way we do -- you know with  
19 oil wells, we do quarter-quarter section, 40 acres,  
20 typically in the standard section. With gas wells, we  
21 allow for a larger building block. That would be a  
22 combination of four quarter-quarter sections or the  
23 quarter section, the 160-acre tract. That seemed to  
24 me that being able to combine those 40-acre tracts, if  
25 -- and it looks to me like the Rules do allow, for

1 example, examples where you can combine two  
2 quarter-quarter sections and create, for example, 80-  
3 acre spacing units. And, if I remember right, I'm --  
4 I believe those 80-acre spacing units could form --  
5 contiguously form a horizontal spacing unit, but I'm  
6 not sure about that. But definitely the 160-acre  
7 tracts can form contiguous tracts.

8           And those are basically viewed -- I  
9 view those as a combination of four quarter-quarter  
10 sections. So, when I look at the lots, yes, the lots  
11 are individual tracts but also the building blocks,  
12 they also could be used -- viewed as building blocks  
13 to account for the proper building block within the  
14 correction section. And it looked to me like, in the  
15 Rules, and I have not researched this in detail, but  
16 it looked to me like that that could form a building  
17 block, hence a tract.

18           But it sounds to me like the Division  
19 is making a clear distinction between tracts,  
20 individually, such as a lot or a quarter-quarter  
21 section and the combination of tracts as building  
22 blocks, which in some circumstances it sounds like it  
23 would not be defined as a tract, even though the  
24 quarter section is defined as a tract and it consists  
25 of four quarter-quarter sections of building blocks.

1 But I guess the U.S.G.S. recognizes a quarter section  
2 as a tract, so that may be the distinction.

3 Okay. That said, and you know, if the  
4 -- there's a number of reasons I believe that there's  
5 some advantages to looking at the north half, north  
6 half as the standard unit in the construction of a  
7 horizontal spacing unit. We have 16 lots in the  
8 correction sections for the north half. It seems to  
9 me like, unless there is, like, some kind of approach  
10 or systematic method to address the equivalencies  
11 between a standard section, in which you typically  
12 pool a north half, north half as a standard unit, and  
13 the correction sections where you could possibly pool  
14 the north half, north half as a standard unit. If you  
15 do not, then you have this fragmentation of 16 lots  
16 that risks, you know, being done in a kind of a  
17 piecemeal manner perhaps resulting in more easily --  
18 not necessarily but more easily resulting in stranded  
19 acreage, or gaps, or areas where an applicant decides  
20 not to develop within the north half.

21 So and that's in one respect I think it  
22 would be advantageous to view that. The other issue  
23 is that, you know, it also is more cohesive and, you  
24 know, and like, in the same vein, accounts for the  
25 full development of the north half and all those 16

1 lots more readily and more easily.

2           The other issue seems to me is that,  
3 and I mentioned this kind of just briefly but, when an  
4 applicant does a nonstandard unit, they typically seek  
5 out, intentionally seek out, a deviation from the  
6 standard rectangular shape of the unit. So for  
7 example -- and it could be for a variety of reasons.  
8 Like some areas might not be leasable or, you know,  
9 there's restrictions on certain areas for  
10 environmental purposes. But the applicant would  
11 intentionally seek out, like, a diagonal-shaped unit,  
12 or a trapezoidal-shaped unit, or some irregular shape  
13 like the north half, north half, north half and, in  
14 doing so, you know, they're taking upon themselves the  
15 burdens of a nonstandard unit.

16           In this situation, Devon, as an  
17 applicant and applicants, who are trying to deal with  
18 these correction sections -- and you should note that  
19 the correction sections -- it's not the fault that  
20 they have to deal with the correction sections. The  
21 correction sections are imposed upon the applicants by  
22 the P.L.S.S. And they do that, as I understand, to  
23 account for irregularities, and perhaps curvature of  
24 the surface of the Earth, or perhaps even, you know,  
25 not as refined instruments when it was originally

1 surveyed. A whole variety of reasons for irregular --  
2 for the need for these correction sections. But, you  
3 know, so they're, in good faith, trying to deal with  
4 these correction -- expanded correction sections.  
5 And, in this case, like Devon is trying to conform to  
6 the Rules by doing a substantially rectangular shape  
7 in the north half, north half as they would do in a  
8 standard section.

9           They're trying to develop it with  
10 building blocks that would allow for consistent  
11 production across the board. So in every way it looks  
12 like they are following, in good faith, the efforts to  
13 create a standard unit and it doesn't seem really kind  
14 of fair to -- for an applicant to be subjected to the  
15 burdens of a nonstandard unit under those conditions  
16 when they are able to achieve a substantially  
17 rectangular unit as a standard unit.

18           So, you know, those are some of the  
19 issues. The other thing is -- the last thing I'd like  
20 to say is that, you know, the quarter-quarter section  
21 building block for a horizontal unit -- standard  
22 horizontal unit in a standard section, I mean, that  
23 seems to me to be a convention of convenience. You  
24 know, the empirical data, if you actually looked at it  
25 geologically, may actually show that a 30-acre tract

1 is more efficient and prevents waste better, or a  
2 50-acre tract might prevent waste better. But it  
3 would be so burdensome to follow those kinds of  
4 idiosyncratic units that you'd need some kind of  
5 process. And so the process, it looks like, that has  
6 been adopted is the use of quarter-quarter sections  
7 because they're readily available with the P.L.S.S.

8 In the same way, it looks like a  
9 stacked -- a two stacked -- a two-lot stack of the  
10 lots also lend themselves to a readily available  
11 convention for ensuring that the full north half,  
12 north half of the correction section is developed, the  
13 same way the north half, north half of a standard  
14 section would be developed.

15 So that's kind of a survey of reasons  
16 why we think there's advantages to the first three  
17 cases but, you know, this is, you know, this is --  
18 we're in a situation where the Rules, basically, were  
19 constructed for standard sections and now we have to  
20 deal with or the Division has to deal with these  
21 irregular -- somewhat irregular correction sections.  
22 And, you know, we're hoping that, you know, we can  
23 find a good solution to this. And I appreciate your  
24 efforts.

25 I would like to point out that we would

1 -- Devon would prefer to have those two cases in the  
2 second set of cases that we listed as nonstandard, if  
3 necessary, we would like to have those as standard  
4 cases -- or standard units, if at all possible.

5 And the area that brings up the  
6 greatest issue are those Lots 1 through 4, which are  
7 reduced from a 40-acres section down to a, I think  
8 it's, like, something around 28, 29 acres and some  
9 change. Again we believe that those are kind of, as I  
10 think we described, revised equivalent that the  
11 P.L.S.S. came up with to create those lots. They are  
12 -- we believe they are equivalent to a quarter-quarter  
13 section in that they serve the equivalent -- they have  
14 the equivalent effect and the equivalent function as a  
15 quarter-quarter section and our definition that we  
16 provided of equivalent from the Blacklaw's Dictionary,  
17 it accounts for items to be equivalent even though  
18 they may differ in a variety of qualities, including  
19 acreage. So, if that's helpful to inform the question  
20 or if that created more confusion. I hope it was  
21 helpful.

22 TECHNICAL EXAMINER: No. That was  
23 helpful. And so I appreciate the additions there.  
24 It's sounding a little bit to me like the challenges  
25 or the -- come from, like, burdening the operator and

1 potentially stranding acreage. There isn't a burden  
2 of, like -- or, like, it potentially makes those lots  
3 less valuable. It's not the opposite where there's a  
4 opportunity to maybe take additional resources not --  
5 you know, or have those lots be more valuable one way  
6 or the other. They're kind of -- they're just harder  
7 to work with and it's a burden in the -- is it easier  
8 for the Division to deal with it the way we're  
9 proposing, but it makes the burden on the operator to  
10 get a nonstandard -- they're, like, forced into a  
11 nonstandard spacing; is that what the distinction is?

12 MR. SAVAGE: Well I mean, we're  
13 presenting this from Devon's perspective, obviously,  
14 and there's a lot of factors to consider. And the  
15 Division should consider all the factors. But for an  
16 applicant or an operator, you know, these correction  
17 sections are kind of imposed on them at no fault to  
18 the operator or the applicant. And, you know, when  
19 the applicant makes every effort to maintain  
20 uniformity of a substantially rectangular horizontal  
21 spacing unit under these conditions, which the Rules  
22 did not fully account for, we believe that there  
23 should be some benefit of the doubt given to the  
24 operator.

25 You know, we think that the -- like,

1 for example, the north half, north half, even though  
2 it's an expanded horizontal spacing -- it would create  
3 a little bit of an expanded horizontal spacing unit  
4 for the north half, north half. And a prudent  
5 operator or applicant would do everything it can to  
6 extract the economic benefit regardless. You know, so  
7 if they are allowed to space the north half, north  
8 half as a little bit larger unit, I think that there's  
9 incentive -- there's both incentive for the operator  
10 to develop that to its full capacity and prevent  
11 waste. And there's also provision in the Rules to --  
12 for other working interest owners and participants to,  
13 you know, force the applicant or operator to maximize  
14 the economic potential.

15 So I think there's provisions in the  
16 Rules, infill wells, additional wells, proposing  
17 additional wells, that account for the concerns that  
18 you point out, even though I think those are valid  
19 factors to take into consideration and should be taken  
20 into consideration.

21 TECHNICAL EXAMINER: Okay. Well I'm a  
22 little swimming in the details of this one too, so I  
23 might kick it to Mr. Brancard, because I'm sure he has  
24 at least some comments. So but thank you for your  
25 time, Mr. Savage.

1 MR. SAVAGE: Thank you. Thank you. I  
2 appreciate it.

3 HEARING EXAMINER: Thank you. So, Mr.  
4 Savage, I guess it's up to me now. So looking at your  
5 Exhibits, I was on that unit recapitulation page.

6 MR. SAVAGE: For the Wolfcamp or for  
7 the --

8 HEARING EXAMINER: For, well, all --  
9 any one of them. So I'm looking at page 26. This is  
10 the first of your applications, I think.

11 MR. SAVAGE: Yes.

12 HEARING EXAMINER: But it applies to  
13 all the -- I think it would be helpful if you could --  
14 because not all of these are being pooled. Some of  
15 these are committed.

16 MR. SAVAGE: Right.

17 HEARING EXAMINER: So if you could  
18 just, you know, give us a version of this page that  
19 highlights or whatever what's being pooled.

20 MR. SAVAGE: Yes. That would be  
21 helpful. I agree. That was number --

22 HEARING EXAMINER: You do it on the  
23 individual ones but then we got to -- have to sort of  
24 try to figure out who's really where.

25 MR. SAVAGE: Okay.

1 HEARING EXAMINER: So the unit -- I  
2 mean, that's where I looked to is the unit  
3 recapitulation page because that sort of quickly gets  
4 us to where -- who is actually being pooled here.

5 MR. SAVAGE: Noted. Thank you.

6 HEARING EXAMINER: And I think that's  
7 the only questions I had. I think you did a really  
8 thorough job with all your notice because you had a  
9 lot of people to notice.

10 MR. SAVAGE: We did. We did. I mean,  
11 that was --

12 HEARING EXAMINER: I mean, I see hardly  
13 any undelivered here so ...

14 MR. SAVAGE: Yeah. Very few. We were  
15 glad about that.

16 HEARING EXAMINER: Good job by your  
17 land people there tracking down addresses. All right.  
18 Any other interested persons then? So we're on cases  
19 22961, 962, 963, 964. Any other persons with  
20 comments, suggestions on these cases? Mr. Feldewert?

21 MR. FELDEWERT: I just have -- what are  
22 we doing with the 22958, 22959, and 22960?

23 HEARING EXAMINER: Well I will -- it is  
24 my understanding, from the options that I presented to  
25 Mr. Savage, and he will need to confirm this, that

1 given the choice of coming back with those cases  
2 either as nonstandard or putting some proximity wells  
3 in, his preference appears to be to move forward with  
4 961, 962, 963, and 964 today rather than coming back  
5 later. Is that correct, Mr. Savage?

6 MR. SAVAGE: Mr. Brancard, would it be  
7 possible to put those in a holding pattern and let me  
8 confer with my client regarding the possibility of  
9 proximity wells? Also, would it be appropriate to  
10 allow me to address the tract issue in a very brief  
11 pleading or a very short brief, you know, just for the  
12 record? I assume that your engineers are -- have made  
13 the final decision but perhaps there's some time to  
14 take some things under consideration.

15 HEARING EXAMINER: Well, you know,  
16 unlike many things that rumble around inside our  
17 agency, I feel like this one has gotten a fair amount  
18 of discussion and people are pretty set on the answer  
19 there. I think the result for the operators, you  
20 know, is a fairly flexible situation where any size  
21 lot can be part of a standard horizontal spacing unit.

22 MR. SAVAGE: Okay.

23 HEARING EXAMINER: So we're not putting  
24 any, you know, 70 percent limitation like is in --  
25 71/30, which is in the vertical wells. We're saying

1 any size lot so that gives you a fair amount of  
2 flexibility along with the ability to always use  
3 proximity wells or apply for nonstandard spacing  
4 units.

5 And I will say, you know, you make the  
6 point about nonstandards often being leaving something  
7 out. I'd say, so far, most of our applications for  
8 nonstandard spacing units have been essentially  
9 oversized spacing units. In other words, things that  
10 could've been two standard spacing units, people come  
11 in and say, can I get one big nonstandard spacing unit  
12 because the B.L.M. wants them to combine it or  
13 something.

14 MR. SAVAGE: Okay. Okay.

15 HEARING EXAMINER: So that's not an  
16 unusual request to take two horizontal spacing units  
17 -- standard horizontal spacing units and request that  
18 they become one nonstandard. In a situation with  
19 irregular shapes, that seems to be an easily  
20 justifiable reason for one of those too so ...

21 MR. SAVAGE: Okay, Mr. Brancard, then  
22 let me ask, in case 22964, that's a unit created from  
23 Lots 1 through 8. We have a proximity well in there  
24 in place. Can we ask that the Division, when they  
25 review that particular case, that they recognize that

1 we are wanting that to be a standard unit, and we  
2 provided the rationale for that in the Affidavit?

3 HEARING EXAMINER: Unless something  
4 comes up, Mr. Savage, I think we view all four of the  
5 cases that you presented today as being standard  
6 horizontal spacing units.

7 MR. SAVAGE: Okay. Great. No, then  
8 let's do that. That sounds like a good compromise  
9 from our perspective, and we will -- let's go forward  
10 with cases 22961 through 22964, and we ask that those  
11 be taken under advisement. And, if you are final on  
12 the other and you don't want additional consideration  
13 of any items discussed, then I can dismiss those other  
14 cases.

15 HEARING EXAMINER: That would be great.  
16 I will note though, in comparing those two sets of  
17 cases, that Lots 13 through 16 of the Bone Spring are  
18 not included in the four cases that you went forward  
19 with. They were included in the first three.

20 MR. SAVAGE: That would be correct, I  
21 believe. That is correct.

22 HEARING EXAMINER: So I don't know if  
23 you're going to do another application or what for  
24 that one.

25 MR. SAVAGE: You know, I believe Devon

1 has, you know, some long-term plans for the full  
2 development of that section, and I'll let them --  
3 consult with them to see how they want to go forward  
4 after the pooling of what we presented.

5 HEARING EXAMINER: Okay. So, Mr.  
6 Feldewert, does that clarify matters for you?

7 MR. FELDEWERT: I think what I heard  
8 was 22958, 22951, and 22960 will likely be dismissed.  
9 Is that what I heard?

10 MR. SAVAGE: That would be correct,  
11 from my perspective.

12 MR. FELDEWERT: Okay. Okay.

13 HEARING EXAMINER: Okay. Any other  
14 questions or concerns from any persons on 22961, 962,  
15 963, 964?

16 Hearing none, these cases will be taken  
17 under advisement. We will leave the record open to  
18 revise that one page. Well it's in each of the four  
19 cases so the unit recapitulation page to highlight  
20 which interests are actually being pooled here, to  
21 clarify for the record.

22 Was there anything else that we need,  
23 Mr. Rose-Coss?

24 TECHNICAL EXAMINER: No. No. That  
25 covers it.

1 MR. FELDEWERT: And just so we don't  
2 forget, Mr. Savage, you're going to get back to me on  
3 Matador's Wolfcamp potential interest? Yes or no.

4 MR. SAVAGE: Yes, sir.

5 MR. FELDEWERT: Or what your records  
6 show. Okay. Thanks.

7 MR. SAVAGE: All right.

8 HEARING EXAMINER: Okay. And I  
9 believe, while we're only at item 44, we are actually  
10 done for the day because everything else below that  
11 has been dismissed today. And, if there are no other  
12 burning issues before anyone, and if there are, don't  
13 take it to me. So with that, everyone, have a great  
14 day, and we'll see you all soon.

15 (Whereupon, at 10:45 a.m. M.D.T., the  
16 proceeding was concluded.)

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CERTIFICATE OF DEPOSITION OFFICER

I, MARIAH BRYANT, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



MARIAH BRYANT

Notary Public in and for the  
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, JESSICA MESSERSCHMITT, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



JESSICA MESSERSCHMITT

|  |   |   |   |
|--|---|---|---|
| <b>&amp;</b>   | <b>114</b> 16:22  | <b>19</b> 40:13 45:17   | <b>21994</b> 2:12 23:1                              |
| <b>&amp;</b> 6:6,15 8:11,18<br>10:4  | <b>115</b> 16:22  | 46:5 55:4 65:23   | 23:21   |
| <b>0</b>   | <b>11h</b> 34:12  | 66:8,18 67:3  | <b>21995</b> 2:12 23:1                              |
| <b>001</b> 23:1  | <b>12</b> 30:15 34:4<br>94:2  | <b>1915.16.15b1</b><br>81:16  | <b>22</b> 34:4,16 55:4<br>59:1,8,9                  |
| <b>002</b> 23:1  | <b>1236</b> 34:12   | <b>1915.16.15b1a.</b><br>86:2   | <b>22000</b> 23:1,21                                |
| <b>003</b> 23:1  | <b>1239</b> 8:12,19   | <b>1st</b> 20:24 21:2   | <b>22000-22005</b><br>2:13                          |
| <b>004</b> 23:1  | <b>13</b> 26:25 27:6,14<br>27:19 34:16<br>112:17  | <b>2</b>  | <b>22006</b> 4:7 23:3                               |
| <b>005</b> 23:2,22   | <b>137h</b> 66:2  | <b>2</b> 35:24 36:7,24<br>39:21 40:3<br>55:15 56:8<br>58:25 67:15,21<br>71:24 91:1,12<br>92:23 94:3,22<br>97:17 | <b>22008-22014</b> 4:8                              |
| <b>083</b> 16:22   | <b>13h</b> 66:12  | <b>20</b> 39:1,10 45:19<br>46:6 49:13   | <b>22083</b> 1:20 15:17<br>18:15                    |
| <b>084</b> 16:22   | <b>14</b> 26:22,25 27:6<br>27:14,19   | <b>2022</b> 4:13 40:10<br>40:11,13,13 68:8<br>68:10   | <b>22084</b> 1:20 15:17<br>18:15                    |
| <b>1</b>   | <b>15</b> 40:10 55:3<br>59:8 82:3 87:22   | <b>203-5730</b> 10:8  | <b>22103</b> 1:16 15:17<br>16:22 18:15              |
| <b>1</b> 5:15 9:5 34:4<br>39:21 40:3<br>45:18 46:6<br>55:14 56:8 59:3<br>60:23,24 67:14<br>67:19 80:23<br>91:1,12 92:23,23<br>94:3,22,22 105:6<br>111:23 | <b>151</b> 27:15  | <b>2068</b> 9:14  | <b>22104</b> 1:16 15:17                             |
| <b>1,000</b> 71:20   | <b>152h</b> 27:15,16  | <b>21</b> 34:6,19 38:25<br>39:9 81:11   | <b>22114</b> 1:21 15:18<br>17:8 18:16               |
| <b>1/4</b> 87:12,14  | <b>153</b> 27:2,4   | <b>213h</b> 66:22   | <b>22115</b> 1:21 15:18<br>17:8 18:16               |
| <b>10</b> 50:14 68:10  | <b>154h</b> 27:2  | <b>214</b> 6:7  | <b>22161</b> 18:20 20:5<br>22:1                     |
| <b>10,000</b> 50:6   | <b>155</b> 58:13  | <b>214h</b> 67:7  | <b>22161-22164</b> 2:7                              |
| <b>102</b> 93:15 94:11<br>95:18  | <b>16</b> 18:19 38:25<br>39:9 70:24 82:2<br>86:13 87:24,25<br>88:17,25 101:7<br>101:15,25<br>112:17 | <b>2168</b> 5:5   | <b>22162</b> 18:20                                  |
| <b>102s</b> 46:14 55:16<br>67:15 91:20   | <b>160</b> 88:2 99:23<br>100:6  | <b>21683</b> 1:15 15:17<br>16:22 18:15  | <b>22163</b> 18:20                                  |
| <b>104</b> 16:22 18:15   | <b>162</b> 20:5 22:1  | <b>21685</b> 1:15 15:17   | <b>22164</b> 18:20                                  |
| <b>1048</b> 7:14   | <b>163</b> 20:5 22:1  | <b>21849</b> 2:2 18:19<br>20:4 21:25  | <b>22230</b> 3:11 12:17<br>51:17 53:5<br>54:25 63:1 |
| <b>1056</b> 7:5  | <b>164</b> 20:5 22:1  | <b>21850</b> 2:2 18:19<br>21:25   | <b>22231</b> 3:11 12:18<br>51:17 53:5 63:1          |
| <b>107</b> 58:12   | <b>17</b> 24:3,16   |   | <b>22393</b> 2:3 18:20<br>20:4 21:25                |
| <b>10:45</b> 114:15  | <b>1780</b> 10:5  |   | <b>22394</b> 2:3 18:20<br>21:25                     |
| <b>11</b> 68:8   | <b>1785</b> 83:9  |   | <b>22409</b> 14:14 15:7                             |
| <b>110</b> 5:15 9:5  | <b>18</b> 4:13 65:24<br>66:9,19 67:4<br>72:10   |   |   |

|   |   |  |   |
|---|---|--|---|
| <p><b>22409-22412</b><br/>1:11<br/><b>22410</b> 14:14<br/><b>22411</b> 14:14<br/><b>22412</b> 14:14<br/><b>22571</b> 64:17<br/>65:11,18 67:20<br/>68:13 76:3<br/><b>22571-22574</b><br/>3:19 13:3<br/><b>22572</b> 64:17 66:3<br/>67:20 68:13<br/>76:4<br/><b>22573</b> 64:18<br/>66:13 67:24<br/>68:13 76:4<br/><b>22574</b> 64:18<br/>67:25 68:13<br/>76:4<br/><b>22747</b> 3:2 11:21<br/>12:3 37:10<br/>38:21 40:16<br/>43:8 44:13<br/><b>22748</b> 3:2 11:21<br/>12:3 37:10 39:5<br/>40:16 41:18<br/>42:4 43:8<br/><b>22754</b> 66:23<br/><b>22895</b> 3:7,15<br/>12:10 44:18<br/>45:8,14 50:22<br/><b>22896</b> 3:7,15<br/>12:10 44:18<br/>45:9 46:1 50:23<br/><b>22928</b> 2:23 11:11<br/>32:20 33:21,25<br/>37:3,7</p> | <p><b>22929</b> 2:18 11:5<br/>25:6 26:9,20<br/>28:12 32:12,16<br/><b>22930</b> 2:18 11:5<br/>25:7 26:9 27:9<br/>28:12 32:13,17<br/><b>22951</b> 113:8<br/><b>22958</b> 76:22 78:6<br/>79:14 109:22<br/>113:8<br/><b>22958-22964</b> 4:2<br/><b>22959</b> 76:22<br/>77:23 79:14<br/>109:22<br/><b>22960</b> 76:22<br/>77:23 79:14<br/>109:22 113:8<br/><b>22961</b> 76:22<br/>79:25 90:4 91:9<br/>91:19 92:2 96:8<br/>96:15 97:2,4<br/>109:19 112:10<br/>113:14<br/><b>22961-22964</b><br/>13:14<br/><b>22962</b> 76:22<br/>92:20 93:15<br/>97:2<br/><b>22963</b> 76:23<br/>77:24 93:25<br/>94:9<br/><b>22964</b> 76:23<br/>77:24 80:1<br/>94:19 95:16<br/>96:9,15 111:22<br/>112:10<br/><b>22978</b> 21:1</p> | <p><b>22979</b> 21:1<br/><b>22980</b> 21:1<br/><b>22981</b> 21:2<br/><b>24</b> 24:3,16 65:24<br/>66:9,19 67:5<br/><b>245-2606</b> 7:25<br/><b>25</b> 25:1 26:25<br/>27:1 31:12<br/><b>2523</b> 5:23<br/><b>25e</b> 26:22<br/><b>25s</b> 26:22<br/><b>26</b> 25:1 91:2<br/>108:9<br/><b>26325</b> 116:14<br/><b>264-8740</b> 9:25<br/><b>27</b> 32:20 59:9<br/>91:2<br/><b>28</b> 37:10 105:8<br/><b>28/28</b> 11:6,7<br/><b>281</b> 10:8<br/><b>28372</b> 115:17<br/><b>29</b> 37:10 40:10<br/>40:13 105:8</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>3</b> 39:21 40:4<br/>46:17,21,24 51:7<br/>55:17 56:11<br/>67:15,22 91:1,12<br/>92:23 94:3,23<br/>98:1,4<br/><b>3-1</b> 91:15 93:11<br/>94:6 95:7<br/><b>30</b> 44:17 65:22<br/>66:7,17 67:2<br/>72:8 103:25<br/><b>303</b> 6:19</p> | <p><b>31</b> 44:18 54:25<br/>72:8<br/><b>32</b> 34:4,6,16,19<br/>45:18,19 46:5,6<br/>51:16<br/><b>320</b> 38:24 39:8<br/>55:2 65:20 66:6<br/>66:16 67:1 88:2<br/><b>33</b> 39:1,10 51:16<br/>55:4<br/><b>330</b> 27:4,17<br/><b>332h</b> 95:7<br/><b>333h</b> 94:6<br/><b>33813</b> 66:15,25<br/><b>34</b> 64:11<br/><b>342.92</b> 92:22<br/><b>35/35</b> 11:12,13<br/>11:14,15,16,17<br/><b>36</b> 34:6,19 45:17<br/>46:4 65:25<br/>66:10,20 67:5<br/>97:5<br/><b>37</b> 64:11<br/><b>38</b> 76:18<br/><b>385-4401</b> 6:10<br/><b>394</b> 20:4<br/><b>3rd</b> 21:10,14<br/>22:14,22</p> <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p><b>4</b> 39:22 55:19<br/>56:12 61:15<br/>64:1 67:16,25<br/>92:17,23 97:5<br/>105:6<br/><b>40</b> 86:14,17<br/>87:21 88:1 89:6<br/>99:19,24 105:7</p> |
|---|---|--|---|

|  |   |  |  |
|--|---|--|--|
| <p><b>40/40</b> 11:22,23<br/>11:24,25 12:5,6<br/><b>403h</b> 39:3<br/><b>404h</b> 39:12<br/><b>407-4458</b> 6:19<br/><b>410</b> 15:7<br/><b>411</b> 15:7<br/><b>412</b> 15:7<br/><b>44</b> 114:9<br/><b>45</b> 24:4,16<br/><b>4508</b> 8:5<br/><b>47/47</b> 12:11,12<br/>12:13<br/><b>480</b> 34:8 94:1</p>  | <p><b>574</b> 65:12</p>   | <p><b>8,000</b> 50:8<br/><b>80</b> 91:10 100:2,4<br/><b>80401</b> 7:23<br/><b>82</b> 69:7 70:8<br/><b>822h</b> 93:11<br/><b>823.92</b> 94:21<br/><b>832</b> 94:21<br/><b>848-1834</b> 5:8<br/><b>850</b> 20:4<br/><b>87103</b> 5:6<br/><b>87501</b> 5:16 6:8<br/>7:15 8:13,20 9:6<br/><b>87504</b> 5:24 7:6<br/>9:15<br/><b>87505</b> 6:17<br/><b>8:17</b> 4:14</p>                                    | <p><b>964</b> 78:7 82:25<br/>90:5 109:19<br/>110:4 113:15<br/><b>970</b> 6:10<br/><b>97088</b> 65:20 66:5<br/><b>982-2043</b> 7:8<br/><b>982-4554</b> 9:17<br/><b>982-9523</b> 8:22<br/><b>98372</b> 26:22<br/><b>988-4421</b> 5:18<br/><b>989-7278</b> 8:15<br/><b>990</b> 9:22<br/><b>995</b> 23:21</p>  |
| <p><b>5</b></p>  | <p><b>6</b></p>   | <p><b>9</b></p>  | <p><b>a</b></p>  |
| <p><b>5</b> 28:11 39:23<br/>55:22 67:17<br/>68:1 91:11<br/><b>50</b> 104:2<br/><b>500</b> 6:16<br/><b>501h</b> 55:2<br/><b>502h</b> 55:5<br/><b>504h</b> 39:3<br/><b>505</b> 5:8,18 7:8,17<br/>8:15,22 9:8,17<br/>9:25<br/><b>505h</b> 39:12<br/><b>51683</b> 34:14<br/><b>52</b> 24:4,17<br/><b>523</b> 7:22<br/><b>5376524</b> 4:20<br/><b>56</b> 14:11<br/><b>57/57</b> 12:19,20<br/>12:21,22,23,24<br/><b>572</b> 65:12<br/><b>573</b> 65:12</p> | <p><b>6</b> 28:3 39:24<br/>55:24<br/><b>601h</b> 46:7<br/><b>602h</b> 46:7,9<br/><b>603h</b> 39:3 46:7<br/><b>604h</b> 39:12<br/>45:20<br/><b>605h</b> 45:20,22<br/><b>606h</b> 45:21<br/><b>621h</b> 93:11<br/><b>622h</b> 91:15<br/><b>640</b> 26:23 27:12<br/>45:15 46:3 88:2<br/><b>68</b> 69:7 70:8<br/><b>68/68</b> 13:4,5,6,7<br/>13:8,9<br/><b>685</b> 16:22 18:15<br/><b>6th</b> 17:25 18:12</p> | <p><b>9</b> 18:18 94:2<br/><b>9,510</b> 34:20<br/><b>954-7286</b> 9:8<br/><b>958</b> 82:25 83:23<br/><b>959</b> 78:6 82:25<br/>83:23<br/><b>96/96</b> 13:15,16<br/>13:17<br/><b>960</b> 78:6 82:25<br/>83:23<br/><b>961</b> 78:7 82:25<br/>110:4<br/><b>962</b> 78:7 82:25<br/>90:4 109:19<br/>110:4 113:14<br/><b>963</b> 78:7 82:25<br/>90:5 109:19<br/>110:4 113:15<br/><b>96399</b> 38:23 39:7</p> | <p><b>a.m.</b> 4:14 114:15<br/><b>abadie</b> 6:6 16:8<br/>23:17 77:1<br/>90:14<br/><b>abadieschill.co...</b><br/>6:9<br/><b>ability</b> 111:2<br/>115:10 116:7<br/><b>able</b> 38:12 56:2<br/>99:24 103:16<br/><b>absolutely</b> 54:16<br/>62:16<br/><b>abundance</b><br/>31:19 47:12<br/><b>accepted</b> 39:19<br/>40:16 55:14<br/>56:8 67:13 91:5<br/>91:7 96:14<br/><b>accommodate</b><br/>43:17<br/><b>account</b> 92:14<br/>100:13 102:23<br/>106:22 107:17</p> |
| <p><b>7</b></p>  | <p><b>7</b></p>   | <p><b>8</b></p>  | <p><b>8</b></p>  |
| <p><b>7</b> 28:6,11 55:25<br/>72:10<br/><b>7,000</b> 50:8<br/><b>70</b> 110:24<br/><b>71/30</b> 110:25<br/><b>720</b> 7:25<br/><b>73118</b> 8:6<br/><b>748</b> 44:14<br/><b>750</b> 10:5<br/><b>77024</b> 9:23<br/><b>77380</b> 10:6<br/><b>780-8000</b> 7:17</p>  | <p><b>8</b> 80:23 91:11<br/>94:22 111:23</p>  | <p><b>8</b></p>  | <p><b>8</b></p>  |

[accounted - amount]

|   |  |   |  |
|---|--|---|--|
| <p><b>accounted</b> 93:5<br/> <b>accounts</b> 101:24<br/> 105:17<br/> <b>accurate</b> 115:9<br/> 116:5<br/> <b>achieve</b> 103:16<br/> <b>acre</b> 26:23 27:12<br/> 34:8 38:24 39:8<br/> 45:15 46:3 55:2<br/> 65:20 66:6,16<br/> 67:1 87:21 88:1<br/> 91:10 92:22<br/> 94:1,21 99:23,24<br/> 100:3,4,6 103:25<br/> 104:2<br/> <b>acreage</b> 27:7,20<br/> 27:20 89:8<br/> 101:19 105:19<br/> 106:1<br/> <b>acres</b> 86:15,16<br/> 86:17 88:2,2,2<br/> 89:6 99:19<br/> 105:7,8<br/> <b>acrobat</b> 30:20<br/> <b>action</b> 62:1<br/> 115:12,16 116:8<br/> 116:12<br/> <b>actual</b> 14:25<br/> 25:1 62:5 70:4<br/> 98:9<br/> <b>adam</b> 10:11<br/> <b>add</b> 18:16 62:23<br/> <b>added</b> 15:18<br/> 17:8 22:5<br/> <b>addition</b> 96:11<br/> <b>additional</b> 44:15<br/> 49:15 51:3<br/> 106:4 107:16,17</p> | <p>112:12<br/> <b>additions</b> 105:23<br/> <b>address</b> 77:5<br/> 84:25 101:10<br/> 110:10<br/> <b>addressed</b> 29:3<br/> 49:2<br/> <b>addresses</b><br/> 109:17<br/> <b>addressing</b> 49:5<br/> 89:22<br/> <b>adjust</b> 29:18<br/> <b>adjustments</b><br/> 74:20<br/> <b>administrative</b><br/> 70:24 82:16<br/> <b>admitted</b> 28:11<br/> 32:16 35:6 37:6<br/> 43:11 47:15<br/> 51:1 57:1 63:4<br/> 68:12 76:6<br/> <b>adobe</b> 30:20<br/> <b>adopted</b> 62:12<br/> 104:6<br/> <b>advantageous</b><br/> 101:22<br/> <b>advantages</b><br/> 101:5 104:16<br/> <b>advisement</b><br/> 28:13 32:17<br/> 35:7 37:7 40:17<br/> 43:12 44:14<br/> 47:16 51:2 57:2<br/> 63:10,22 68:14<br/> 75:23 76:7<br/> 96:16 112:11<br/> 113:17</p> | <p><b>afe</b> 93:17 94:12<br/> 95:19<br/> <b>afes</b> 39:24 55:24<br/> 67:17 91:22<br/> <b>affidavit</b> 11:6,7<br/> 11:14,15,16,17<br/> 11:24,25 12:6,11<br/> 12:12,13,21,22<br/> 12:23,24 13:6,7<br/> 13:8,9,15,16,17<br/> 26:2 28:7 33:16<br/> 33:18 34:24<br/> 35:1,3 39:16,20<br/> 40:2,11 45:4<br/> 46:11,12 47:6<br/> 52:4,15,22 55:12<br/> 56:5,13 65:6,9<br/> 67:9,13,18 68:7<br/> 68:9 69:13<br/> 78:11,17 79:1<br/> 90:18 91:20<br/> 92:2,5,6 93:2,15<br/> 93:20,22 94:10<br/> 94:14,16 95:5,17<br/> 95:23,25 112:2<br/> <b>affidavits</b> 26:6<br/> 35:6 55:10<br/> 56:20,23<br/> <b>affirm</b> 96:7<br/> <b>affirmed</b> 40:9<br/> <b>affirming</b> 35:3<br/> <b>afternoon</b> 32:10<br/> <b>agency</b> 110:17<br/> <b>agenda</b> 24:20<br/> <b>ago</b> 53:17<br/> <b>agree</b> 17:15<br/> 20:19 21:5<br/> 71:11 97:19</p> | <p>108:21<br/> <b>agreed</b> 59:11,13<br/> 59:19 60:8<br/> <b>agreeing</b> 29:14<br/> <b>agreement</b> 38:11<br/> 59:5 79:7<br/> <b>ahead</b> 26:2,6<br/> 42:2<br/> <b>aimee</b> 38:1<br/> <b>alana</b> 10:18<br/> <b>albrecht</b> 46:11<br/> 46:13<br/> <b>albuquerque</b> 5:6<br/> 56:25<br/> <b>allar</b> 35:25 36:25<br/> <b>allow</b> 27:6,19<br/> 38:18 86:10<br/> 99:21,25 103:10<br/> 110:10<br/> <b>allowable</b> 95:12<br/> <b>allowed</b> 87:24<br/> 107:7<br/> <b>allows</b> 26:16<br/> <b>alternative</b><br/> 79:24 80:2 84:7<br/> 84:12<br/> <b>alternatives</b><br/> 79:12 90:19<br/> <b>ambiguous</b><br/> 81:24<br/> <b>amend</b> 22:3,7<br/> 73:24 75:18,25<br/> <b>amended</b> 73:19<br/> <b>america</b> 83:11<br/> <b>amount</b> 85:25<br/> 86:20 110:17<br/> 111:1</p> |
|---|--|---|--|

[analogous - b]

|  |  |  |   |
|--|--|--|---|
| <p><b>analogous</b> 80:25<br/> <b>analysis</b> 89:10<br/> <b>andrew</b> 8:3<br/> 10:21 25:10,15<br/> 39:17 67:11<br/> <b>andy</b> 91:3<br/> <b>animated</b> 60:2<br/> <b>announcements</b><br/> 14:6<br/> <b>answer</b> 72:3<br/> 110:18<br/> <b>anticipated</b><br/> 58:21<br/> <b>anticipating</b><br/> 56:15<br/> <b>anymore</b> 64:10<br/> 73:16<br/> <b>anyway</b> 73:24<br/> <b>aol.com</b> 7:7<br/> <b>apache</b> 5:2 19:17<br/> 19:21<br/> <b>apds</b> 41:10<br/> <b>apologies</b> 14:22<br/> <b>apologize</b> 14:17<br/> <b>appear</b> 35:24<br/> <b>appearance</b> 19:3<br/> 19:16 33:20<br/> 44:23 45:8<br/> 51:23 52:8 53:4<br/> <b>appearances</b><br/> 16:21 20:4<br/> <b>appearing</b> 18:24<br/> 77:1 90:14<br/> <b>appears</b> 41:5<br/> 69:3 72:22<br/> 110:3<br/> <b>applicant</b> 37:14<br/> 64:22 89:12</p> | <p>101:19 102:4,10<br/> 102:17 103:14<br/> 106:16,18,19<br/> 107:5,13<br/> <b>applicants</b><br/> 102:17,21<br/> <b>application</b> 1:10<br/> 1:14,19 2:1,6,11<br/> 2:17,22 3:1,6,10<br/> 3:14,18 4:1,6<br/> 11:13,23 34:23<br/> 48:5 49:11 55:9<br/> 74:7,13,19,24<br/> 85:7 86:1 93:3<br/> 95:4 112:23<br/> <b>applications</b><br/> 12:20 13:5<br/> 26:17 28:8<br/> 54:25 55:11<br/> 58:25 70:4 74:6<br/> 79:24 84:19<br/> 96:8 108:10<br/> 111:7<br/> <b>applies</b> 92:17,19<br/> 108:12<br/> <b>apply</b> 83:25<br/> 111:3<br/> <b>applying</b> 83:16<br/> <b>appreciate</b> 58:11<br/> 60:15 85:11<br/> 96:24 98:14,24<br/> 104:23 105:23<br/> 108:2<br/> <b>approach</b> 77:6<br/> 79:15,20 89:22<br/> 101:9<br/> <b>appropriate</b><br/> 77:7 85:20</p> | <p>110:9<br/> <b>approval</b> 96:2,5<br/> 96:7<br/> <b>approximately</b><br/> 34:8,20<br/> <b>april</b> 40:10,12<br/> 42:20,22<br/> <b>area</b> 29:10,11,16<br/> 29:16 36:15<br/> 48:15 50:17<br/> 56:17 58:21,23<br/> 60:7,21,22,25<br/> 69:6 72:13<br/> 105:5<br/> <b>areas</b> 60:6<br/> 101:19 102:8,9<br/> <b>argument</b> 80:5<br/> 84:23<br/> <b>arises</b> 58:20<br/> <b>arranged</b> 30:10<br/> <b>arrangement</b><br/> 59:11,17<br/> <b>arrangements</b><br/> 60:9<br/> <b>arrived</b> 97:21<br/> <b>aside</b> 49:9<br/> <b>asked</b> 17:18 49:4<br/> <b>asking</b> 69:23<br/> <b>asks</b> 86:24<br/> <b>aspect</b> 84:25<br/> <b>assent</b> 38:18<br/> <b>assessor</b> 59:10<br/> <b>assignees</b> 72:25<br/> <b>associated</b> 49:19<br/> <b>assume</b> 110:12<br/> <b>assuming</b> 22:10<br/> <b>asterisk</b> 72:21</p> | <p><b>attached</b> 74:7,13<br/> <b>attachment</b><br/> 74:23<br/> <b>attempting</b><br/> 89:14<br/> <b>attorney</b> 115:14<br/> 116:10<br/> <b>audible</b> 16:23<br/> 20:6 23:23 25:8<br/> 32:14 37:4 43:9<br/> 45:10 50:24<br/> 63:2 65:13 78:8<br/> <b>audio</b> 115:8<br/> 116:4<br/> <b>august</b> 4:13<br/> <b>authority</b> 95:2<br/> <b>availability</b><br/> 49:19,20<br/> <b>available</b> 72:10<br/> 85:3 96:6,16<br/> 104:7,10<br/> <b>avant</b> 3:6,14<br/> 9:10 12:10<br/> 44:18,21 45:14<br/> 45:19 46:1<br/> 47:17 48:6<br/> 49:24<br/> <b>avenue</b> 6:16<br/> <b>aware</b> 36:13<br/> 59:16 69:5<br/> 73:11 85:7<br/> <b>axis</b> 36:9,14<br/> <b>axis's</b> 36:17<br/> <b>aztec</b> 29:12</p> |
|  |  |  | <b>b</b>  |
|  |  |  | <p><b>b</b> 11:3,7,13,23<br/> 12:1,12,20 13:1</p>   |

[b - bruce]

|  |  |   |  |
|--|--|---|--|
| <p>13:5,16 28:1,11<br/> 28:11,15 34:23<br/> 35:9 40:20<br/> 47:18 55:10<br/> 57:4 68:16 92:1<br/> 93:19 94:13<br/> 95:22 96:13,19<br/> <b>b.l.m.</b> 36:14<br/> 41:13 83:6<br/> 111:12<br/> <b> Baca</b> 10:13<br/> <b>back</b> 15:15 23:9<br/> 47:10 53:6<br/> 73:18 75:18<br/> 78:2,23 84:13<br/> 110:1,4 114:2<br/> <b>barrel</b> 47:5<br/> <b>base</b> 85:14,15<br/> <b>based</b> 15:5 69:2<br/> 80:22 86:23<br/> 90:20<br/> <b>bases</b> 31:22<br/> <b>basic</b> 88:11<br/> <b>basically</b> 59:3<br/> 82:11 100:8<br/> 104:18<br/> <b>basin</b> 71:16<br/> <b>basis</b> 84:24<br/> 85:19<br/> <b>batch</b> 22:25<br/> <b>beatty</b> 6:15<br/> 16:13 19:10<br/> 23:12 25:23<br/> 54:20<br/> <b>beginning</b> 15:15<br/> 60:5<br/> <b>behalf</b> 5:2,10,20<br/> 6:2,12 7:2,10,19</p> | <p>8:2,9 9:2,10,19<br/> 10:2 14:16<br/> 15:23 16:8<br/> 18:24 19:3,16,21<br/> 20:23 37:13<br/> 44:21,25 52:20<br/> 53:1 64:21 77:2<br/> 77:17,22 90:15<br/> <b>believe</b> 16:1<br/> 18:18 23:25<br/> 24:16 26:10<br/> 29:9,13 31:11,13<br/> 32:21 35:16,19<br/> 37:21 49:8 51:6<br/> 53:16 69:15<br/> 70:23 72:7 73:4<br/> 76:17 78:12,15<br/> 80:12 87:1 88:7<br/> 89:11 93:1 95:1<br/> 96:2 97:11 99:7<br/> 99:7 100:4<br/> 101:4 105:9,12<br/> 106:22 112:21<br/> 112:25 114:9<br/> <b>believes</b> 79:13<br/> <b>bells</b> 45:24<br/> <b>belt</b> 31:21<br/> <b>beneficial</b> 84:22<br/> <b>benefit</b> 84:21<br/> 106:23 107:6<br/> <b>bennett</b> 5:3<br/> 14:15,16,22 15:9<br/> 15:13 19:19,20<br/> 21:19,20 77:21<br/> 77:22 78:3,10,12<br/> 78:18 91:3,23<br/> 93:18 95:21<br/> 96:2 98:21,22</p> | <p><b>bennett's</b> 91:19<br/> 93:14 94:9<br/> 95:16<br/> <b>best</b> 60:11 96:3<br/> 115:10 116:6<br/> <b>bet</b> 60:19,22<br/> <b>better</b> 41:16<br/> 104:1,2<br/> <b>beyond</b> 88:1<br/> <b>big</b> 48:23 70:13<br/> 111:11<br/> <b>bill</b> 4:15 14:2<br/> <b>bit</b> 29:4 31:2<br/> 105:24 107:3,8<br/> <b>blacklaw's</b> 86:18<br/> 105:16<br/> <b>blake</b> 10:3 77:17<br/> <b>blake.jones</b> 10:7<br/> <b>block</b> 80:24 87:7<br/> 87:11,17 88:6,11<br/> 89:7,8 99:21<br/> 100:13,17<br/> 103:21<br/> <b>blocks</b> 80:17,18<br/> 80:22 87:1<br/> 99:17 100:11,12<br/> 100:22,25<br/> 103:10<br/> <b>board</b> 84:13<br/> 98:8 103:11<br/> <b>bone</b> 26:19,22,23<br/> 27:11 29:10,16<br/> 29:22,24 30:5<br/> 34:1,13 38:22<br/> 39:6 45:16 46:2<br/> 55:1 56:9 58:25<br/> 65:19 66:4<br/> 67:22,23 94:4,24</p> | <p>97:10,25 112:17<br/> <b>bore</b> 43:16<br/> <b>bottom</b> 34:17<br/> <b>boulevard</b> 8:5<br/> 9:22 10:5<br/> <b>boundary</b> 61:2<br/> <b>box</b> 5:5,23 7:5<br/> 9:14<br/> <b>boxes</b> 30:17<br/> <b>bradfute</b> 9:20<br/> 44:24,25 45:4,5<br/> 47:21,23 48:3<br/> <b>brancard</b> 4:15<br/> 14:2 36:4 44:1<br/> 49:8 50:1 54:22<br/> 61:13 65:7<br/> 69:22 71:8 80:9<br/> 84:5 85:23<br/> 88:20 89:10<br/> 95:1 107:23<br/> 110:6 111:21<br/> <b>brancard's</b> 70:1<br/> <b>brandt</b> 8:3,7<br/> <b>break</b> 14:13<br/> 76:13<br/> <b>breakdown</b><br/> 91:21 93:16<br/> 95:18 97:24<br/> 98:2<br/> <b>brett</b> 10:20<br/> <b>brief</b> 85:12<br/> 110:10,11<br/> <b>briefly</b> 102:3<br/> <b>brings</b> 105:5<br/> <b>brought</b> 83:2,8<br/> <b>brown</b> 60:24,25<br/> <b>bruce</b> 7:4 19:2,2<br/> 20:8,9,19 21:11</p> |
|--|--|---|--|

[bruce - cases]

|   |  |   |   |
|---|--|---|---|
| <p>21:13 23:5,5,25<br/> 24:2,9,17,18,21<br/> 24:24 52:12,12<br/> 57:13,14 63:12<br/> <b>bruce's</b> 21:6<br/> <b>bryant</b> 4:19<br/> 115:2,18<br/> <b>building</b> 14:7<br/> 79:15 80:17,18<br/> 80:22,24 87:1,7<br/> 87:11,17 88:6,8<br/> 88:11,18 89:2,7<br/> 89:8 99:17,21<br/> 100:11,12,13,16<br/> 100:21,25<br/> 103:10,21<br/> <b>built</b> 93:4<br/> <b>bumped</b> 20:15<br/> <b>bunch</b> 30:15,16<br/> <b>burden</b> 106:1,7<br/> 106:9<br/> <b>burdening</b><br/> 105:25<br/> <b>burdens</b> 102:15<br/> 103:15<br/> <b>burdensome</b><br/> 104:3<br/> <b>bureau</b> 83:3<br/> <b>burlington</b> 7:11<br/> 37:19 64:24<br/> 65:2<br/> <b>burning</b> 114:12<br/> <b>burton</b> 91:15<br/> 93:11 94:6 95:7<br/> <b>bwenergylaw....</b><br/> 6:18</p> | <p style="text-align: center;"><b>c</b></p> <p><b>c</b> 5:1 6:1,5 7:1<br/> 8:1 9:1 10:1,3<br/> 11:14,24 12:13<br/> 12:21 13:6,17<br/> 14:1 34:15,24<br/> 35:10,24 36:7,24<br/> 39:20,21,21,21<br/> 39:22,23,24<br/> 40:20 46:14<br/> 47:18 55:11,14<br/> 55:15,16,17,19<br/> 55:22,24,25 57:4<br/> 61:15 64:1<br/> 67:14,14,15,15<br/> 67:15,16,17<br/> 68:16 70:25<br/> 91:20 92:6,16,19<br/> 93:15,23 94:11<br/> 94:17 95:18,25<br/> 96:14,19<br/> <b>c.o.g.</b> 7:10 19:23<br/> 19:25 33:12,14<br/> 33:15 35:16<br/> 52:5,7 57:8<br/> 63:16<br/> <b>c1</b> 34:25<br/> <b>c102s</b> 30:14<br/> 39:21<br/> <b>c4</b> 34:25<br/> <b>call</b> 15:16 23:3<br/> 32:20 38:3<br/> 76:20,22 88:22<br/> 99:11<br/> <b>called</b> 1:6 14:18<br/> <b>calm</b> 84:25<br/> <b>capacity</b> 107:10</p> | <p><b>capitan</b> 41:6<br/> <b>capture</b> 88:13<br/> <b>cards</b> 47:10<br/> 56:22 62:10,11<br/> <b>carlsbad</b> 56:25<br/> <b>case</b> 1:10,14,19<br/> 2:1,6,11,17,22<br/> 3:1,6,10,14,18<br/> 4:1,6 11:5,11,21<br/> 12:3,10,17 13:3<br/> 13:13 15:18<br/> 18:16,19 26:1,6<br/> 26:20 27:9<br/> 28:12 29:18<br/> 32:20 33:16,18<br/> 33:20,25 35:7<br/> 36:17,19,22 37:2<br/> 37:6,23,24 38:6<br/> 38:18,19,21 39:5<br/> 40:16 41:12,18<br/> 42:4 44:6,13<br/> 45:13 46:1 47:8<br/> 49:5,22 51:25<br/> 53:14 54:13,15<br/> 54:18,25 57:24<br/> 58:10 60:17<br/> 63:6,8,10,22<br/> 65:4,5,8,18 66:3<br/> 66:13,23 67:20<br/> 67:24 68:13<br/> 70:17 71:8 74:6<br/> 75:9,17 80:12<br/> 82:7 91:9,19<br/> 92:2,20 93:6,14<br/> 93:19,25 94:9,13<br/> 94:19 95:16,22<br/> 103:5 111:22,25</p> | <p><b>cases</b> 14:11,12<br/> 14:13,25 15:6,7<br/> 15:11,16,16,18<br/> 16:5,21 18:14<br/> 19:3 20:4,22,23<br/> 20:25 21:1,4,5<br/> 21:12,24,25 22:1<br/> 22:3,4,18,21,25<br/> 23:1,2,6,21 24:3<br/> 24:4,7 25:1,6<br/> 26:9,14,18 27:23<br/> 32:12 37:10<br/> 38:13 39:14<br/> 40:5 41:14 43:7<br/> 43:12 44:18<br/> 45:3,8 46:10,17<br/> 47:15 49:16<br/> 50:14,22 51:2,17<br/> 52:4 53:5 54:1<br/> 54:23 60:16,18<br/> 60:20 63:1 64:9<br/> 64:17 65:11,17<br/> 67:8 68:3 75:3<br/> 75:22 76:3,6,17<br/> 76:22 77:23,25<br/> 78:6,11,16,20,25<br/> 79:11,14,17,25<br/> 80:5,11,15,16,19<br/> 82:23 84:2,9,24<br/> 85:19,20 90:4,8<br/> 90:13,16,19,23<br/> 90:25 91:3<br/> 92:18,19 96:3,6<br/> 96:7,8,15,16,17<br/> 96:25 97:2,7,25<br/> 98:2 104:17<br/> 105:1,2,4 109:18<br/> 109:20 110:1</p> |
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[cases - comprehensive]

|   |   |  |   |
|---|---|--|---|
| <p>112:5,10,14,17<br/>112:18 113:16<br/>113:19<br/><b>caution</b> 31:19<br/>47:12<br/><b>celeste</b> 38:2<br/><b>cement</b> 42:11<br/><b>certain</b> 59:12,20<br/>60:8,9,10 102:9<br/><b>certainly</b> 30:22<br/>50:20 62:23<br/>97:21<br/><b>certificate</b> 115:1<br/>116:1<br/><b>certified</b> 28:6<br/><b>certify</b> 115:4<br/>116:2<br/><b>cetera</b> 22:18<br/>23:22<br/><b>challenge</b> 60:19<br/><b>challenges</b> 31:9<br/>48:16 105:24<br/><b>change</b> 29:5<br/>48:25 105:9<br/><b>changed</b> 35:21<br/><b>chart</b> 47:6<br/><b>check</b> 18:2 31:1<br/>76:12 78:24<br/><b>checked</b> 22:13<br/><b>checklist</b> 11:12<br/>12:19 13:4<br/>27:24 32:7,7<br/>34:23 49:10,11<br/>55:9,10<br/><b>checklists</b> 11:22<br/>39:15 67:9<br/><b>chevron</b> 1:10 5:2<br/>14:14,16 35:24</p> | <p>36:24 77:20,22<br/>77:25 78:10,12<br/>78:15<br/><b>chisholm</b> 2:1<br/>5:11 18:21,24<br/>20:22,25 21:5<br/>59:10,12,13,16<br/><b>choice</b> 110:1<br/><b>chronology</b><br/>39:25 46:15<br/>55:25 58:12<br/>67:17 91:22<br/>93:17 94:12<br/>95:20 97:3 98:1<br/>98:3,8<br/><b>chunk</b> 76:17<br/><b>cimarex</b> 6:2 16:5<br/>16:9 18:3<br/><b>circumstances</b><br/>100:22<br/><b>city</b> 8:6<br/><b>clarification</b><br/>41:16,22 69:20<br/>73:13,21 74:1<br/>75:24 81:9<br/>98:24<br/><b>clarify</b> 60:4<br/>113:6,21<br/><b>classen</b> 8:5<br/><b>clear</b> 46:25<br/>59:24 100:19<br/><b>clearly</b> 14:5<br/>87:18<br/><b>client</b> 17:2 65:4<br/>73:18 97:14<br/>110:8<br/><b>clients</b> 49:17</p> | <p><b>close</b> 20:11 70:9<br/>86:17<br/><b>code</b> 26:15,22<br/>29:4,18 34:14<br/>38:23 39:7<br/>65:19 66:5,15,25<br/><b>cohesive</b> 101:23<br/><b>cold</b> 27:2,3,15,16<br/><b>colleagues</b> 74:20<br/><b>color</b> 97:23<br/><b>colorado</b> 7:23<br/><b>colors</b> 60:2<br/><b>com</b> 27:2,3,15,16<br/>34:12 39:3,12<br/>45:24 55:2 66:2<br/>66:12,22 67:7<br/>91:15 93:11<br/>94:6 95:7<br/><b>combination</b><br/>99:22 100:9,21<br/><b>combine</b> 82:10<br/>99:24 100:1<br/>111:12<br/><b>combined</b> 89:7<br/><b>combining</b> 82:2<br/>90:5<br/><b>come</b> 38:11 41:8<br/>73:18,24 75:18<br/>95:13 105:25<br/>111:10<br/><b>comes</b> 112:4<br/><b>coming</b> 36:19<br/>42:8 49:15,23<br/>58:10 61:10<br/>110:1,4<br/><b>commented</b><br/>69:10</p> | <p><b>comments</b> 91:24<br/>107:24 109:20<br/><b>committed</b> 55:1<br/>55:2 108:15<br/><b>common</b> 41:18<br/>42:4,8<br/><b>communications</b><br/>73:7<br/><b>companies</b> 58:22<br/>58:23 59:18,19<br/>60:6,8,9,10<br/><b>company</b> 1:15<br/>2:7,12 3:2,19<br/>4:2,7 5:10,12<br/>6:3 7:3 9:2<br/>11:21 12:3 13:3<br/>13:13 15:20,24<br/>19:1 23:4,15,18<br/>37:14 40:19<br/>49:18,20 64:22<br/>68:15 69:2<br/>76:23 77:2,10<br/>90:15 96:18<br/><b>comparing</b><br/>112:16<br/><b>compensate</b><br/>48:18<br/><b>compensated</b><br/>49:2<br/><b>competing</b> 24:7<br/><b>complete</b> 85:25<br/><b>completed</b> 27:3<br/>27:16 42:7<br/>81:21<br/><b>complicated</b><br/>54:4 60:1 61:2<br/><b>comprehensive</b><br/>84:21</p> |
|---|---|--|---|

[comprise - copies]

|  |  |   |  |
|--|--|---|--|
| <p><b>comprise</b> 81:18<br/>86:5<br/><b>comprised</b> 26:24<br/>27:13 38:24<br/>39:8 46:4 65:21<br/>66:6,16 67:1<br/>91:11 92:23<br/>94:2,22<br/><b>compromise</b><br/>112:8<br/><b>compulsory</b> 1:11<br/>1:16,21 2:3,7,13<br/>2:19,23 3:3,7,11<br/>3:15,20 4:3,8<br/>11:12,22 12:19<br/>13:4 27:24<br/>39:15 67:9<br/><b>conceptual</b><br/>84:23 85:18<br/><b>concern</b> 70:16<br/><b>concerned</b> 60:12<br/>69:23 73:15<br/><b>concerns</b> 28:18<br/>28:21,22 47:22<br/>50:22 57:9<br/>68:20 96:22<br/>107:17 113:14<br/><b>conciliatory</b><br/>61:11<br/><b>concluded</b><br/>114:16<br/><b>conclusion</b> 97:20<br/><b>conclusions</b><br/>56:13<br/><b>conditions</b><br/>103:15 106:21<br/><b>confer</b> 110:8</p> | <p><b>conference</b> 17:5<br/>17:19,25 18:12<br/>20:13 21:7,10,24<br/>22:22<br/><b>confident</b> 75:6<br/><b>confirm</b> 78:14<br/>97:14,22 98:11<br/>109:25<br/><b>confirmed</b> 98:12<br/><b>conform</b> 89:14<br/>103:5<br/><b>conforms</b> 30:9<br/><b>confusion</b><br/>105:20<br/><b>conjunction</b><br/>86:10<br/><b>connected</b> 23:2,7<br/><b>conoco</b> 37:16,18<br/><b>conocophillips</b><br/>7:10,13 64:24<br/>65:1 72:19<br/><b>conocophillips...</b><br/>7:16<br/><b>conservation</b> 1:3<br/>1:6 96:4,9<br/><b>consider</b> 79:23<br/>83:17 86:8,24<br/>89:25 106:14,15<br/><b>consideration</b><br/>41:11 48:23<br/>80:15 85:4<br/>90:21 107:19,20<br/>110:14 112:12<br/><b>considered</b><br/>43:18 49:3 80:6<br/>84:15<br/><b>considering</b> 1:8</p> | <p><b>consist</b> 81:22<br/>86:6<br/><b>consistent</b><br/>103:10<br/><b>consisting</b> 87:7<br/><b>consists</b> 100:24<br/><b>consolidated</b><br/>21:3 54:24<br/>79:17 90:18<br/><b>constitute</b> 99:17<br/><b>constitution</b><br/>83:11<br/><b>construct</b> 56:10<br/>87:2,5<br/><b>constructed</b><br/>104:19<br/><b>construction</b><br/>14:7 48:17 88:4<br/>101:6<br/><b>consult</b> 113:3<br/><b>cont'd</b> 6:1 7:1<br/>8:1 9:1 10:1<br/>12:1,4 13:1<br/><b>contact</b> 46:15<br/><b>contacted</b> 37:22<br/><b>contacts</b> 39:25<br/>55:25 67:17<br/>91:22 93:17<br/>94:12 95:20<br/>97:3<br/><b>contain</b> 27:23<br/><b>contains</b> 28:3,4<br/>55:22<br/><b>contest</b> 58:16,20<br/><b>contestants</b><br/>23:10<br/><b>contested</b> 51:25<br/>56:4,15 58:16</p> | <p>60:13 64:10<br/><b>contests</b> 58:17<br/><b>contiguous</b><br/>81:19 82:22<br/>90:5,24 100:7<br/><b>contiguously</b><br/>100:5<br/><b>contingencies</b><br/>92:15<br/><b>continuance</b><br/>14:21,24 15:3,6<br/>35:21 37:24<br/>38:11<br/><b>continuances</b><br/>54:3<br/><b>continue</b> 14:25<br/>72:25 73:8<br/><b>continued</b> 15:6,8<br/>26:10,14 29:17<br/>63:8<br/><b>continues</b> 48:6<br/><b>continuous</b> 86:4<br/><b>contour</b> 70:9<br/><b>convenience</b><br/>88:14 103:23<br/><b>convenient</b> 88:8<br/><b>conveniently</b><br/>88:10<br/><b>convention</b> 88:7<br/>88:8,18 89:2<br/>103:23 104:11<br/><b>conversations</b><br/>59:17<br/><b>conveyances</b><br/>72:23<br/><b>conveyed</b> 72:23<br/><b>copies</b> 38:15</p> |
|--|--|---|--|

[coronaries - defined]

|  |   |  |  |
|--|---|--|--|
| <p><b>coronaries</b> 83:7<br/> <b>corporation</b> 5:2<br/> 19:18,21 23:20<br/> <b>correct</b> 16:2<br/> 17:11 24:1,9,17<br/> 25:18 26:14,14<br/> 29:25 35:20<br/> 36:7 42:16 51:8<br/> 57:21,22,25<br/> 74:12 78:10,18<br/> 80:8,13 110:5<br/> 112:20,21<br/> 113:10<br/> <b>correction</b> 79:16<br/> 79:21 87:3,9,13<br/> 88:19 89:3,15<br/> 91:1 100:14<br/> 101:8,13 102:18<br/> 102:19,20,21<br/> 103:2,4,4 104:12<br/> 104:21 106:16<br/> <b>correctly</b> 65:4<br/> 79:10<br/> <b>correlative</b> 96:4<br/> 96:10<br/> <b>correspondence</b><br/> 38:15<br/> <b>corresponding</b><br/> 86:21<br/> <b>coss</b> 4:16 14:3<br/> 15:22 28:24<br/> 36:2 37:12 41:3<br/> 43:5,13 44:3<br/> 48:9 50:13,16<br/> 54:22 58:8<br/> 64:20 68:24<br/> 75:2 76:9 99:2<br/> 113:23</p> | <p><b>cost</b> 41:25 42:6<br/> 50:16 51:5<br/> 70:19<br/> <b>costs</b> 41:24<br/> 48:19 49:12,13<br/> 49:15 50:14<br/> 70:24 71:5<br/> <b>could've</b> 111:10<br/> <b>counsel</b> 11:8,18<br/> 12:7,14,25 13:10<br/> 13:18 91:25<br/> 115:11,14 116:7<br/> 116:10<br/> <b>country</b> 9:22<br/> <b>county</b> 1:12,17<br/> 1:22 2:4,8,14,20<br/> 2:24 3:4,8,12,16<br/> 3:21 4:4,9 26:19<br/> 34:7 39:1,10<br/> 45:19 55:6<br/> 65:25 66:10,20<br/> 67:5 91:2<br/> <b>couple</b> 20:15,20<br/> 36:19 96:24<br/> <b>course</b> 81:23<br/> <b>court</b> 14:4 76:12<br/> <b>cover</b> 29:17 43:1<br/> 90:25<br/> <b>covering</b> 31:22<br/> 55:3<br/> <b>covers</b> 92:17<br/> 113:25<br/> <b>create</b> 80:24<br/> 100:2 103:13<br/> 105:11 107:2<br/> <b>created</b> 29:15<br/> 105:20 111:22</p> | <p><b>creating</b> 91:10<br/> <b>credentials</b><br/> 39:18 67:12<br/> 91:4,7<br/> <b>credited</b> 97:7<br/> <b>crimmins</b> 38:1<br/> <b>criteria</b> 86:23<br/> 89:15<br/> <b>cross</b> 40:4,4 47:3<br/> 47:4 56:9,11,11<br/> 67:23 68:2 69:2<br/> 70:7,12<br/> <b>curiosity</b> 36:6<br/> <b>curious</b> 41:24<br/> <b>current</b> 28:5<br/> <b>currently</b> 21:2<br/> 72:6<br/> <b>curvature</b><br/> 102:23<br/> <b>cut</b> 81:4</p> <hr/> <p style="text-align: center;"><b>d</b></p> <hr/> <p><b>d</b> 11:1,15,25<br/> 12:22 13:7 14:1<br/> 34:17,25 35:10<br/> 40:2,3,3,4,20<br/> 56:5,8,8,11,12<br/> 57:5 60:23,24<br/> 67:19,19,21,22<br/> 67:25 68:1,16<br/> <b>d1</b> 35:2<br/> <b>d4</b> 35:2<br/> <b>dalva</b> 8:10 32:24<br/> <b>dana</b> 9:12 44:20<br/> 52:25<br/> <b>darin</b> 6:5,9 16:7<br/> 23:16 76:25<br/> 90:13</p> | <p><b>data</b> 103:24<br/> <b>date</b> 4:13 17:19<br/> 29:13 32:8<br/> <b>dates</b> 47:7<br/> <b>david</b> 67:10<br/> <b>day</b> 20:10 76:10<br/> 114:10,14<br/> <b>de</b> 7:14 8:12,19<br/> 48:5,5<br/> <b>dead</b> 84:20<br/> <b>deadlines</b> 53:9<br/> 75:11<br/> <b>deal</b> 63:24 81:10<br/> 89:19 99:12<br/> 102:17,20 103:3<br/> 104:20,20 106:8<br/> <b>dean</b> 10:23<br/> <b>deana</b> 5:3 14:16<br/> 19:20 77:22<br/> <b>deana.bennett</b><br/> 5:7<br/> <b>deane</b> 38:2<br/> <b>debate</b> 79:19<br/> <b>decide</b> 90:21<br/> <b>decides</b> 101:19<br/> <b>decision</b> 110:13<br/> <b>dedicate</b> 27:1,14<br/> 34:11 39:2,11<br/> 45:20 66:1,11,21<br/> 67:6<br/> <b>dedicated</b> 46:7<br/> 91:14 93:10<br/> 94:6 95:8<br/> <b>defer</b> 20:13<br/> <b>deference</b> 20:18<br/> <b>deferred</b> 20:17<br/> <b>defined</b> 81:19<br/> 86:19 100:23,24</p> |
|--|---|--|--|

[defining - drilling]

|  |  |  |   |
|--|--|--|---|
| <p><b>defining</b> 45:23<br/>46:9<br/><b>definitely</b> 100:6<br/><b>definition</b> 83:19<br/>84:2 87:18<br/>99:15 105:15<br/><b>delighted</b> 56:2<br/><b>delivering</b> 31:9<br/><b>demonstrates</b><br/>95:25<br/><b>demonstrating</b><br/>28:7<br/><b>denise</b> 38:1<br/><b>department</b> 1:2<br/><b>deposition</b> 115:1<br/><b>depth</b> 34:20 81:2<br/><b>described</b> 26:16<br/>92:4 93:18,22<br/>94:16,17 95:4,21<br/>95:24 105:10<br/><b>describes</b> 91:23<br/><b>description</b> 11:4<br/>11:10,20 12:2,9<br/>12:16 13:2,12<br/><b>design</b> 41:11<br/><b>designated</b> 91:13<br/>92:25 94:4,24<br/><b>designation</b><br/>89:12<br/><b>designs</b> 48:25<br/><b>detail</b> 70:4<br/>100:15<br/><b>details</b> 48:17<br/>107:22<br/><b>determines</b><br/>88:13<br/><b>develop</b> 59:7<br/>62:19 101:20</p> | <p>103:9 107:10<br/><b>developed</b> 30:10<br/>93:2 104:12,14<br/><b>development</b><br/>36:15 47:5<br/>55:22 59:6 69:6<br/>69:9,16,18 72:11<br/>72:13 92:4<br/>93:22 94:16<br/>101:25 113:2<br/><b>deviation</b> 89:13<br/>102:5<br/><b>devon</b> 4:1 6:3<br/>13:13 23:14,18<br/>76:23 77:2<br/>79:13 86:12,23<br/>89:14,19 90:15<br/>91:9 92:20<br/>93:25 94:19<br/>96:18 102:16<br/>103:5 105:1<br/>112:25<br/><b>devon's</b> 92:1<br/>106:13<br/><b>dhardy</b> 9:16<br/><b>diagonal</b> 89:16<br/>102:11<br/><b>diagrams</b> 43:16<br/><b>dictionaries</b><br/>86:19<br/><b>dictionary</b> 86:18<br/>105:16<br/><b>differ</b> 105:18<br/><b>differences</b><br/>78:21<br/><b>different</b> 56:3<br/>60:1,6</p> | <p><b>differently</b> 30:8<br/><b>differing</b> 86:23<br/><b>difficult</b> 74:11<br/><b>digital</b> 115:8<br/>116:3<br/><b>directly</b> 89:13<br/><b>discreet</b> 99:17<br/><b>discretion</b> 85:25<br/>85:25 86:11<br/>95:2 99:12<br/><b>discuss</b> 74:19<br/>76:21<br/><b>discussed</b> 42:4<br/>85:6 112:13<br/><b>discussion</b> 77:9<br/>99:5 110:18<br/><b>discussions</b> 59:4<br/>85:13<br/><b>dismiss</b> 20:21<br/>22:17 23:25<br/>24:3,15 112:13<br/><b>dismissed</b> 22:4<br/>113:8 114:11<br/><b>displacement</b><br/>71:20<br/><b>disposal</b> 48:24<br/><b>dispose</b> 15:19<br/><b>distinction</b><br/>100:19 101:2<br/>106:11<br/><b>distracting</b><br/>30:24 31:1<br/><b>division</b> 1:3,7<br/>27:22 39:18<br/>40:17 55:13<br/>56:7 67:12<br/>79:22 80:17<br/>81:5,9,20 83:15</p> | <p>84:8,20,23 85:14<br/>85:24 86:11,24<br/>89:24 90:20<br/>91:4,7 95:1<br/>99:12 100:18<br/>104:20 106:8,15<br/>111:24<br/><b>division's</b> 34:9<br/>83:21 99:7<br/><b>dixon</b> 91:6 96:2<br/><b>dixon's</b> 92:1<br/>93:19 94:13<br/>95:22<br/><b>dml</b> 8:14<br/><b>docket</b> 14:10<br/>20:24 21:3<br/>22:14 23:3<br/>74:11,17<br/><b>documents</b><br/>70:19<br/><b>doing</b> 76:13<br/>80:12 89:16<br/>102:14 103:6<br/>109:22<br/><b>don</b> 6:16<br/><b>double</b> 72:21<br/><b>doubt</b> 106:23<br/><b>drawing</b> 84:13<br/><b>drill</b> 41:13 48:16<br/>58:22,24 60:8<br/><b>drilling</b> 14:8<br/>40:7 41:19<br/>42:10,12 43:17<br/>43:17 48:18<br/>49:12 50:6,16<br/>51:4 60:22 68:5<br/>70:5,19,24 71:3<br/>96:11</p> |
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[drive - esquire]

|  |  |   |   |
|--|--|---|---|
| <p><b>drive</b> 7:22<br/> <b>dropped</b> 51:24<br/> <b>dry</b> 7:12,16<br/> 19:24,25 21:21<br/> 21:22 33:13,14<br/> 33:17 35:14,15<br/> 37:17,18 40:24<br/> 40:25 52:6,7<br/> 57:8,10 63:17<br/> 64:25 65:1,3,7<br/> 68:20,21<br/> <b>ducharme</b> 38:1<br/> <b>due</b> 49:18<br/> <b>duly</b> 115:5<br/> <b>dylan</b> 4:16 14:3</p>   | <p><b>earthstone</b> 5:20<br/> 9:10,11 16:1,3<br/> 17:8 20:22,25<br/> 52:24 53:2,2<br/> 58:5 59:15 61:9<br/> 63:15<br/> <b>earthstone's</b><br/> 59:10<br/> <b>easier</b> 106:7<br/> <b>easily</b> 88:10<br/> 98:12 101:17,18<br/> 102:1 111:19<br/> <b>east</b> 27:1 34:4,6<br/> 34:16,20 38:25<br/> 39:1,8,9,10<br/> 45:17,18,18,19<br/> 46:5,6 55:3,4,5,5<br/> 59:1,7,9 65:23<br/> 65:25 66:6,7,8,8<br/> 66:10,18,20 67:2<br/> 67:3,3,4,5 91:2<br/> 91:16 93:13<br/> 94:7 95:15<br/> <b>economic</b> 107:6<br/> 107:14<br/> <b>eddy</b> 2:14,20 4:4<br/> 4:9 26:19 91:2<br/> <b>edge</b> 71:16<br/> <b>edition</b> 86:19<br/> <b>effect</b> 38:16 52:1<br/> 86:20,22,24 87:8<br/> 87:16 105:14<br/> <b>effective</b> 94:18<br/> <b>effectively</b> 81:4<br/> <b>efficient</b> 104:1<br/> <b>effort</b> 36:9<br/> 106:19</p> | <p><b>efforts</b> 17:3 38:5<br/> 103:12 104:24<br/> <b>eight</b> 15:16 71:2<br/> 80:5,6<br/> <b>either</b> 20:14 31:3<br/> 55:17 57:24,25<br/> 71:13 80:11<br/> 83:24 110:2<br/> <b>elegant</b> 82:1<br/> <b>element</b> 74:8<br/> <b>emphasize</b> 99:6<br/> <b>empirical</b> 103:24<br/> <b>employed</b><br/> 115:11,14 116:8<br/> 116:11<br/> <b>employee</b> 115:13<br/> 116:10<br/> <b>encompass</b><br/> 79:25<br/> <b>encroaching</b><br/> 69:8<br/> <b>ends</b> 84:20<br/> <b>energy</b> 1:2 2:1<br/> 4:1 5:11,11 6:2<br/> 6:2,3 10:2 13:13<br/> 16:5,9,9,16<br/> 18:21 20:22,25<br/> 21:5 23:15,18<br/> 36:10 60:13<br/> 76:23 77:2,15,17<br/> 79:4 90:15<br/> 96:18<br/> <b>engineer</b> 99:4<br/> <b>engineering</b> 83:3<br/> <b>engineers</b> 83:5<br/> 85:1 110:12<br/> <b>ensure</b> 88:24<br/> 89:4</p> | <p><b>ensuring</b> 104:11<br/> <b>enter</b> 19:15<br/> <b>entered</b> 43:25<br/> <b>entering</b> 19:3<br/> <b>entertaining</b><br/> 90:11<br/> <b>entries</b> 16:5,21<br/> 19:6 20:3,4<br/> 33:20 45:8<br/> 51:23 53:4<br/> <b>entry</b> 16:16<br/> 25:21 33:12<br/> 37:16 44:23<br/> 52:8 64:24 77:9<br/> 77:15<br/> <b>environmental</b><br/> 102:10<br/> <b>equal</b> 86:20<br/> <b>equivalence</b><br/> 86:22<br/> <b>equivalencies</b><br/> 101:10<br/> <b>equivalency</b><br/> 80:20 86:3<br/> <b>equivalent</b> 80:25<br/> 81:23,24 82:6<br/> 83:20 86:4,7,9<br/> 86:13,18,24,25<br/> 87:4,12,14,19<br/> 90:7 99:13<br/> 105:10,12,13,14<br/> 105:14,16,17<br/> <b>ernest</b> 5:21 16:3<br/> <b>error</b> 30:18<br/> <b>es</b> 115:4<br/> <b>especially</b> 50:1<br/> <b>esquire</b> 5:3,13<br/> 5:21 6:5,14 7:4</p> |
| <p><b>e</b></p>  |  |   |   |
| <p><b>e</b> 5:1,1 6:1,1 7:1<br/> 7:1 8:1,1 9:1,1<br/> 10:1,1 11:1,3,16<br/> 12:1,5,23 13:1,8<br/> 14:1,1 17:17<br/> 35:2,10 37:23<br/> 40:8,21 43:24<br/> 44:5 56:20 57:5<br/> 68:6,17<br/> <b>e.g.l.</b> 1:19 7:3<br/> 16:1 17:7 52:10<br/> 52:13 57:13<br/> 61:9 63:12<br/> <b>e.o.g.</b> 6:12 16:10<br/> 16:14 18:6 19:6<br/> 19:11 23:10,13<br/> 25:21,24 26:1<br/> 51:20<br/> <b>early</b> 36:20<br/> <b>earth</b> 102:24</p> |  |   |   |

[esquire - exhibits]

|  |  |   |  |
|--|--|---|--|
| <p>7:12,20 8:10,17<br/>9:3,12,20 10:3<br/><b>essentially</b> 72:17<br/>111:8<br/><b>establishing</b><br/>87:20 92:21<br/>94:1,20<br/><b>et</b> 22:18 23:22<br/><b>evans</b> 39:16,19<br/><b>evd</b> 11:4,10,20<br/>12:2,9,16 13:2<br/>13:12<br/><b>event</b> 47:13<br/><b>events</b> 58:12,15<br/><b>eventually</b> 21:3<br/>41:10 60:8<br/><b>everybody</b> 36:13<br/>36:20 59:6<br/>74:23 99:1<br/><b>exactly</b> 42:14<br/>86:14<br/><b>examiner</b> 4:15<br/>4:16 14:2,3,4,16<br/>14:20 15:4,12,14<br/>15:22,25 16:3,4<br/>16:7,7,10,13,15<br/>16:17,20,24 17:6<br/>17:13,20,24 18:2<br/>18:6,8,11,14,23<br/>18:25 19:2,5,8<br/>19:12,17,20,22<br/>19:25 20:2,7,9<br/>20:16,20 21:1,9<br/>21:15,18,21,23<br/>22:8,10,15,20,24<br/>23:5,8,12,14,19<br/>23:24 24:2,6,10<br/>24:14,19,22,25</p> | <p>25:5,9,13,16,20<br/>25:22,25 26:4,8<br/>28:17,20,23,25<br/>29:21 30:6,13,25<br/>31:8,17,23 32:1<br/>32:5,11,15,19<br/>33:7,11,13,15,19<br/>35:13,18,22 36:1<br/>36:3,5,16,21<br/>37:1,5,9,12,15<br/>37:18,20 38:14<br/>38:21 40:23<br/>41:2,4,23 42:2,9<br/>43:2,6,10,15,22<br/>44:1,2,5,8,10,13<br/>44:22,25 45:2,5<br/>45:7,11 47:20,24<br/>47:25 48:4,7,10<br/>48:13,21,22 49:7<br/>49:25 50:5,12,18<br/>50:21,25 51:10<br/>51:15,19,22 52:7<br/>52:10,12,16,19<br/>52:23 53:3,12,20<br/>53:24 54:5,12,17<br/>57:7,12,15 58:4<br/>58:7,9 59:23<br/>60:14 61:3,6,12<br/>61:14,22 62:3,8<br/>62:17,25 63:3,13<br/>63:16,18,21 64:5<br/>64:8,13,16,17,20<br/>64:23 65:1,3,10<br/>65:14,17 68:19<br/>68:23,25 69:21<br/>70:2,6 71:1,4,11<br/>71:15,18,19,23<br/>72:14,20 73:8,14</p> | <p>74:2,3,22 75:1,4<br/>75:8,15 76:2,9<br/>76:11,16,24,25<br/>77:4,8,12,14,16<br/>77:19,22 78:1,4<br/>78:9,22 79:3,8<br/>80:3,10 81:3,7<br/>83:2,22 84:10<br/>85:5,21 88:21<br/>90:3 96:21<br/>98:15,16,20,25<br/>99:3 105:22<br/>107:21 108:3,8<br/>108:12,17,22<br/>109:1,6,12,16,23<br/>110:15,23<br/>111:15 112:3,15<br/>112:22 113:5,13<br/>113:24 114:8<br/><b>examiners</b> 44:19<br/><b>example</b> 80:23<br/>88:3 89:11<br/>91:25 97:17<br/>99:18 100:1,2<br/>102:7 107:1<br/><b>examples</b> 100:1<br/><b>excellent</b> 58:21<br/><b>excessive</b> 81:13<br/><b>exchanging</b><br/>21:12<br/><b>excited</b> 58:22<br/><b>excuse</b> 34:18<br/><b>exhaust</b> 32:2<br/><b>exhausts</b> 43:3<br/><b>exhibit</b> 11:6,7,12<br/>11:13,14,15,16<br/>11:17,22,23,24<br/>11:25 12:5,6,11</p> | <p>12:12,13,19,20<br/>12:21,22,23,24<br/>13:4,5,6,7,8,9,15<br/>13:16,17 28:6,14<br/>28:15 31:16<br/>34:22,23,23,25<br/>35:2,4,9,9,10,10<br/>35:10,11 36:7<br/>39:20 40:2,8,11<br/>40:19,20,20,20<br/>40:21,21 46:17<br/>46:21,24 47:17<br/>47:18,18 51:7<br/>55:8,10,10,11,14<br/>56:5,20,23 57:4<br/>57:4,4,5,5,5<br/>61:15 64:1<br/>67:14,14,19 68:6<br/>68:8,15,16,16,16<br/>68:17,17 70:25<br/>73:5 85:12<br/>91:19 92:1,6,16<br/>92:19 93:19,23<br/>94:9,13,17 95:16<br/>95:22,25 96:19<br/>96:19,19 97:4<br/><b>exhibits</b> 11:8,18<br/>12:7,14,25 13:10<br/>13:18 26:12<br/>27:22,24,25 28:1<br/>28:2,3,10 31:12<br/>32:16 34:25<br/>35:2,6,19 37:6<br/>39:21 40:3,15,15<br/>43:11 44:4<br/>46:10,13 47:14<br/>51:1 54:6,7,8<br/>56:14 57:1,18</p> |
|--|--|---|--|

[exhibits - focusing]

|  |   |  |   |
|--|---|--|---|
| <p>62:24 63:4<br/> 67:19,21,25<br/> 68:12,12 70:16<br/> 72:15 74:7 76:5<br/> 85:8 92:3,17<br/> 93:14,21 94:11<br/> 94:15 95:18,24<br/> 96:13,14 108:5<br/> <b>expand</b> 87:25<br/> <b>expanded</b> 89:22<br/> 103:4 107:2,3<br/> <b>expensive</b> 42:13<br/> <b>experience</b> 83:5<br/> <b>explain</b> 29:4<br/> 38:4<br/> <b>explained</b> 82:3<br/> 95:3<br/> <b>explanation</b> 50:9<br/> 51:5 85:8 96:24<br/> 98:23<br/> <b>express</b> 39:3,12<br/> <b>extended</b> 55:25<br/> <b>extract</b> 107:6</p> | <p><b>faith</b> 91:23 93:17<br/> 95:20 103:3,12<br/> <b>far</b> 21:25 41:19<br/> 72:9 88:1 97:12<br/> 111:7<br/> <b>fasken</b> 5:11<br/> 52:16,20 55:20<br/> 57:16,19,20,22<br/> 61:10,17 63:18<br/> 63:24<br/> <b>fault</b> 69:4 70:15<br/> 89:18 102:19<br/> 106:17<br/> <b>faulting</b> 40:6<br/> 56:18 68:4<br/> <b>faults</b> 71:20<br/> <b>fe</b> 4:18 5:16,24<br/> 6:8,17 7:6,15<br/> 8:13,20 9:6,15<br/> 16:8,18 18:23<br/> 23:17 37:13<br/> 44:20 52:19<br/> 53:1 64:21 77:1<br/> 77:12<br/> <b>featherstone</b><br/> 25:12,17 26:5,5<br/> <b>featherstone's</b><br/> 25:19<br/> <b>february</b> 68:8,10<br/> <b>fed</b> 34:12 55:2<br/> 66:2,12,22 67:7<br/> 91:15 93:11<br/> 94:6 95:7<br/> <b>federal</b> 27:2,3,15<br/> 27:16 39:3,12<br/> 45:24 83:6<br/> <b>feel</b> 75:6 110:17</p> | <p><b>feet</b> 27:4,17<br/> 34:20<br/> <b>feldewert</b> 5:13<br/> 15:21,22 16:17<br/> 16:18,25 17:1,10<br/> 18:9,10,13,22,23<br/> 19:14,15 20:14<br/> 20:16,18 22:2,6<br/> 22:9,12,19,23<br/> 38:15 52:18,19<br/> 57:16,17,24 58:1<br/> 63:19 77:11,12<br/> 79:2 81:8 96:22<br/> 96:23 97:11,16<br/> 97:23 98:6,10,13<br/> 109:20,21 113:6<br/> 113:7,12 114:1,5<br/> <b>feldewert's</b><br/> 17:16<br/> <b>fess</b> 81:25<br/> <b>field</b> 69:2<br/> <b>figure</b> 22:25<br/> 108:24<br/> <b>figured</b> 73:20<br/> <b>file</b> 22:2,18<br/> 37:23 44:6<br/> 53:14 54:13<br/> 65:4 74:6<br/> <b>filed</b> 14:21,23,24<br/> 15:2 20:23<br/> 23:25 24:2<br/> 41:10 53:16<br/> 55:8 56:14<br/> 57:19 70:5<br/> 74:15,18<br/> <b>files</b> 70:8<br/> <b>filing</b> 78:19</p> | <p><b>filling</b> 60:21<br/> <b>final</b> 14:10 83:14<br/> 84:6,8,16 90:1<br/> 110:13 112:11<br/> <b>finalized</b> 17:18<br/> <b>finally</b> 94:19<br/> <b>financially</b><br/> 115:15 116:11<br/> <b>find</b> 54:8 73:5<br/> 104:23<br/> <b>finding</b> 54:13<br/> 84:19<br/> <b>finds</b> 89:24<br/> <b>fine</b> 21:14 75:18<br/> 79:7<br/> <b>finish</b> 78:4<br/> <b>firm</b> 5:22 23:20<br/> 33:8 74:5<br/> <b>first</b> 15:16 38:8<br/> 46:21 65:17<br/> 79:14,18 80:5,18<br/> 80:19 81:7<br/> 84:24 85:19<br/> 86:20 90:22<br/> 104:16 108:10<br/> 112:19<br/> <b>five</b> 61:15 92:3<br/> 93:20 94:14<br/> 95:23<br/> <b>fix</b> 32:9<br/> <b>flat</b> 91:15 93:11<br/> 94:6 95:7<br/> <b>flattened</b> 70:13<br/> <b>flexibility</b> 111:2<br/> <b>flexible</b> 110:20<br/> <b>fluids</b> 42:12<br/> <b>focusing</b> 82:11</p> |
| <b>f</b>   |   |  |   |
| <p><b>f</b> 11:17 12:6,24<br/> 13:9 35:4,11<br/> 40:11,21 56:23<br/> 57:5 68:8,17<br/> <b>fact</b> 14:6,12<br/> 17:10,16 58:20<br/> <b>factors</b> 106:14<br/> 106:15 107:19<br/> <b>fair</b> 90:14<br/> 103:14 110:17<br/> 111:1<br/> <b>fairly</b> 110:20</p>  |   |  |   |

[folks - good]

|   |  |   |  |
|---|--|---|--|
| <p><b>folks</b> 62:6<br/> <b>follow</b> 41:15,21<br/> 43:20 104:3<br/> <b>followed</b> 29:14<br/> 40:1 67:18<br/> <b>following</b> 103:12<br/> <b>foot</b> 71:20<br/> <b>force</b> 86:20<br/> 107:13<br/> <b>forced</b> 69:17<br/> 72:6 106:10<br/> <b>foregoing</b> 115:3<br/> 115:4 116:4<br/> <b>forget</b> 82:25<br/> 114:2<br/> <b>form</b> 34:7 55:15<br/> 79:17 90:18<br/> 100:4,5,7,16<br/> <b>formally</b> 53:8<br/> 75:10<br/> <b>formation</b> 26:19<br/> 26:23 27:12<br/> 34:2 38:23 39:7<br/> 41:7 45:16 46:3<br/> 65:19 66:5,15,25<br/> 67:22,23 68:1,3<br/> 71:14,22 91:13<br/> 92:25 94:4,24<br/> <b>formations</b> 69:6<br/> 97:13<br/> <b>formed</b> 26:17<br/> <b>former</b> 87:21<br/> <b>forrest</b> 10:22<br/> <b>forward</b> 24:15<br/> 31:2 33:16,18<br/> 36:13 38:12,19<br/> 45:4 52:4 54:15<br/> 63:6,23 65:6</p> | <p>75:17 78:11,16<br/> 79:1 82:24<br/> 83:21 84:9 90:4<br/> 90:8 93:8 96:6<br/> 110:3 112:9,18<br/> 113:3<br/> <b>found</b> 28:2<br/> <b>four</b> 14:12,18<br/> 61:16 65:17<br/> 79:25 80:11,11<br/> 80:15,16 82:8,9<br/> 84:2 85:20 90:8<br/> 90:19,25 96:7<br/> 99:22 100:9,25<br/> 112:4,18 113:18<br/> <b>fragmentation</b><br/> 101:15<br/> <b>full</b> 82:4 101:25<br/> 104:11 107:10<br/> 113:1<br/> <b>fully</b> 87:23 93:1<br/> 95:3 99:15<br/> 106:22<br/> <b>function</b> 86:22<br/> 86:25 87:9,16<br/> 95:9 105:14<br/> <b>further</b> 43:14<br/> 69:20 73:6<br/> 90:21 98:18<br/> 115:13 116:9<br/> <b>future</b> 62:9<br/> 73:19 85:13</p> | <p><b>gaps</b> 101:19<br/> <b>gas</b> 7:11 29:7,10<br/> 37:19 65:2<br/> 99:20<br/> <b>gaspar</b> 6:16<br/> <b>gassy</b> 29:12<br/> <b>general</b> 55:15<br/> <b>generally</b> 49:22<br/> <b>geologic</b> 40:6<br/> 56:18 68:4<br/> <b>geologically</b><br/> 103:25<br/> <b>geologist</b> 11:7,15<br/> 11:25 12:12,22<br/> 13:7,16 35:1,1<br/> 39:17 41:8<br/> 46:12 47:2<br/> 67:10 69:2,19<br/> 70:5 91:6 99:4<br/> <b>geologist's</b> 28:1<br/> <b>geologists</b> 82:3<br/> <b>geology</b> 28:2<br/> 56:6,17 92:2,3<br/> 93:20,21 94:14<br/> 94:15 95:23,24<br/> <b>getting</b> 20:11<br/> 61:18 74:16<br/> <b>ghost</b> 83:8<br/> <b>giant</b> 71:19<br/> <b>give</b> 85:18<br/> 108:18<br/> <b>given</b> 85:11<br/> 106:23 110:1<br/> <b>gives</b> 111:1<br/> <b>gknet.com</b> 8:14<br/> 8:21<br/> <b>glad</b> 24:21 61:6<br/> 77:3,5 84:11</p> | <p>109:15<br/> <b>glance</b> 62:21<br/> <b>go</b> 14:11 21:16<br/> 29:1 32:6 33:4<br/> 42:2 52:2 53:9<br/> 54:9,15 70:23<br/> 75:11,17 81:1<br/> 82:24 84:24<br/> 90:4,8 93:8 97:4<br/> 97:6 112:9<br/> 113:3<br/> <b>godspeed</b> 52:9<br/> <b>goetze</b> 10:19<br/> <b>going</b> 15:16<br/> 18:15 20:21<br/> 26:2,6 31:2 33:8<br/> 33:16,18 36:13<br/> 41:6,19 45:4<br/> 48:14,17,19 49:9<br/> 51:6,13 58:11<br/> 59:8 62:10 65:5<br/> 69:4,12 72:8,10<br/> 74:11 76:19,21<br/> 78:11,25 80:4<br/> 81:4 82:5 83:16<br/> 96:6 112:23<br/> 114:2<br/> <b>golden</b> 7:23<br/> <b>good</b> 14:15<br/> 15:21 16:6,12<br/> 19:19 22:12<br/> 23:11,16 25:3<br/> 29:1 32:23<br/> 37:11 41:4<br/> 44:19,24 48:10<br/> 48:12 51:11,18<br/> 51:18 52:6,18,25<br/> 58:9 59:21</p> |
|   | <b>g</b>   |   |  |
|   | <p><b>g</b> 14:1<br/> <b>gallagher</b> 8:11<br/> 8:18 32:22 33:6</p>   |   |  |

[good - hearing]

|  |   |  |   |
|--|---|--|---|
| 64:19,25 68:25<br>76:20,25 77:11<br>77:16,21 84:16<br>89:21 91:23<br>92:3 93:17,21<br>94:15 95:20<br>103:3,12 104:23<br>109:16 112:8<br><b>gotten</b> 54:3<br>110:17<br><b>government</b><br>81:20 87:4<br><b>governmental</b><br>81:22 86:6<br>87:13 90:6<br><b>granted</b> 15:7<br><b>great</b> 48:7 58:2<br>60:7 63:21 76:9<br>85:25 99:12<br>112:7,15 114:13<br><b>greatest</b> 105:6<br><b>green</b> 47:10<br>56:22 62:10,10<br><b>group</b> 17:9<br><b>guadalupe</b> 5:15<br>9:5<br><b>guess</b> 22:1 41:23<br>59:24 60:15<br>61:16 62:9<br>63:24 69:21<br>75:18 101:1<br>108:4<br><b>guessing</b> 74:9<br><b>guidelines</b> 34:9<br><b>gun</b> 47:5 64:13<br><b>guy</b> 71:21 | <b>h</b><br><b>h</b> 11:3 12:1 13:1<br><b>half</b> 26:25 27:5,5<br>27:6,6,13,18,18<br>27:19,19 34:3,3<br>34:5,5 38:25,25<br>39:9,9 45:17,18<br>46:4,5 55:3,3,5,6<br>59:1,7,9 65:21<br>65:22,23,23 66:7<br>66:8,8,8,17,18<br>66:18,18 67:2,3<br>67:3,4 80:20,20<br>80:21,21 87:12<br>87:12,14,15<br>89:23,23,23,23<br>91:1 101:5,6,8<br>101:12,12,14,14<br>101:20,25<br>102:13,13,13<br>103:7,7 104:11<br>104:12,13,13<br>107:1,1,4,4,7,8<br><b>handle</b> 33:8,9<br>80:25<br><b>handled</b> 41:8<br>42:14<br><b>handling</b> 99:8<br><b>hanson</b> 23:20<br><b>happen</b> 47:11<br><b>happened</b> 75:10<br><b>happens</b> 31:3<br>84:25<br><b>happy</b> 41:21<br>50:10 69:14<br>73:12<br><b>hard</b> 31:4 61:10<br>70:11 | <b>harder</b> 106:6<br><b>hardy</b> 9:12<br>44:19,20 45:12<br>45:13 48:12,20<br>49:6,17 50:4,10<br>50:19 51:8,14<br>52:25,25 58:5,6<br>63:14<br><b>harper</b> 46:12<br>47:2<br><b>hart</b> 5:14 9:4<br>15:23 16:19<br>18:24 37:13<br>52:20 64:21<br>77:13<br><b>hazards</b> 56:19<br><b>hear</b> 14:7 84:23<br>88:20<br><b>heard</b> 113:7,9<br><b>hearing</b> 1:5 4:12<br>4:15 14:2,3,15<br>14:20,23 15:4,12<br>15:14,25 16:4,6<br>16:10,15,20,24<br>16:24 17:6,13,20<br>17:24 18:2,6,8<br>18:11,14,25 19:5<br>19:12,17,22,24<br>20:2,7,7,13,16<br>21:9,15,18,21,23<br>22:8,10,15,20,24<br>23:8,14,19,24,24<br>24:6,10,14,19,22<br>24:25 25:1,5,9,9<br>25:13,16,20,25<br>26:4,8,10,11<br>28:4,6,17,20,23<br>29:3,13,14 30:3 | 32:5,8,11,15,15<br>32:19,24 33:5,7<br>33:11,15,19,22<br>33:24 35:13,18<br>35:22 36:1,5,16<br>36:21 37:1,5,5,9<br>37:11,15,17,20<br>38:4,14,20 40:23<br>41:2 43:6,10,10<br>44:2,8,10,13,22<br>45:2,7,11,11<br>46:20 47:20,23<br>47:25 48:7<br>49:17 50:5,12,21<br>50:25,25 51:10<br>51:15,19,22 52:7<br>52:10,16,23 53:3<br>53:12,20,24 54:5<br>54:12,17 56:4,15<br>57:7,12,15 58:4<br>58:7,16 60:13<br>61:14,22 62:3,8<br>62:17,25 63:3,3<br>63:13,16,18,21<br>64:5,8,13,16,17<br>64:19,23 65:1,3<br>65:10,14,14,16<br>68:19,23 70:2<br>71:11,18,23<br>72:14,20 73:8,14<br>74:1,3,17,18,22<br>75:1,8,15 76:2,5<br>76:8,11,16,24<br>77:4,8,14,19<br>78:1,4,9,9,22<br>79:3,8 80:3,10<br>81:3,7 83:2,22<br>84:10 85:5,21 |
|--|---|--|---|

[hearing - inline]

|   |  |  |   |
|---|--|--|---|
| 88:21 90:3<br>96:21 98:16,20<br>98:25 108:3,8,12<br>108:17,22 109:1<br>109:6,12,16,23<br>110:15,23<br>111:15 112:3,15<br>112:22 113:5,13<br>113:16 114:8<br><b>hearings</b> 1:3<br><b>help</b> 24:21 85:13<br><b>helpful</b> 50:9<br>53:19 58:13<br>62:19 105:19,21<br>105:23 108:13<br>108:21<br><b>hereto</b> 115:15<br>116:11<br><b>hi</b> 25:10 41:4<br>58:9<br><b>high</b> 50:14<br><b>highland</b> 35:25<br>36:25<br><b>highlight</b> 51:9<br>113:19<br><b>highlighted</b><br>46:21,23<br><b>highlights</b> 46:25<br>108:19<br><b>hinkle</b> 9:13<br>44:20 53:1<br><b>hinklelawfirm....</b><br>9:16<br><b>hit</b> 84:18<br><b>hobbs</b> 56:25<br><b>hold</b> 21:6 64:15<br><b>holding</b> 110:7 | <b>holland</b> 5:14 9:4<br>15:23 16:18<br>18:24 37:13<br>52:20 64:21<br>77:13<br><b>hollandhart.com</b><br>5:17 9:7<br><b>honor</b> 34:21<br>35:20 36:18<br>76:14<br><b>hooy</b> 82:4<br><b>hope</b> 98:25<br>105:20<br><b>hoped</b> 84:16<br><b>hoping</b> 104:22<br><b>horizontal</b> 26:24<br>27:8,12,21 34:2<br>38:24 39:8 40:7<br>46:3 59:1 65:20<br>66:6,16 67:1<br>68:5 80:7 81:16<br>81:17,18,20<br>82:10,17,17 84:3<br>86:5 87:2,24<br>88:1,9,19 89:2<br>100:5 101:7<br>103:21,22<br>106:20 107:2,3<br>110:21 111:16<br>111:17 112:6<br><b>horses</b> 64:15<br><b>hot</b> 60:22<br><b>hour</b> 64:4<br><b>houston</b> 9:23<br><b>hughes</b> 10:5<br><b>huneke</b> 66:2,12<br>66:22 67:7 | <b>hydrocarbons</b><br>88:14<br><b>i</b><br><b>idea</b> 21:11 30:19<br><b>identical</b> 27:23<br><b>identifiable</b><br>31:10<br><b>identification</b><br>28:16 35:12<br>40:22 47:19<br>57:6 68:18<br>96:20<br><b>identified</b> 31:15<br>42:16,17<br><b>identifies</b> 46:18<br><b>idiosyncratic</b><br>104:4<br><b>imagine</b> 48:25<br><b>immediately</b><br>15:2 59:2<br><b>impact</b> 42:5<br><b>impediments</b><br>40:7 68:4<br><b>imposed</b> 89:20<br>102:21 106:17<br><b>improper</b> 83:20<br><b>incentive</b> 107:9<br>107:9<br><b>include</b> 34:22<br>46:10 56:14<br>74:8<br><b>included</b> 46:17<br>112:18,19<br><b>includes</b> 39:20<br>40:2 47:6 55:15<br>55:17 56:12,22<br>67:14,19 91:20 | 92:2 93:15,20<br>94:9,14 95:17,23<br><b>including</b> 46:14<br>105:18<br><b>inclusion</b> 27:7<br>27:20<br><b>incorporated</b> 6:3<br>16:9<br><b>increase</b> 48:19<br><b>indicate</b> 29:11<br><b>indicated</b> 17:7,8<br>57:20<br><b>indicates</b> 64:1<br><b>indicating</b> 22:3<br><b>individual</b><br>100:11 108:23<br><b>individually</b><br>100:20<br><b>inferior</b> 99:8,11<br><b>infill</b> 107:16<br><b>inflame</b> 85:2<br><b>inflation</b> 49:16<br>49:20<br><b>inform</b> 85:13<br>105:19<br><b>information</b><br>29:15 31:4<br>43:14 44:15<br>46:14,16 49:21<br>51:3 69:12,15<br>75:2,6,12 85:15<br><b>informed</b> 20:10<br><b>inherent</b> 80:19<br><b>initial</b> 85:12<br><b>initially</b> 42:19<br>59:16<br><b>inline</b> 70:21 |
|---|--|--|---|

[inquire - know]

|  |   |  |  |
|--|---|--|--|
| <p><b>inquire</b> 49:9<br/>50:20<br/><b>inside</b> 110:16<br/><b>instruments</b><br/>102:25<br/><b>intended</b> 34:17<br/>87:22<br/><b>intent</b> 84:17<br/><b>intentionally</b><br/>102:5,11<br/><b>interest</b> 25:12,19<br/>25:19 37:22<br/>38:5 39:22,23<br/>55:23 57:20<br/>62:7 72:16,22<br/>73:16,17,20<br/>75:14,16,24<br/>77:25 92:9,10,12<br/>107:12 114:3<br/><b>interested</b> 25:6<br/>37:2 43:7 50:2<br/>56:1,21 58:14<br/>65:11 78:6<br/>109:18 115:15<br/>116:12<br/><b>interests</b> 26:21<br/>27:11 34:1 38:8<br/>38:22 39:6<br/>45:15 46:2,18,20<br/>55:1 56:3 58:23<br/>60:6 61:23 62:4<br/>65:19 66:4,14,24<br/>73:2,9 91:12<br/>92:24 94:4,23<br/>96:3 113:20<br/><b>interpretation</b><br/>86:1</p> | <p><b>interval</b> 27:3,16<br/>42:13 81:21<br/><b>intrepid</b> 36:14<br/><b>intrinsic</b> 88:12<br/><b>introduce</b> 26:12<br/><b>introductory</b><br/>49:11<br/><b>investigate</b><br/>97:21<br/><b>investments</b> 8:2<br/>8:4 25:11<br/><b>involve</b> 97:2<br/><b>involved</b> 59:10<br/><b>irregular</b> 81:10<br/>89:17 102:12<br/>103:1 104:21,21<br/>111:19<br/><b>irregularities</b><br/>102:23<br/><b>irrelevant</b> 54:9<br/><b>isaac</b> 39:16<br/><b>island</b> 48:16<br/><b>islands</b> 41:14<br/><b>isopach</b> 70:8<br/><b>issue</b> 22:16<br/>63:24 78:23<br/>81:15,23 83:18<br/>101:22 102:2<br/>105:6 110:10<br/><b>issues</b> 42:10<br/>49:19 79:20<br/>103:19 114:12<br/><b>it'd</b> 34:2<br/><b>it'll</b> 76:20<br/><b>item</b> 32:20 114:9<br/><b>items</b> 18:18<br/>24:16 31:13,15<br/>37:10 44:17</p> | <p>51:16 64:11<br/>76:18 105:17<br/>112:13</p> <p style="text-align: center;"><b>j</b></p> <p><b>jalapeno</b> 23:19<br/><b>james</b> 6:14 7:4<br/>16:13 19:10<br/>23:12 25:23<br/>51:19 54:20<br/><b>jamesbruc</b> 7:7<br/><b>jbradfute</b> 9:24<br/><b>jefferson</b> 83:9<br/><b>jennifer</b> 9:20<br/>44:25<br/><b>jessica</b> 116:2,15<br/><b>jim</b> 19:2 23:5<br/>52:12<br/><b>job</b> 4:20 109:8<br/>109:16<br/><b>joe</b> 91:6<br/><b>john</b> 10:15 46:12<br/>47:2<br/><b>johns</b> 67:10,13<br/><b>johnson</b> 10:4<br/><b>johnson.com</b><br/>10:7<br/><b>joinder</b> 73:1<br/><b>jones</b> 10:3 77:16<br/>77:17 79:5<br/>98:17,18<br/><b>jparrot</b> 6:18<br/><b>july</b> 40:10,13<br/>42:23<br/><b>jump</b> 64:13<br/>70:13 71:13,13<br/><b>justifiable</b><br/>111:20</p> | <p style="text-align: center;"><b>k</b></p> <p><b>keep</b> 75:19<br/><b>kennedy</b> 8:11,18<br/>32:22 33:6<br/><b>kick</b> 69:22<br/>107:23<br/><b>kind</b> 42:10 60:21<br/>62:15,20,21 71:5<br/>89:16 101:9,16<br/>102:3 103:13<br/>104:4,15 105:9<br/>106:6,17<br/><b>kinds</b> 104:3<br/><b>knees</b> 81:4<br/><b>know</b> 19:13 30:7<br/>31:3 41:5,9,10<br/>48:15,20,22<br/>49:19,25 58:14<br/>60:11,17 61:1<br/>62:4,9,15,17,18<br/>63:7 69:24 70:2<br/>70:4,9,17 71:6<br/>71:16,25 73:15<br/>74:15 76:19<br/>83:6,8,9,15 84:6<br/>84:14,18 85:2,13<br/>85:14 89:18,24<br/>99:14,17,18<br/>101:3,16,23,24<br/>102:8,14,24<br/>103:3,18,20,24<br/>104:17,17,22,22<br/>106:5,16,18,25<br/>107:6,13 108:18<br/>110:11,15,20,24<br/>111:5 112:22,25<br/>113:1</p> |
|--|---|--|--|

[knowledge - lots]

|  |  |  |   |
|--|--|--|---|
| <p><b>knowledge</b> 85:15<br/>115:10 116:6</p>   | <p><b>larger</b> 88:4<br/>99:21 107:8</p>  | <p><b>lesley</b> 10:22<br/><b>letter</b> 28:4 35:3<br/>42:24 91:21<br/>93:16 95:19<br/>96:1</p>  | <p>57:21,23 63:19<br/>72:18 78:16</p>   |
| <p><b>l</b></p>  | <p><b>lastly</b> 40:8 66:23<br/>68:6</p>   | <p><b>letters</b> 39:24<br/>40:9 67:16 68:7<br/>92:8,11,12</p>   | <p><b>look</b> 70:7,11<br/>72:15 97:3,24<br/>98:1 100:10</p>  |
| <p><b>l</b> 5:21 16:3<br/><b>l.l.c.</b> 2:2,18 3:7<br/>3:15 5:20 7:3,10<br/>7:19,21 9:10,11<br/>9:11,19,21 11:5<br/>12:10 20:1 25:4<br/>28:14 33:14<br/>44:21 45:1<br/>47:17<br/><b>l.p.</b> 3:11 4:2 6:4<br/>6:13 12:17<br/>13:13 54:21<br/>57:3 90:15<br/>96:18<br/><b>land</b> 27:25 39:21<br/>46:11,13,16<br/>55:12 67:15<br/>81:20 83:9,10<br/>94:11 95:18<br/>109:17<br/><b>landing</b> 10:5<br/>71:21 75:7<br/><b>landman</b> 11:6,14<br/>11:24 12:11,21<br/>13:6,15 39:16<br/>67:10 91:3,20<br/>93:2,15 94:10<br/>95:4,17<br/><b>landman's</b> 27:25<br/><b>landperson</b><br/>34:24,24<br/><b>lands</b> 59:13,14<br/>59:20 60:10,11<br/>89:21 90:25</p> | <p><b>late</b> 14:21 58:10<br/><b>lateral</b> 42:6,7<br/>71:24<br/><b>laterals</b> 59:1<br/><b>law</b> 5:22 23:20<br/>74:5<br/><b>laydown</b> 91:16<br/>93:12 94:7<br/>95:14<br/><b>lea</b> 1:12,17,22<br/>2:4,8,24 3:4,8,12<br/>3:16,21 34:7<br/>39:1,10 45:19<br/>55:6 65:25<br/>66:10,20 67:5<br/><b>leasable</b> 102:8<br/><b>lease</b> 60:21<br/>69:25<br/><b>leased</b> 73:10<br/><b>leave</b> 113:17<br/><b>leaving</b> 71:24<br/>111:6<br/><b>lecacy</b> 3:10<br/><b>led</b> 58:15<br/><b>left</b> 44:14 51:2<br/>56:16 76:17<br/><b>legacy</b> 6:12<br/>12:17 51:17,20<br/>53:6,15 54:21<br/>55:20 57:3 59:7<br/>59:11,11,13<br/><b>legacy's</b> 55:12<br/><b>lend</b> 104:10</p> | <p><b>limitation</b> 88:2<br/>110:24<br/><b>line</b> 27:5,17<br/>60:24,25 71:7<br/><b>lines</b> 70:9<br/><b>lining</b> 79:7<br/><b>list</b> 28:4 39:22<br/>39:23 67:15<br/><b>listed</b> 14:10,11<br/>25:19 35:19<br/>36:6 46:22<br/>92:12 97:5,25<br/>98:4 105:2<br/><b>lists</b> 47:7 62:5<br/><b>little</b> 14:17 22:2<br/>22:16 29:4<br/>47:11 54:4<br/>62:12 72:21<br/>105:24 107:3,8<br/>107:22<br/><b>located</b> 34:13<br/><b>location</b> 4:17<br/>34:14 41:11<br/>47:3 55:15 69:3<br/>82:14<br/><b>locator</b> 40:3 56:8<br/>67:19<br/><b>long</b> 113:1<br/><b>longer</b> 35:17<br/>38:10 55:21</p> | <p><b>looked</b> 85:7,8<br/>100:14,16<br/>103:24 109:2<br/><b>looking</b> 30:15<br/>41:5 46:19 50:2<br/>57:18 60:16<br/>64:10 70:15<br/>97:1,14,17 101:5<br/>108:4,9<br/><b>looks</b> 33:2 61:15<br/>88:11 99:25<br/>103:11 104:5,8<br/><b>lot</b> 36:8 48:25<br/>58:21 60:18<br/>61:18 80:23,23<br/>82:6,21 87:1,11<br/>87:17 89:7<br/>100:20 104:9<br/>106:14 109:9<br/>110:21 111:1<br/><b>lots</b> 80:6,6,11,17<br/>80:18,22 81:13<br/>81:13 82:9,13,20<br/>87:8 88:18 89:2<br/>89:5 91:11<br/>92:23 93:4,4<br/>94:2,22 95:10<br/>99:8 100:10,10<br/>101:7,15 102:1<br/>104:10 105:6,11<br/>106:2,5 111:23<br/>112:17</p> |

[love - morning]

|  |  |  |   |
|--|--|--|---|
| <p><b>love</b> 62:9,10<br/> <b>low</b> 91:21</p> <hr/> <p style="text-align: center;"><b>m</b></p> <hr/> <p><b>m</b> 5:3<br/> <b>m.d.t.</b> 4:14<br/> 114:15<br/> <b>m.r.c.</b> 5:12 77:9<br/> 78:25 97:5,7,9<br/> 97:10,12,19,25<br/> 98:3,3<br/> <b>mail</b> 17:17 28:6<br/> 43:24 44:5<br/> <b>mailed</b> 40:10<br/> 56:21 68:8<br/> <b>mailing</b> 42:21<br/> 92:8,13<br/> <b>mailings</b> 92:7<br/> <b>mails</b> 37:23<br/> <b>maintain</b> 106:19<br/> <b>making</b> 100:19<br/> <b>manner</b> 87:3<br/> 101:17<br/> <b>map</b> 39:21 40:3<br/> 40:4 47:3,3,4<br/> 55:15 56:8,9<br/> 60:1 67:15,20,21<br/> 68:1 70:8 97:1<br/> <b>marathon</b> 9:19<br/> 9:21 44:23 45:1<br/> 45:3 47:21 48:4<br/> <b>marathon's</b><br/> 45:24<br/> <b>marathonoil.c...</b><br/> 9:24<br/> <b>mariah</b> 4:19<br/> 115:2,18</p> | <p><b>marked</b> 28:15<br/> 34:25 35:2,11<br/> 40:21 47:18<br/> 57:6 68:17<br/> 96:20<br/> <b>marlene</b> 10:12<br/> <b>maroon</b> 45:24<br/> <b>martley</b> 38:2<br/> <b>matador</b> 1:14<br/> 2:11 3:1,18 4:6<br/> 5:10 7:2 9:2<br/> 11:21 12:3 13:3<br/> 15:20,23 23:3,6<br/> 37:14 38:9,21<br/> 39:2,5,11 40:19<br/> 41:16,21 42:4<br/> 43:16,21 64:18<br/> 64:22 65:18,25<br/> 66:3,10,13,21,23<br/> 67:6 68:15<br/> 69:12,15,16,19<br/> 72:3,5 73:5,13<br/> 73:25 75:23<br/> 83:16<br/> <b>matador's</b> 72:5<br/> 114:3<br/> <b>matter</b> 1:5 19:16<br/> 20:12 39:19<br/> 52:14 67:13<br/> 86:11 91:5,8<br/> 98:7<br/> <b>matters</b> 17:3<br/> 22:13 52:21<br/> 57:2 113:6<br/> <b>maximize</b><br/> 107:13<br/> <b>mcclure</b> 10:23</p> | <p><b>mckee</b> 10:14<br/> <b>mckenzie</b> 6:7<br/> <b>mean</b> 14:17 17:7<br/> 30:25 44:3<br/> 50:12 53:24<br/> 70:3,13 73:2<br/> 103:22 106:12<br/> 109:2,10,12<br/> <b>meaning</b> 87:18<br/> <b>means</b> 82:6<br/> <b>meet</b> 84:2 87:18<br/> <b>mentioned</b> 51:6<br/> 72:4 102:3<br/> <b>merely</b> 31:1<br/> <b>message</b> 30:16<br/> <b>messerschmitt</b><br/> 116:2,15<br/> <b>met</b> 28:9 82:3<br/> 91:18 93:14<br/> 94:9 95:16<br/> <b>method</b> 101:10<br/> <b>mewbourne</b> 2:6<br/> 7:2 19:1,4 21:4<br/> <b>mexico</b> 1:1,12,17<br/> 1:22 2:4,9,14,20<br/> 2:24 3:4,8,12,16<br/> 3:21 4:4,9,18<br/> 5:6,16,24 6:8,17<br/> 7:6,15 8:13,20<br/> 9:6,15 26:20<br/> 39:1,10 65:25<br/> 66:10,20 67:6<br/> 91:3 115:20<br/> <b>mfeldewert</b> 5:17<br/> <b>michael</b> 5:13<br/> 7:20 15:22<br/> 16:17 18:23<br/> 25:3 52:19</p> | <p>77:12<br/> <b>michelle</b> 38:2<br/> <b>midcontinent</b><br/> 35:24<br/> <b>migration</b> 88:13<br/> <b>mile</b> 58:25 59:3<br/> 71:24<br/> <b>million</b> 50:14<br/> <b>mind</b> 85:17<br/> <b>mineral</b> 34:1<br/> 73:9 75:16<br/> <b>minerals</b> 1:2<br/> <b>minority</b> 92:10<br/> <b>minute</b> 90:12<br/> <b>miracle</b> 47:9<br/> <b>misspoke</b> 30:2<br/> <b>mock</b> 30:14<br/> <b>modrall</b> 5:4<br/> 19:20<br/> <b>modrall.com</b> 5:7<br/> <b>moellenberg</b><br/> 8:10 32:22,23,24<br/> 33:4,8,9<br/> <b>month</b> 17:5,21<br/> 49:12,13 50:6,8<br/> 72:24<br/> <b>months</b> 17:21,22<br/> 20:15 36:20<br/> 53:17 59:4<br/> <b>monticello</b> 8:2,4<br/> 25:11<br/> <b>montllc.com</b> 8:7<br/> <b>morning</b> 14:15<br/> 15:21 16:6,12<br/> 17:17 19:19<br/> 23:11,16 25:3<br/> 29:1 32:23<br/> 37:11 41:5</p> |
|--|--|--|---|

[morning - notice]

|  |   |  |  |
|--|---|--|--|
| <p>44:19,24 48:11<br/> 48:12 51:18,19<br/> 52:6,18,25 58:10<br/> 64:19,25 68:25<br/> 76:25 77:11,16<br/> 77:21<br/> <b>motion</b> 14:21,23<br/> 14:24 15:6 22:2<br/> 24:3<br/> <b>motions</b> 14:25<br/> 15:2 23:25<br/> 24:15<br/> <b>move</b> 17:18<br/> 24:15 38:12,18<br/> 63:5,23 83:21<br/> 84:9 96:13<br/> 110:3<br/> <b>moved</b> 22:21<br/> <b>moving</b> 20:21<br/> 22:13 78:16<br/> <b>mrodriguez</b> 7:24<br/> <b>mud</b> 59:24<br/> <b>munds</b> 7:12<br/> 19:24,25 21:21<br/> 21:22 33:13,14<br/> 33:17 35:14,15<br/> 37:17,18 40:24<br/> 40:25 52:6,7<br/> 57:8,10 63:17<br/> 64:25 65:1,3,7<br/> 68:20,21<br/> <b>murdered</b> 38:2<br/> <b>murphy</b> 10:17</p> | <p><b>name</b> 25:14<br/> <b>names</b> 37:25<br/> <b>natural</b> 1:2<br/> <b>nature</b> 58:17,19<br/> 83:19<br/> <b>necessarily</b><br/> 59:16 99:11<br/> 101:18<br/> <b>necessary</b> 43:19<br/> 62:2 92:22<br/> 94:21 105:3<br/> <b>nedra</b> 10:17<br/> <b>need</b> 26:12 42:12<br/> 48:25 49:1 52:1<br/> 53:20 54:15<br/> 63:5,23 73:23,23<br/> 75:12,17 76:13<br/> 82:21,22 99:14<br/> 103:2 104:4<br/> 109:25 113:22<br/> <b>needed</b> 21:4 31:4<br/> 43:14 75:3 80:1<br/> 90:21<br/> <b>needs</b> 43:24 48:5<br/> <b>negotiated</b> 41:14<br/> <b>negotiations</b><br/> 91:23 93:18<br/> 95:20<br/> <b>neither</b> 115:11<br/> 116:7<br/> <b>new</b> 1:1,12,17,22<br/> 2:4,9,14,20,24<br/> 3:4,8,12,16,21<br/> 4:4,9,18 5:6,16<br/> 5:24 6:8,17 7:6<br/> 7:15 8:13,20 9:6<br/> 9:15 22:4 26:19<br/> 39:1,10 65:25</p> | <p>66:10,20 67:5<br/> 69:8 73:22,23<br/> 91:2 115:20<br/> <b>newspaper</b><br/> 31:18<br/> <b>newspapers</b><br/> 56:25<br/> <b>nicely</b> 17:4<br/> <b>night</b> 15:1<br/> <b>nobody's</b> 53:9<br/> <b>nod</b> 24:11<br/> <b>non</b> 89:11<br/> <b>nonstandard</b><br/> 82:14 83:25<br/> 92:21 94:20<br/> 102:4,15 103:15<br/> 105:2 106:10,11<br/> 110:2 111:3,8,11<br/> 111:18<br/> <b>nonstandards</b><br/> 111:6<br/> <b>norm</b> 50:7<br/> <b>normal</b> 81:14<br/> <b>normally</b> 44:4<br/> 50:7 56:13<br/> <b>north</b> 5:15 8:5<br/> 9:5 27:5,13,18<br/> 27:18,19 34:18<br/> 60:25 80:20,20<br/> 80:21 87:12,12<br/> 87:14,14 89:22<br/> 89:23,23 91:1<br/> 101:5,5,8,12,12<br/> 101:14,14,20,25<br/> 102:13,13,13<br/> 103:7,7 104:11<br/> 104:12,13,13<br/> 107:1,1,4,4,7,7</p> | <p><b>northeast</b> 34:15<br/> 65:22 66:7,17<br/> 67:2 72:9<br/> <b>northward</b> 72:9<br/> <b>northwest</b> 34:15<br/> 34:17,18<br/> <b>nos</b> 1:10,14,19<br/> 2:1,6,11,17 3:1,6<br/> 3:10,14,18 4:1,6<br/> 11:5,21 12:3,10<br/> 12:17 13:3,13<br/> <b>notary</b> 4:19<br/> 115:19<br/> <b>note</b> 17:6 32:6<br/> 37:21 54:6<br/> 55:20 56:2<br/> 102:18 112:16<br/> <b>noted</b> 35:24<br/> 90:16 109:5<br/> <b>notes</b> 55:14,16<br/> <b>notice</b> 11:16<br/> 12:5,13,23 13:8<br/> 13:17 28:2,3,8<br/> 30:20 31:9,18,21<br/> 35:3,4 40:9,11<br/> 42:18 46:12<br/> 47:6,11 50:13<br/> 53:12 56:20,21<br/> 56:24 61:18,21<br/> 62:1,13,22 68:7<br/> 68:9 73:23 74:9<br/> 74:12,16,24<br/> 75:20 92:7,7,8<br/> 92:14,15,17 93:5<br/> 93:23,24 94:17<br/> 94:18 96:1,1,1<br/> 109:8,9</p> |
| <p><b>n</b></p>  |   |  |  |
| <p><b>n</b> 5:1 6:1 7:1 8:1<br/> 9:1 10:1 11:1<br/> 14:1</p>   |   |  |  |

[noticed - operator]

|  |   |   |  |
|--|---|---|--|
| <p><b>noticed</b> 48:13<br/>49:10 50:13<br/><b>notices</b> 47:8<br/>61:17<br/><b>notification</b><br/>42:20,21,24 43:1<br/><b>notified</b> 24:4<br/>28:5 42:16,17<br/>47:7 48:1<br/><b>notify</b> 36:9,14<br/><b>notifying</b> 61:25<br/><b>november</b> 21:7<br/>21:10,13 22:14<br/>22:21<br/><b>novo</b> 48:5,5<br/><b>number</b> 26:20<br/>27:9 33:20<br/>34:12 37:21<br/>45:13 46:1<br/>51:23 56:21<br/>58:23 59:17<br/>61:20 62:11,20<br/>86:15 101:4<br/>108:21<br/><b>numbers</b> 28:12<br/>54:25 67:20,24<br/>68:13 91:9<br/><b>numerous</b> 72:23</p> | <p><b>objection</b> 17:12<br/>18:4,7,10 21:11<br/>21:17,20,22<br/>24:13 26:6<br/>33:17 52:14<br/>63:9,12,14,17,20<br/>65:8 78:13,15<br/><b>objections</b> 17:9<br/>24:11 26:1<br/>40:24 41:1<br/>47:24 57:11<br/>65:5 68:22<br/>78:19 90:16<br/><b>objects</b> 52:2,3<br/><b>observation</b> 69:1<br/>70:15<br/><b>observations</b><br/>71:7 75:5<br/><b>observe</b> 40:5<br/>68:3<br/><b>obviously</b> 48:1<br/>73:22,22 74:16<br/>75:5 106:13<br/><b>occurring</b> 49:18<br/><b>ocean</b> 7:12 19:25<br/>33:13 37:18<br/>52:7 65:1<br/><b>ocean.munds</b><br/>7:16<br/><b>october</b> 17:25<br/>18:12<br/><b>offer</b> 21:10 90:4<br/>90:22<br/><b>office</b> 16:8,18<br/>18:23 23:17<br/>29:13 37:13<br/>44:20 52:19<br/>53:1 64:21 77:1</p> | <p>77:12 90:14<br/><b>officer</b> 32:24<br/>33:5,25 115:1,2<br/><b>offset</b> 26:15 59:3<br/><b>offsets</b> 30:12<br/><b>oh</b> 33:4 42:1<br/>60:18 64:12<br/>71:1<br/><b>oil</b> 1:3,6 2:7 5:11<br/>7:2,11 9:19,21<br/>19:1 26:15 29:5<br/>29:16,22 30:5,11<br/>37:19 44:23<br/>45:1 52:17,20<br/>65:2 81:17,20<br/>91:13 92:25<br/>94:5,24 99:19<br/><b>oily</b> 29:12<br/><b>okay</b> 15:4 19:12<br/>19:17 20:22<br/>21:23 22:9,24<br/>23:8,19 25:5,16<br/>25:25 26:4<br/>29:21 30:6,13<br/>31:17,23 32:1,11<br/>32:19 33:11,15<br/>35:18 36:5,16,21<br/>37:1 40:23 43:2<br/>43:6,22 47:25<br/>48:7,22 50:10,20<br/>51:10,15 53:6,22<br/>53:24 54:11,17<br/>54:19 58:1 59:6<br/>60:19 61:4,5,22<br/>62:3,8,25 63:22<br/>64:8,23 71:1,6<br/>72:14 75:8 76:2<br/>76:15,16 78:3,5</p> | <p>78:22 81:6,6<br/>85:21,23 88:23<br/>98:10,13,25<br/>101:3 107:21<br/>108:25 110:22<br/>111:14,14,21<br/>112:7 113:5,12<br/>113:12,13 114:6<br/>114:8<br/><b>oklahoma</b> 8:6,6<br/><b>old</b> 82:2<br/><b>older</b> 83:11<br/><b>once</b> 64:9 73:19<br/>75:8<br/><b>one's</b> 70:18<br/><b>ones</b> 108:23<br/><b>ongoing</b> 72:12<br/><b>open</b> 44:14 51:3<br/>63:11 72:10<br/>75:19 113:17<br/><b>operate</b> 59:20<br/>60:7,9,10<br/><b>operating</b> 2:2,18<br/>3:6,11,14 5:20<br/>6:13 7:10,19,21<br/>9:10,11 10:2<br/>11:5 12:10,17<br/>19:23,25 20:23<br/>20:25 25:2,4<br/>28:14 33:12,14<br/>44:18,21 47:17<br/>51:17 52:5,8<br/>53:2 54:21 57:3<br/>77:15,18 79:4<br/><b>operator</b> 59:12<br/>59:14 105:25<br/>106:9,16,18,24<br/>107:5,9,13</p> |
| <p><b>o</b></p>  |   |   |  |
| <p><b>o</b> 14:1 64:4<br/><b>o.c.d.</b> 29:12<br/><b>object</b> 33:16<br/>45:3 52:21<br/>78:25 79:5<br/><b>objected</b> 78:10<br/><b>objecting</b> 78:16</p>   |   |   |  |

[operators - parties]

|  |   |   |  |
|--|---|---|--|
| <p><b>operators</b> 110:19<br/> <b>opinion</b> 17:11<br/> <b>opportunity</b> 106:4<br/> <b>opposed</b> 84:18<br/> <b>opposite</b> 106:3<br/> <b>optimal</b> 88:13,24 89:4<br/> <b>optimizing</b> 88:3<br/> <b>option</b> 93:3<br/> <b>options</b> 79:22 90:22 109:24<br/> <b>order</b> 14:23 15:5 18:16 22:3,7,16 26:21 27:10 29:18 45:14 46:2 51:12 52:1 53:8 54:15 63:23 73:19,24 75:11,25 88:3,24 89:4 91:10 92:21 94:1,20<br/> <b>ordinance</b> 83:9<br/> <b>orientation</b> 91:16 93:12 94:7 95:14<br/> <b>original</b> 54:8<br/> <b>originally</b> 29:10 58:24 90:18 102:25<br/> <b>outcome</b> 115:16 116:12<br/> <b>outs</b> 40:6 68:4<br/> <b>outside</b> 50:7<br/> <b>overlap</b> 48:1<br/> <b>overlapping</b> 45:16 55:17</p> | <p><b>overlaps</b> 45:23<br/> <b>override</b> 62:4<br/> <b>overrides</b> 46:22 46:25 51:9<br/> <b>overriding</b> 39:23 61:23 92:11<br/> <b>oversight</b> 15:2<br/> <b>oversized</b> 81:12 111:9<br/> <b>overview</b> 85:18<br/> <b>owner</b> 73:16,17 92:9<br/> <b>owners</b> 37:22 38:6 39:22,23 55:23 61:21 62:7 67:16 72:16,22 73:20 75:14,16,24 92:12 107:12<br/> <b>ownership</b> 46:14 46:16 55:19 91:21 93:16 94:11 95:18 97:6,8,18,24 98:2,9<br/> <b>owning</b> 97:9,10 97:12,13<br/> <b>oxy</b> 2:22 5:11 8:9 11:11 19:6,9 19:13,16 32:20 32:24 33:25 34:11 35:9</p> | <p><b>p.a.</b> 5:22 8:11,18<br/> <b>p.b.e.x.</b> 7:3 52:13 61:9<br/> <b>p.b.x.</b> 57:13<br/> <b>p.l.l.c.</b> 10:4<br/> <b>p.l.s.s.</b> 88:15 89:21 102:22 104:7 105:11<br/> <b>p.o.</b> 5:5,23 7:5 9:14<br/> <b>packet</b> 34:22 55:8 74:18<br/> <b>pad</b> 41:18 42:5,8<br/> <b>padilla</b> 5:21,22 16:2,3 17:14,15 17:23 18:1<br/> <b>padillalaw</b> 5:25<br/> <b>pads</b> 41:12<br/> <b>page</b> 30:15 31:12 31:12 46:21,23 58:12 69:7 70:8 97:5 108:5,9,18 109:3 113:18,19<br/> <b>paladin</b> 92:9<br/> <b>pantera</b> 6:2 16:9<br/> <b>paper</b> 22:18 42:17<br/> <b>papers</b> 56:24<br/> <b>paragraph</b> 70:24 74:24<br/> <b>paralta</b> 8:12,19<br/> <b>park</b> 7:22<br/> <b>parker</b> 39:17 40:5 67:11 68:3<br/> <b>parker's</b> 40:1 67:18<br/> <b>parrot</b> 6:14 16:12,13 18:7</p> | <p>19:7,8,10 21:16 21:17 23:11,12 24:12,13 25:22 25:23 26:3 28:18,19 51:18 51:20 53:7,11,16 53:22 54:1,11,16 54:19,20 57:17 57:22,25 58:3,19 59:25 60:23 61:5,8,20,25 62:6,16,23 64:3 64:7<br/> <b>part</b> 44:4 74:7 82:2,2,19 85:15 86:13 87:22,24 87:25 88:17,25 110:21<br/> <b>partially</b> 45:23 59:9<br/> <b>participants</b> 107:12<br/> <b>participating</b> 15:11<br/> <b>particular</b> 111:25<br/> <b>particularly</b> 71:12<br/> <b>parties</b> 18:3 20:10 21:16 24:5,11 25:6 28:5 31:10,14 35:23 36:8,24 38:10,17 42:15 42:23 43:1,2 47:7 56:1,22 59:5 60:12 61:15 62:4,5,11</p> |
|  | <p><b>p</b></p>   |   |  |
|  | <p><b>p</b> 5:1,1 6:1,1 7:1 7:1 8:1,1 9:1,1 10:1,1 14:1</p>   |   |  |

[parties - prepare]

|  |   |  |  |
|--|---|--|--|
| <p>62:20 63:8,11<br/>         64:1 65:11 73:7<br/>         73:22 78:20,24<br/>         79:6 92:12,15<br/>         115:12,14 116:8<br/>         116:11<br/> <b>parts</b> 20:21<br/> <b>party</b> 35:17,19<br/>         36:22 55:21<br/>         57:23 62:13<br/> <b>pasea</b> 7:14<br/> <b>paseo</b> 8:12,19<br/> <b>pass</b> 50:1 71:8<br/> <b>pattern</b> 110:7<br/> <b>paul</b> 10:13<br/> <b>paula</b> 9:3 37:12<br/>         64:20<br/> <b>paw</b> 34:11<br/> <b>pdf</b> 30:16,17,21<br/>         31:13 97:5<br/> <b>peifer</b> 23:20<br/> <b>pena</b> 10:16<br/> <b>pending</b> 54:2<br/> <b>penetrate</b> 41:6<br/>         48:14<br/> <b>penetrates</b> 81:21<br/> <b>people</b> 36:9<br/>         60:20 61:18<br/>         62:1,18,19 85:6<br/>         109:9,17 110:18<br/>         111:10<br/> <b>peralta</b> 7:14<br/> <b>percent</b> 49:13<br/>         110:24<br/> <b>perfect</b> 61:12<br/> <b>permian</b> 5:12<br/>         9:11,19,21 44:23<br/>         45:1 52:24 53:2</p> | <p>77:10 78:25<br/>         97:5,20<br/> <b>persons</b> 26:9<br/>         37:2,25 38:3,16<br/>         43:7 63:1 76:3<br/>         78:6 109:18,19<br/>         113:14<br/> <b>perspective</b> 84:7<br/>         106:13 112:9<br/>         113:11<br/> <b>persuasive</b> 89:25<br/> <b>philips</b> 37:16,18<br/> <b>phillip</b> 10:19<br/> <b>piece</b> 22:18<br/> <b>piecemeal</b><br/>         101:17<br/> <b>pinch</b> 40:6 68:4<br/> <b>pinching</b> 56:18<br/> <b>place</b> 59:18,21<br/>         69:22 111:24<br/> <b>placed</b> 99:13<br/> <b>placements</b><br/>         41:12<br/> <b>placing</b> 70:11<br/> <b>plan</b> 47:5<br/> <b>plans</b> 43:17 51:4<br/>         59:6 113:1<br/> <b>platform</b> 71:17<br/> <b>play</b> 95:13<br/> <b>pleading</b> 110:11<br/> <b>pleadings</b> 79:23<br/> <b>please</b> 14:5<br/>         18:22 26:11<br/>         54:18 85:21<br/>         86:8<br/> <b>plus</b> 76:18<br/> <b>pmvance</b> 9:7</p> | <p><b>point</b> 7:22 21:8<br/>         51:25 60:4<br/>         73:19 74:4<br/>         83:18 92:16<br/>         104:25 107:18<br/>         111:6<br/> <b>politely</b> 82:4<br/> <b>pony</b> 39:3,12<br/> <b>pool</b> 26:15,15,22<br/>         27:11 29:4,5,5,7<br/>         29:10,16,18,22<br/>         29:24 33:25<br/>         34:13,13 35:17<br/>         35:19,23 36:8,22<br/>         36:24 38:21,23<br/>         39:6,7 62:5<br/>         65:19 66:4,5,14<br/>         66:15,24,25<br/>         69:17 72:19<br/>         91:13 92:25<br/>         94:5,24 101:12<br/>         101:13<br/> <b>pooled</b> 46:18,20<br/>         46:22 47:1<br/>         55:21 57:21,23<br/>         61:16 62:7<br/>         63:20 64:2 72:6<br/>         108:14,19 109:4<br/>         113:20<br/> <b>pooling</b> 1:11,16<br/>         1:21 2:3,8,13,19<br/>         2:23 3:3,7,12,15<br/>         3:20 4:3,8 11:12<br/>         11:22 12:19<br/>         13:4 26:21<br/>         27:10,24 39:15<br/>         45:14 46:2<br/>         61:23 67:9 73:2</p> | <p>73:15 82:17<br/>         91:12 92:24<br/>         94:3,23 113:4<br/> <b>pools</b> 30:4,5<br/> <b>position</b> 81:5<br/>         82:5,6 84:7<br/> <b>positioned</b> 95:6<br/>         95:9<br/> <b>possibility</b> 56:15<br/>         110:8<br/> <b>possible</b> 50:19<br/>         105:4 110:7<br/> <b>possibly</b> 101:13<br/> <b>postal</b> 62:18<br/> <b>potash</b> 36:15<br/>         41:13 60:21,25<br/>         61:1<br/> <b>potential</b> 92:4<br/>         93:21 94:15<br/>         107:14 114:3<br/> <b>potentially</b><br/>         58:13 106:1,2<br/> <b>powerpoint</b> 60:2<br/> <b>pre</b> 14:23<br/> <b>predicated</b> 89:12<br/> <b>prefer</b> 105:1<br/> <b>preference</b> 17:4<br/>         75:22 93:8<br/>         110:3<br/> <b>prehearing</b> 22:3<br/>         22:7 52:1 53:8<br/>         53:14,17,21<br/>         54:14 63:5,6,9<br/>         63:23 75:11<br/> <b>premised</b> 80:16<br/>         80:19<br/> <b>prepare</b> 72:3</p> |
|--|---|--|--|

[prepared - putting]

|   |  |   |   |
|---|--|---|---|
| <p><b>prepared</b> 116:3<br/> <b>preparing</b> 46:19<br/> <b>present</b> 10:10<br/> 38:6 54:23<br/> 79:17 80:1<br/> <b>presentation</b><br/> 60:3 81:2 90:12<br/> <b>presented</b> 84:12<br/> 90:19,20 99:9<br/> 109:24 112:5<br/> 113:4<br/> <b>presenting</b><br/> 106:13<br/> <b>preserving</b> 48:4<br/> <b>presumption</b><br/> 99:16<br/> <b>pretty</b> 20:11<br/> 30:23 50:14<br/> 54:24 110:18<br/> <b>prevent</b> 72:13<br/> 88:3,24 89:4<br/> 96:10 104:2<br/> 107:10<br/> <b>preventing</b><br/> 96:11<br/> <b>prevention</b> 96:5<br/> <b>prevents</b> 104:1<br/> <b>previous</b> 49:5<br/> <b>previously</b> 39:17<br/> 55:13 56:6<br/> 67:11<br/> <b>price</b> 70:21<br/> <b>prime</b> 56:10<br/> 70:12<br/> <b>prior</b> 29:13 32:8<br/> 96:3 115:5<br/> <b>privy</b> 75:5</p> | <p><b>probably</b> 20:15<br/> 38:1 52:1 59:21<br/> 59:24 60:2<br/> 79:10<br/> <b>problem</b> 32:11<br/> 82:2<br/> <b>proceed</b> 26:11<br/> 33:23 45:12<br/> 54:18 65:15<br/> 83:24 84:11<br/> 85:19,22 90:1,9<br/> 90:17,23<br/> <b>proceeding</b> 4:17<br/> 52:14,21 61:24<br/> 65:8 114:16<br/> 116:4<br/> <b>proceedings</b><br/> 115:3,5,6,9<br/> 116:6<br/> <b>process</b> 79:7<br/> 82:16 104:5,5<br/> <b>production</b> 1:15<br/> 2:12 3:2,19 4:2<br/> 4:7 5:10 6:3 7:2<br/> 9:2 11:21 12:3<br/> 13:3,13 15:20,23<br/> 23:4,15,18 29:11<br/> 29:15 37:14<br/> 40:19 49:12<br/> 64:18,22 68:15<br/> 76:23 77:2 88:4<br/> 88:14 89:5<br/> 90:15 96:18<br/> 103:11<br/> <b>professional</b><br/> 46:11<br/> <b>progressing</b> 17:4</p> | <p><b>prohibit</b> 88:17<br/> 89:1<br/> <b>promising</b> 79:15<br/> <b>proper</b> 71:16<br/> 80:21,21,24<br/> 93:23,23 100:13<br/> <b>proposal</b> 39:24<br/> 41:25 46:15<br/> 55:23 67:16<br/> 91:21 93:16<br/> 94:11 95:19<br/> 99:7,9<br/> <b>proposals</b> 59:20<br/> 70:19<br/> <b>proposed</b> 39:3<br/> 39:12 58:25<br/> 60:3 66:1,11,22<br/> 67:7 71:2 72:4<br/> 74:8,24 87:1,7<br/> 93:7 95:2,11<br/> <b>proposes</b> 45:20<br/> <b>proposing</b> 83:5,7<br/> 83:23 106:9<br/> 107:16<br/> <b>protect</b> 96:10<br/> <b>protection</b> 96:4<br/> 96:9<br/> <b>protest</b> 59:19<br/> <b>provide</b> 50:8,20<br/> 84:20 89:8<br/> <b>provided</b> 39:15<br/> 43:24 67:8<br/> 69:13 105:16<br/> 112:2<br/> <b>provides</b> 46:13<br/> 88:8 92:6<br/> <b>provision</b> 107:11</p> | <p><b>provisions</b><br/> 107:15<br/> <b>proximity</b> 45:21<br/> 45:22 46:8,9<br/> 55:6 80:12,14<br/> 82:11 83:25<br/> 95:9,13 110:2,9<br/> 111:3,23<br/> <b>prudent</b> 107:4<br/> <b>public</b> 4:19 74:9<br/> 83:10 115:19<br/> <b>publication</b><br/> 11:17 12:6,24<br/> 13:9 28:7 35:4<br/> 40:12 42:22<br/> 43:1 56:24 68:9<br/> 92:7,14 96:1<br/> <b>publish</b> 47:11<br/> <b>published</b> 40:12<br/> 56:24 68:10<br/> <b>pull</b> 26:18 54:25<br/> 65:18<br/> <b>pulling</b> 73:17<br/> <b>purple</b> 29:7 30:2<br/> 30:4<br/> <b>purpose</b> 1:7<br/> 82:23<br/> <b>purposes</b> 21:8<br/> 102:10<br/> <b>pursuant</b> 34:9<br/> 88:20,23 89:3<br/> <b>purview</b> 58:14<br/> <b>put</b> 15:10 52:4<br/> 69:24 82:15<br/> 97:23 110:7<br/> <b>putting</b> 110:2,23</p> |
|---|--|---|---|

[quadrants - relative]

|   |   |  |  |
|---|---|--|--|
| <p><b>q</b><br/> <b>quadrants</b> 82:12<br/> <b>qualification</b><br/> 86:9<br/> <b>qualifications</b><br/> 55:14 56:7<br/> <b>qualified</b> 115:7<br/> <b>qualities</b> 105:18<br/> <b>quarter</b> 27:4,4<br/> 27:17,17 34:15<br/> 34:15,17,18,19<br/> 65:22,24 66:7,9<br/> 66:17,19 67:2,4<br/> 71:24,25 72:7,9<br/> 81:14,14,22,22<br/> 82:7,7,8,8,22,22<br/> 86:3,3,6,6,14,14<br/> 86:16,16 87:4,4<br/> 87:10,10,13 88:5<br/> 88:5,12,12 89:6<br/> 89:6 90:7,7<br/> 99:19,19,22,22<br/> 99:23 100:2,2,9<br/> 100:9,20,20,24<br/> 100:25,25 101:1<br/> 103:20,20 104:6<br/> 104:6 105:12,12<br/> 105:15,15<br/> <b>question</b> 22:12<br/> 29:2 38:8 49:8<br/> 69:14 97:8 98:6<br/> 105:19<br/> <b>questions</b> 28:18<br/> 28:21,24 32:2,12<br/> 35:8,14,15 36:2<br/> 36:4 40:14,24,25<br/> 43:3 47:14,21,24<br/> 50:3,22 57:8,10</p> | <p>58:6 59:22 61:4<br/> 68:11,20,21 70:3<br/> 96:17,22 98:14<br/> 98:22 109:7<br/> 113:14<br/> <b>questoffice.net</b><br/> 5:25<br/> <b>quick</b> 62:21 69:1<br/> 85:18<br/> <b>quickly</b> 14:11<br/> 109:3<br/> <b>quote</b> 87:19</p>  | <p><b>ready</b> 14:18<br/> 22:17<br/> <b>real</b> 73:20<br/> <b>realized</b> 15:1<br/> 46:20<br/> <b>really</b> 41:7 60:4<br/> 71:12 103:13<br/> 108:24 109:7<br/> <b>reason</b> 30:14,17<br/> 36:12 49:21<br/> 111:20<br/> <b>reasonable</b><br/> 70:21<br/> <b>reasons</b> 101:4<br/> 102:7 103:1<br/> 104:15<br/> <b>recapitulation</b><br/> 97:15,19 108:5<br/> 109:3 113:19<br/> <b>received</b> 42:24<br/> 47:9 61:21<br/> 62:14,15<br/> <b>recognize</b> 111:25<br/> <b>recognizes</b> 101:1<br/> <b>recommendation</b><br/> 82:24<br/> <b>record</b> 28:12<br/> 32:16 35:16<br/> 37:6 39:19<br/> 40:16 43:11,25<br/> 44:6,14 47:15<br/> 51:1,2,11 52:2<br/> 53:19,23 54:3<br/> 57:2 63:4 67:13<br/> 68:12 76:6 79:6<br/> 85:3,15 91:5,8<br/> 96:15 110:12<br/> 113:17,21 115:9</p> | <p>116:5<br/> <b>recorded</b> 72:24<br/> 115:6<br/> <b>recording</b> 115:8<br/> 116:4<br/> <b>records</b> 29:11<br/> 114:5<br/> <b>rectangular</b><br/> 89:14 102:6<br/> 103:6,17 106:20<br/> <b>red</b> 34:13<br/> <b>reduced</b> 105:7<br/> 115:7<br/> <b>reef</b> 41:6 42:10<br/> 43:18 48:14,18<br/> 70:18<br/> <b>refile</b> 53:18<br/> <b>refined</b> 102:25<br/> <b>reflect</b> 72:18<br/> 98:9<br/> <b>reflected</b> 29:19<br/> 31:15 73:4<br/> 91:24<br/> <b>reflecting</b> 91:22<br/> <b>regarding</b> 38:8<br/> 92:15 96:17<br/> 110:8<br/> <b>regardless</b> 107:6<br/> <b>region</b> 41:13<br/> <b>regional</b> 47:3<br/> <b>related</b> 27:25<br/> 28:2 115:11<br/> 116:7<br/> <b>relates</b> 29:6<br/> <b>relationship</b><br/> 36:17<br/> <b>relative</b> 115:13<br/> 116:10</p> |
|   | <p><b>r</b><br/> <b>r</b> 5:1 6:1 7:1 8:1<br/> 9:1 10:1 14:1<br/> <b>r111p</b> 48:15<br/> <b>raised</b> 81:15<br/> <b>ranch</b> 5:12 52:17<br/> 52:20<br/> <b>range</b> 27:1 34:4<br/> 34:6,16,19 39:1<br/> 39:10 45:18,19<br/> 46:5,6 65:25<br/> 66:10,20 67:5<br/> 91:2<br/> <b>rankin</b> 10:11<br/> <b>rationale</b> 112:2<br/> <b>reach</b> 69:11,14<br/> 69:19 72:2,25<br/> 73:5,12,25 75:23<br/> <b>reached</b> 38:9<br/> 81:8<br/> <b>read</b> 65:4<br/> <b>readily</b> 102:1<br/> 104:7,10<br/> <b>reads</b> 72:22</p> |  |  |

[remaining - rule]

|   |   |  |   |
|---|---|--|---|
| <p><b>remaining</b> 79:25<br/>80:10 88:7<br/><b>remember</b> 83:10<br/>100:3<br/><b>remnant</b> 88:6<br/><b>remote</b> 4:17<br/><b>repeat</b> 25:14<br/><b>replace</b> 20:24<br/><b>replaced</b> 21:5<br/><b>report</b> 62:18<br/>92:13<br/><b>reported</b> 4:19<br/><b>reporter</b> 14:4<br/>76:12,14<br/><b>representation</b><br/>20:19<br/><b>representations</b><br/>17:16<br/><b>representative</b><br/>56:17<br/><b>represented</b><br/>32:21 36:23<br/><b>representing</b><br/>19:10 23:6,13<br/>25:23 51:20<br/>52:13 54:21<br/>90:23<br/><b>request</b> 35:5<br/>47:14 57:1<br/>75:25 95:10<br/>111:16,17<br/><b>requested</b> 51:4<br/><b>requesting</b> 37:23<br/><b>requests</b> 26:21<br/>27:10 89:16<br/><b>require</b> 73:18<br/><b>required</b> 74:8</p> | <p><b>requirement</b><br/>87:22<br/><b>requirements</b><br/>28:8 34:10<br/>91:17 93:13<br/>94:8 95:15<br/><b>research</b> 99:15<br/><b>researched</b><br/>100:15<br/><b>reserves</b> 3:10<br/>6:13 12:17<br/>51:17,20 53:7<br/>54:21 57:3<br/><b>resolution</b> 84:17<br/><b>resolve</b> 17:3<br/><b>resolved</b> 58:18<br/>78:21<br/><b>resources</b> 1:2,20<br/>6:12 7:3,11 16:1<br/>16:11,14 19:6,11<br/>23:10,13 25:21<br/>37:19 52:11,13<br/>64:24 65:2<br/>106:4<br/><b>respect</b> 83:14<br/>96:25 101:21<br/><b>respectfully</b> 35:5<br/><b>respective</b> 87:16<br/><b>respects</b> 93:24<br/><b>response</b> 16:23<br/>20:6 23:23 25:8<br/>32:14 37:4 43:9<br/>45:10 50:24<br/>63:2 65:13 78:8<br/><b>responses</b> 38:17<br/><b>rest</b> 54:18<br/><b>restrict</b> 88:17<br/>89:1</p> | <p><b>restricted</b> 88:1<br/><b>restrictions</b><br/>102:9<br/><b>resubmit</b> 30:22<br/>32:10<br/><b>resubmitting</b><br/>54:7<br/><b>result</b> 59:18<br/>81:12 110:19<br/><b>resulting</b> 101:17<br/>101:18<br/><b>retained</b> 11:8,18<br/>12:7,14,25 13:10<br/>13:18<br/><b>returned</b> 92:10<br/><b>review</b> 84:21<br/>85:24 111:25<br/><b>reviewing</b> 15:1<br/><b>revise</b> 51:6<br/>113:18<br/><b>revised</b> 32:7<br/>63:25 72:15<br/>105:10<br/><b>revisit</b> 85:16<br/><b>rid</b> 61:16<br/><b>right</b> 15:14,25<br/>16:15,20 17:13<br/>17:20,24 18:11<br/>18:25 19:22<br/>21:9,15,18 22:15<br/>22:20 23:20<br/>24:6,10,14,19,25<br/>25:20 26:9<br/>28:25 31:6,24<br/>44:7,22 51:22<br/>53:3 58:1 62:8<br/>63:16,21 64:5<br/>71:16,18 72:20</p> | <p>75:2 76:11,18<br/>77:4,14 78:14<br/>79:9 90:12<br/>97:16 98:13<br/>100:3 108:16<br/>109:17 114:7<br/><b>rights</b> 48:4 96:4<br/>96:10<br/><b>risks</b> 101:16<br/><b>rock</b> 2:17 7:19<br/>7:21 11:5 25:1,4<br/>26:18,20 27:9<br/>28:14<br/><b>rodriguez</b> 7:20<br/>25:3,4 26:10,13<br/>29:1,9 30:1,9,19<br/>31:6,11,20,25<br/>32:4,6,9,18<br/><b>rose</b> 4:16 14:3<br/>15:22 28:24<br/>36:2 37:12 41:3<br/>43:5,13 44:3<br/>48:9 50:13,16<br/>54:22 58:8<br/>64:20 68:24<br/>75:2 76:9 99:2<br/>113:23<br/><b>round</b> 42:20,21<br/><b>routine</b> 14:13<br/><b>row</b> 80:6 81:11<br/>82:8,9<br/><b>royalty</b> 37:22<br/>38:5,8 39:23<br/>61:21,23 62:4<br/>92:11<br/><b>ruby</b> 55:2 59:7<br/><b>rule</b> 81:16 82:2<br/>86:1,2,4 87:19</p> |
|---|---|--|---|

[rule - send]

|  |  |  |  |
|--|--|--|--|
| <p>87:24<br/> <b>rules</b> 81:16<br/> 82:19 83:19<br/> 85:24 86:12<br/> 87:22,25 88:24<br/> 89:4 91:17<br/> 93:14 94:8<br/> 95:16 99:13,25<br/> 100:15 103:6<br/> 104:18 106:21<br/> 107:11,16<br/> <b>ruling</b> 83:14,14<br/> 84:6,8<br/> <b>rumble</b> 110:16<br/> <b>run</b> 42:18<br/> <b>running</b> 84:19<br/> <b>ryan</b> 10:14</p>  | <p>37:13 44:20<br/> 52:19 53:1<br/> 64:20 77:1,12<br/> 90:14<br/> <b>savage</b> 6:5 16:6<br/> 16:7 18:4 23:16<br/> 23:17 24:12,23<br/> 76:24,25 77:5<br/> 78:14,18 79:10<br/> 79:13 80:8,14<br/> 81:6,8 82:24<br/> 83:1,13 84:5,14<br/> 85:10,23 88:23<br/> 90:10,13 92:20<br/> 97:11,18 98:5,7<br/> 98:11 99:6,10<br/> 106:12 107:25<br/> 108:1,4,6,11,16<br/> 108:20,25 109:5<br/> 109:10,14,25<br/> 110:5,6,22<br/> 111:14,21 112:4<br/> 112:7,20,25<br/> 113:10 114:2,4,7<br/> <b>saying</b> 17:17<br/> 43:18 75:9<br/> 110:25<br/> <b>says</b> 81:18<br/> <b>scheduling</b> 15:5<br/> 18:16<br/> <b>schill</b> 6:6 10:21<br/> 16:8 23:17 77:1<br/> 90:14<br/> <b>scott</b> 8:17 32:25<br/> 33:6<br/> <b>scott.woody</b> 8:21<br/> <b>sea</b> 40:3</p> | <p><b>second</b> 23:9<br/> 42:21 46:23<br/> 78:2 90:13 96:7<br/> 105:2<br/> <b>secondly</b> 86:21<br/> <b>section</b> 34:5,16<br/> 34:19 40:4,5<br/> 42:11 45:17,18<br/> 46:4,6 47:3 56:9<br/> 56:11,11 59:2<br/> 65:22,23,24 66:7<br/> 66:8,9,17,18,19<br/> 67:2,3,4,23 68:2<br/> 70:7,12 71:25,25<br/> 72:8,8,9,10 81:1<br/> 81:23 82:7,22<br/> 83:10 86:3,6,14<br/> 86:16 87:10,11<br/> 87:13,14,15 88:5<br/> 88:6,12 89:6<br/> 90:7 99:19,20,23<br/> 100:14,21,24<br/> 101:1,11 103:8<br/> 103:20,22<br/> 104:12,14 105:7<br/> 105:13,15 113:2<br/> <b>sections</b> 26:25<br/> 27:6,13,19 34:4<br/> 38:25 39:9 47:4<br/> 55:3,5 59:1,8,9<br/> 69:3 79:16,21<br/> 81:10,12,14 82:8<br/> 87:3,4,6,10,17<br/> 88:9,19 89:3,15<br/> 89:20,20 91:1,11<br/> 92:23 94:3,22<br/> 99:8,22 100:2,10<br/> 100:25 101:8,13</p> | <p>102:18,19,20,21<br/> 103:2,4 104:6,19<br/> 104:21 106:17<br/> <b>see</b> 24:11 29:19<br/> 31:12 32:22<br/> 36:8 49:14 50:7<br/> 50:7 52:3 53:14<br/> 57:18,19 59:21<br/> 60:23 63:8 69:7<br/> 70:18 71:4,6,8<br/> 74:6,13,15,18,20<br/> 75:23 76:12<br/> 87:21 88:16,25<br/> 97:2,5,7,19 98:3<br/> 109:12 113:3<br/> 114:14<br/> <b>seeing</b> 21:8<br/> 30:20 37:24<br/> 49:23 50:16<br/> 53:13 70:22<br/> <b>seek</b> 48:5 91:9<br/> 92:21 93:25<br/> 94:20 102:4,5,11<br/> <b>seeking</b> 26:18<br/> 38:10 72:18<br/> 89:12<br/> <b>seeks</b> 27:1,14<br/> 33:25 34:11<br/> 38:21 39:2,5,11<br/> 45:14 46:1<br/> 65:18 66:1,3,11<br/> 66:13,21,24 67:6<br/> <b>seen</b> 31:2 47:10<br/> 60:17,17,21<br/> <b>sees</b> 86:12<br/> <b>self</b> 35:3 40:9<br/> <b>send</b> 43:16 49:4<br/> 63:25</p> |
| <p>s</p>   |  |  |  |
| <p><b>s</b> 5:1 6:1 7:1 8:1<br/> 9:1,12 10:1 11:3<br/> 12:1 13:1 14:1<br/> <b>sabinal</b> 10:2<br/> 77:15,17 79:3,5<br/> 91:25 98:19<br/> <b>sage</b> 29:8 30:2,4<br/> <b>sake</b> 82:16 99:5<br/> <b>saltwater</b> 48:24<br/> <b>salvidrez</b> 10:12<br/> <b>sample</b> 28:3<br/> 39:24 40:9<br/> 55:22 67:16<br/> 68:7<br/> <b>santa</b> 4:18 5:16<br/> 5:24 6:8,17 7:6<br/> 7:15 8:13,20 9:6<br/> 9:15 16:8,18<br/> 18:23 23:17</p> |  |  |  |

[sending - spreadsheets]

|   |   |   |   |
|---|---|---|---|
| <p><b>sending</b> 84:13<br/> <b>sent</b> 47:8 55:23<br/> 62:14 72:15<br/> 92:8<br/> <b>separate</b> 36:12<br/> 80:2 82:16<br/> <b>separately</b> 74:10<br/> 76:1<br/> <b>separating</b> 27:5<br/> 27:18<br/> <b>september</b> 20:24<br/> 21:2<br/> <b>series</b> 81:12<br/> <b>serve</b> 87:15 95:9<br/> 105:13<br/> <b>service</b> 49:18,20<br/> 62:18<br/> <b>set</b> 20:12 54:8<br/> 58:24 64:9 80:2<br/> 80:19 85:20<br/> 90:2,13,22 96:7<br/> 105:2 110:18<br/> <b>setback</b> 34:9<br/> 91:17 93:13<br/> 94:8 95:15<br/> <b>sets</b> 79:11<br/> 112:16<br/> <b>seventh</b> 86:19<br/> <b>shaefer</b> 10:18<br/> <b>shanor</b> 9:13<br/> 44:20 53:1<br/> <b>shape</b> 102:6,12<br/> 103:6<br/> <b>shaped</b> 102:11<br/> 102:12<br/> <b>shapes</b> 89:17<br/> 111:19</p> | <p><b>shelly</b> 46:11<br/> <b>short</b> 110:11<br/> <b>should've</b> 75:9<br/> <b>show</b> 57:19<br/> 59:25 79:15<br/> 85:24 92:3<br/> 93:21 94:15,17<br/> 103:25 114:6<br/> <b>showing</b> 56:9,21<br/> 60:3 93:17<br/> 95:20 97:9<br/> <b>shown</b> 55:21<br/> <b>shows</b> 31:13<br/> 56:23 62:13<br/> 93:23<br/> <b>sic</b> 57:13<br/> <b>signature</b> 115:17<br/> 116:14<br/> <b>significance</b><br/> 86:21,25 87:9<br/> <b>silence</b> 38:18<br/> <b>similar</b> 27:10<br/> <b>simply</b> 73:18<br/> 74:23 75:12<br/> <b>single</b> 80:17,18<br/> 89:7<br/> <b>sir</b> 18:13 24:18<br/> 25:14 36:11,23<br/> 79:2,13 83:1<br/> 114:4<br/> <b>situation</b> 94:25<br/> 102:16 104:18<br/> 110:20 111:18<br/> <b>six</b> 60:1<br/> <b>size</b> 81:13<br/> 110:20 111:1<br/> <b>skills</b> 115:10<br/> 116:6</p> | <p><b>slowly</b> 14:5<br/> <b>small</b> 81:13<br/> 82:13 92:10<br/> <b>snack</b> 27:2,3,15<br/> 27:16<br/> <b>solution</b> 61:11<br/> 82:1 84:17<br/> 104:23<br/> <b>somebody</b> 51:12<br/> 73:16,17<br/> <b>somewhat</b> 49:9<br/> 81:24 104:21<br/> <b>soon</b> 114:14<br/> <b>sorry</b> 17:7 19:8<br/> 25:13 30:1 42:1<br/> 51:20,21 64:12<br/> 64:16<br/> <b>sort</b> 49:4 51:11<br/> 62:13 69:9<br/> 72:11 74:12<br/> 81:12 108:23<br/> 109:3<br/> <b>sounding</b> 105:24<br/> <b>sounds</b> 100:18<br/> 100:22 112:8<br/> <b>south</b> 26:25,25<br/> 27:5,6,6,18 34:4<br/> 34:6,16 39:1,10<br/> 45:18,19 46:5,6<br/> 55:4 59:2,3<br/> 60:24 65:24<br/> 66:10,20 67:5<br/> 69:16,17 72:4,8<br/> 80:21 81:11<br/> 89:23 91:2<br/> <b>southeast</b> 65:24<br/> 66:9,19 67:4<br/> 72:7</p> | <p><b>southward</b> 72:4<br/> <b>space</b> 107:7<br/> <b>spaced</b> 30:7<br/> <b>spacing</b> 26:16,24<br/> 27:8,13,21 29:6<br/> 29:17 30:3,8,9<br/> 30:11,11 34:2,8<br/> 38:24 39:2,8,11<br/> 45:16,21,24 46:4<br/> 48:2 55:18<br/> 65:21 66:1,6,11<br/> 66:16,21 67:1,6<br/> 79:16 80:7<br/> 81:17,18 82:10<br/> 82:17,18,19<br/> 83:17 84:1,1,3<br/> 86:5 87:3,5,20<br/> 87:23,25 88:9,19<br/> 89:3 91:11<br/> 92:22 93:4 94:2<br/> 94:21 100:3,4,5<br/> 101:7 106:11,21<br/> 107:2,3 110:21<br/> 111:3,8,9,10,11<br/> 111:16,17 112:6<br/> <b>speak</b> 49:14<br/> <b>speaking</b> 17:2<br/> <b>specific</b> 41:20<br/> 49:21<br/> <b>specifically</b><br/> 26:20 49:24<br/> <b>sperling</b> 5:4<br/> 19:20<br/> <b>spreadsheet</b><br/> 62:12<br/> <b>spreadsheets</b><br/> 62:19</p> |
|---|---|---|---|

|  |   |   |  |
|--|---|---|--|
| <p><b>spring</b> 26:19,22<br/>26:23 27:11<br/>29:10,16,22,24<br/>30:5 34:1,13<br/>38:22 39:6<br/>45:16 46:2 55:1<br/>56:9 58:25<br/>65:19 66:4<br/>67:22,23 94:4,24<br/>97:10,25 112:17<br/><b>stack</b> 104:9<br/><b>stacked</b> 80:23,23<br/>87:8 88:18 89:1<br/>104:9,9<br/><b>stakeholders</b><br/>56:3<br/><b>stand</b> 21:8 35:7<br/><b>standard</b> 26:15<br/>26:24 27:7,12,21<br/>30:11 34:7,24<br/>35:1 38:23 39:7<br/>45:15 46:3,13<br/>65:20 66:5,15<br/>67:1 80:7,11<br/>81:1,17 82:9,17<br/>84:1,3 87:2,5,6,6<br/>87:11,15 88:6,9<br/>88:18 89:2,11,13<br/>91:10 92:3 93:5<br/>93:7,9,9,21 94:1<br/>94:10,15 95:3,11<br/>95:12,17,24<br/>99:20 101:6,11<br/>101:12,14 102:6<br/>103:8,13,17,21<br/>103:22 104:13<br/>104:19 105:3,4<br/>110:21 111:10</p> | <p>111:17 112:1,5<br/><b>stands</b> 86:9<br/><b>start</b> 14:12 15:15<br/>15:19 16:25<br/>20:8 25:25<br/>28:18 35:14<br/>47:21 52:5 57:8<br/>96:21<br/><b>started</b> 75:9<br/><b>starting</b> 23:3<br/><b>state</b> 1:1 35:16<br/>42:5 56:16 79:6<br/>91:15 93:11<br/>94:6 95:7<br/>115:20<br/><b>stated</b> 90:3<br/>92:18<br/><b>statement</b> 12:5<br/>40:9 43:18 49:4<br/>53:14,17,21<br/>54:14 63:5,7,9<br/>63:24<br/><b>states</b> 86:4,13<br/><b>statewide</b> 91:17<br/>93:13 94:8<br/>95:15<br/><b>status</b> 17:5,18,25<br/>18:12 20:13<br/>21:7,10,24 22:22<br/>28:5 62:21<br/>73:12 75:13<br/><b>step</b> 70:10<br/><b>steering</b> 71:21<br/><b>stepped</b> 70:1<br/><b>steptoe</b> 10:4,7<br/><b>stewart</b> 10:15<br/><b>stewart's</b> 56:5<br/>56:12</p> | <p><b>stop</b> 59:21<br/><b>stranded</b> 101:18<br/><b>stranding</b> 72:1<br/>106:1<br/><b>strategic</b> 35:25<br/>36:25<br/><b>stratigraphic</b><br/>40:4 47:4 67:22<br/>68:2<br/><b>street</b> 6:7<br/><b>strong</b> 24:11<br/><b>structural</b> 47:4<br/><b>structure</b> 40:3<br/>47:3 56:8 67:21<br/>67:25 69:5<br/>70:14<br/><b>stuff</b> 31:3<br/><b>sub</b> 39:20 40:2,3<br/>40:15 67:14,19<br/>67:21,25 68:12<br/>96:14<br/><b>subjected</b> 103:14<br/><b>submit</b> 46:24<br/>54:10,14 63:25<br/>74:9<br/><b>submits</b> 47:2<br/><b>submittal</b> 44:15<br/>51:3<br/><b>submitted</b> 27:22<br/>30:14,21 34:22<br/>54:6 58:12<br/>70:19<br/><b>subsea</b> 67:21,25<br/><b>subset</b> 77:23<br/><b>substantial</b><br/>85:11 86:11<br/><b>substantially</b><br/>86:17 103:6,16</p> | <p>106:20<br/><b>successor</b> 25:11<br/>25:18 59:15<br/><b>sufficient</b> 89:8<br/><b>suggest</b> 21:7<br/>31:1<br/><b>suggestion</b> 21:6<br/>62:12<br/><b>suggestions</b><br/>109:20<br/><b>suggests</b> 70:14<br/><b>suite</b> 5:15 9:5<br/>10:5 94:10<br/>95:17<br/><b>summarize</b><br/>58:15 80:4<br/><b>supervising</b><br/>49:12<br/><b>supervision</b><br/>49:13 51:5<br/><b>supplanted</b><br/>87:23<br/><b>suppose</b> 20:12<br/>41:7,24<br/><b>sure</b> 17:1 30:21<br/>31:21 32:25<br/>36:12 38:7<br/>41:23 42:9,14<br/>48:10 49:6<br/>50:10 53:18<br/>58:19 70:6<br/>74:12 99:1,10<br/>100:6 107:23<br/><b>surface</b> 34:14<br/>102:24<br/><b>survey</b> 83:10<br/>104:15</p> |
|--|---|---|--|

[surveyed - time]

|   |   |  |   |
|---|---|--|---|
| <p><b>surveyed</b> 103:1<br/> <b>suspenders</b><br/> 31:21<br/> <b>swap</b> 34:12<br/> <b>swimming</b><br/> 107:22<br/> <b>sworn</b> 115:5<br/> <b>systematic</b><br/> 101:10</p>   | <p><b>technical</b> 4:16<br/> 14:4 16:7 28:25<br/> 29:21 30:6,13,25<br/> 31:8,17,23 32:1<br/> 36:3 41:4,23<br/> 42:2,9 43:2,15<br/> 43:22 44:1,5<br/> 48:10,13,22 49:7<br/> 49:25 50:18<br/> 58:9 59:23<br/> 60:14 61:3,6,12<br/> 68:25 69:21<br/> 70:6 71:1,4,15<br/> 71:19 75:4<br/> 76:25 99:3<br/> 105:22 107:21<br/> 113:24<br/> <b>technologically</b><br/> 15:10<br/> <b>tell</b> 31:9 58:17<br/> 70:20 81:5<br/> <b>ten</b> 92:12<br/> <b>term</b> 81:24 86:8<br/> 113:1<br/> <b>terms</b> 42:3<br/> <b>territory</b> 69:8<br/> <b>testified</b> 39:18<br/> 55:13 56:6<br/> 67:11 91:4,6<br/> <b>testifying</b> 115:5<br/> <b>testimony</b> 27:25<br/> 28:1 39:16<br/> 67:10<br/> <b>texas</b> 9:23 10:6<br/> <b>text</b> 30:16<br/> <b>thank</b> 15:8,9,12<br/> 15:13 16:4,10<br/> 18:5,13,17 19:5</p> | <p>19:24 20:2<br/> 21:23 22:20,23<br/> 23:8,14 24:22,23<br/> 24:24 26:8,13<br/> 28:17,19,20,23<br/> 31:7 32:2,4,5,18<br/> 32:19 33:7,10,11<br/> 33:18,19,24<br/> 35:13,22 36:1,4<br/> 37:1,8,15,17,20<br/> 38:14,20 40:23<br/> 41:1,2 43:3,5,6<br/> 43:22 44:11,12<br/> 44:16 45:2,7,13<br/> 47:16,20 48:7<br/> 50:4,5,21 51:10<br/> 51:14,15 52:10<br/> 52:16,23 53:3,11<br/> 54:19 57:7,11,12<br/> 57:15 58:2,4,6,7<br/> 61:8,14 63:13<br/> 64:5,7 65:10,16<br/> 68:14,19,22,23<br/> 71:10,23 75:1<br/> 76:2,8,9,14,16<br/> 77:19 78:1 79:3<br/> 79:8 80:3 81:8<br/> 88:21 90:10,11<br/> 96:17,21 98:15<br/> 98:16,20,22<br/> 107:24 108:1,1,3<br/> 109:5<br/> <b>thanks</b> 54:22<br/> 59:23 61:6<br/> 98:23 114:6<br/> <b>thin</b> 60:24<br/> <b>thing</b> 32:6 75:19<br/> 103:19,19</p> | <p><b>things</b> 20:11,20<br/> 21:8 54:13 61:2<br/> 83:12 110:14,16<br/> 111:9<br/> <b>think</b> 14:5 20:2<br/> 25:21 26:12<br/> 42:24 44:10<br/> 50:6 58:19<br/> 59:16,20 60:4<br/> 62:1 70:10 72:4<br/> 78:5 81:3 84:6<br/> 84:22 89:21<br/> 97:4 98:14<br/> 99:11 101:21<br/> 104:16 105:7,10<br/> 106:25 107:8,15<br/> 107:18 108:10<br/> 108:13 109:6,7<br/> 110:19 112:4<br/> 113:7<br/> <b>thins</b> 24:20<br/> <b>thomas</b> 83:8<br/> <b>thorough</b> 109:8<br/> <b>thought</b> 19:9<br/> 49:3,5 82:1<br/> 85:12<br/> <b>thousand</b> 71:2<br/> <b>three</b> 56:24<br/> 79:14 80:5,19<br/> 84:24 85:19<br/> 92:11,11,18,19<br/> 104:16 112:19<br/> <b>throw</b> 63:10<br/> <b>thursday</b> 4:13<br/> <b>tight</b> 71:12<br/> <b>time</b> 4:14 15:19<br/> 34:21 35:5<br/> 36:24 40:18</p> |
| <p><b>t</b></p>   |   |  |   |
| <p><b>t</b> 11:3 12:1 13:1<br/> <b>tab</b> 92:16<br/> <b>table</b> 79:22<br/> 84:15<br/> <b>tabulated</b> 71:5<br/> <b>take</b> 38:17 60:12<br/> 63:22 106:4<br/> 107:19 110:14<br/> 111:16 114:13<br/> <b>takeaway</b> 60:15<br/> <b>taken</b> 28:12<br/> 32:17 35:7 37:7<br/> 40:17 43:12<br/> 44:14 47:15<br/> 51:2 57:2 68:13<br/> 75:22 76:6<br/> 96:16 107:19<br/> 112:11 113:16<br/> 115:3,12 116:9<br/> <b>tank</b> 34:13<br/> <b>tap</b> 2:17 7:19,21<br/> 11:5 25:1,4<br/> 26:18,20 27:9<br/> 28:14<br/> <b>taprk.com</b> 7:24<br/> <b>targeting</b> 69:6</p> |   |  |   |

[time - unit]

|   |   |  |  |
|---|---|--|--|
| <p>43:4 47:24<br/> 54:22 60:13<br/> 68:14 70:11<br/> 77:7 83:15,17,21<br/> 96:13 107:25<br/> 110:13<br/> <b>timely</b> 34:21<br/> 40:10,12 68:8,10<br/> 92:8,14 93:24<br/> 94:17,18 95:25<br/> <b>times</b> 72:23<br/> <b>title</b> 97:21<br/> <b>today</b> 14:4,12<br/> 24:20 29:2<br/> 37:25 38:3<br/> 53:18,23 54:23<br/> 56:4 60:16<br/> 110:4 112:5<br/> 114:11<br/> <b>told</b> 82:4 83:4<br/> <b>top</b> 32:8 67:21<br/> 68:1 80:5<br/> <b>tops</b> 70:14<br/> <b>touch</b> 38:7<br/> <b>town</b> 9:22<br/> <b>township</b> 26:25<br/> 34:4,6,16,19<br/> 38:25 39:9<br/> 45:17,19 46:5,6<br/> 65:24 66:9,19<br/> 67:5 91:2<br/> <b>track</b> 39:21<br/> 67:15<br/> <b>tracked</b> 45:22<br/> <b>tracking</b> 28:4<br/> 109:17<br/> <b>tracks</b> 46:15</p> | <p><b>tract</b> 45:21 46:8<br/> 46:9 82:21<br/> 86:13 90:6 97:6<br/> 97:25 98:4<br/> 99:16,18,23<br/> 100:17,23,24<br/> 101:2 103:25<br/> 104:2 110:10<br/> <b>tracts</b> 55:7 81:19<br/> 81:19 83:6 86:5<br/> 90:6,24 98:4,23<br/> 99:24 100:7,7,11<br/> 100:19,21<br/> <b>trade</b> 17:17<br/> <b>tradition</b> 29:6<br/> <b>transcriber</b><br/> 116:1<br/> <b>transcript</b> 116:3<br/> 116:5<br/> <b>transcriptionist</b><br/> 115:8<br/> <b>transit</b> 31:14<br/> 42:25 92:13<br/> <b>trapezoidal</b><br/> 89:16 102:12<br/> <b>treating</b> 82:20<br/> <b>true</b> 115:9 116:5<br/> <b>try</b> 17:3 22:24<br/> 25:1 81:9<br/> 108:24<br/> <b>trying</b> 20:10<br/> 98:8 102:17<br/> 103:3,5,9<br/> <b>turn</b> 26:4 28:24<br/> <b>two</b> 17:5,21,22<br/> 17:23 30:4<br/> 50:13 55:1<br/> 72:21 75:14</p> | <p>79:11 80:22<br/> 87:1,8,11,17<br/> 88:17 89:1,5,7<br/> 97:7 100:1<br/> 104:9,9 105:1<br/> 111:10,16<br/> 112:16<br/> <b>typewriting</b><br/> 115:7<br/> <b>typically</b> 49:14<br/> 99:20 101:11<br/> 102:4</p> <hr/> <p style="text-align: center;"><b>u</b></p> <hr/> <p><b>u.s.a.</b> 1:10 2:22<br/> 5:2,11 8:9 11:11<br/> 14:14,17 19:6,13<br/> 19:16 32:21,24<br/> 35:9 77:20<br/> <b>u.s.g.s.</b> 101:1<br/> <b>unaware</b> 72:11<br/> <b>uncommitted</b><br/> 26:18,21 27:10<br/> 34:1 38:22 39:6<br/> 39:22 45:14<br/> 46:2,18 55:21<br/> 65:18 66:4,14,24<br/> 67:16 91:12<br/> 92:24 94:3,23<br/> <b>undeliverable</b><br/> 31:15 56:23<br/> 92:10<br/> <b>undelivered</b><br/> 109:13<br/> <b>underlying</b><br/> 26:23 27:12<br/> 34:3 38:23 39:7<br/> 45:17 46:3</p> | <p>65:20 66:5,15,25<br/> 91:14 92:25<br/> 94:5,25<br/> <b>understand</b><br/> 14:19 24:7<br/> 42:13 78:20<br/> 79:9,10 83:16<br/> 85:10 97:12<br/> 99:5 102:22<br/> <b>understanding</b><br/> 17:1 38:9,12<br/> 41:17 49:22<br/> 77:24 84:3<br/> 109:24<br/> <b>understands</b><br/> 99:1<br/> <b>unfolding</b> 29:8<br/> <b>uniformity</b><br/> 106:20<br/> <b>unit</b> 26:24 27:1,8<br/> 27:13,14,21 34:2<br/> 34:8,14,17 38:24<br/> 39:2,8,11 45:16<br/> 45:20,22,23,24<br/> 46:4,7,8,8 55:2<br/> 55:24 65:21<br/> 66:1,6,11,16,21<br/> 67:1,7 69:17<br/> 72:5 80:7,21,22<br/> 81:17,18 84:1,4<br/> 86:5 87:3,20<br/> 89:11,13 91:11<br/> 91:14,14 92:22<br/> 93:1,4,7,7,9,10<br/> 94:2,5,5,22,25<br/> 95:3,3,8,11,11<br/> 97:15 100:5<br/> 101:6,7,12,14</p> |
|---|---|--|--|

[unit - wildcat]

|  |   |  |  |
|--|---|--|--|
| <p>102:4,6,11,12,15<br/> 103:13,15,17,17<br/> 103:21,22<br/> 106:21 107:3,8<br/> 108:5 109:1,2<br/> 110:21 111:11<br/> 111:22 112:1<br/> 113:19<br/> <b>units</b> 29:17 30:3<br/> 30:11 55:1,17,18<br/> 55:19 60:3 72:6<br/> 79:16 82:10,18<br/> 82:19 84:1 87:5<br/> 87:6,25 88:4,9<br/> 88:19 89:3,22<br/> 100:3,4 104:4<br/> 105:4 111:4,8,9<br/> 111:10,16,17<br/> 112:6<br/> <b>unknown</b> 92:15<br/> <b>unleased</b> 73:9<br/> 75:15<br/> <b>unmuted</b> 33:3<br/> <b>unnecessary</b><br/> 96:11<br/> <b>unqualified</b><br/> 99:14<br/> <b>unresolved</b><br/> 79:20<br/> <b>unusual</b> 111:16<br/> <b>update</b> 72:18<br/> <b>updated</b> 46:24<br/> <b>updates</b> 73:6,12<br/> <b>uphold</b> 96:9<br/> <b>upload</b> 44:6<br/> <b>use</b> 62:18 83:21<br/> 88:7,15,17 89:1<br/> 104:6 111:2</p> | <p><b>user</b> 88:22<br/> <b>utilize</b> 98:8<br/> <b>utilized</b> 87:2,5<br/> 88:10</p> <hr/> <p style="text-align: center;"><b>v</b></p> <hr/> <p><b>vacate</b> 14:23<br/> 52:2 53:8 75:10<br/> <b>valid</b> 107:18<br/> <b>valuable</b> 106:3,5<br/> <b>value</b> 86:20<br/> 87:16<br/> <b>vance</b> 9:3 37:11<br/> 37:12 38:4,7,20<br/> 41:15 42:1,3,19<br/> 43:4,5,20,23<br/> 44:9,12 64:12,14<br/> 64:15,19,20<br/> 65:15,16 69:11<br/> 70:23 71:2,10<br/> 72:1,2,17 73:4<br/> 73:11,25 74:5,14<br/> 74:25 75:14,21<br/> 76:8<br/> <b>variety</b> 86:23<br/> 102:7 103:1<br/> 105:18<br/> <b>various</b> 56:1<br/> 84:18<br/> <b>vawter</b> 8:3 25:10<br/> 25:11,15,15,18<br/> 26:7 28:21,22<br/> <b>vein</b> 101:24<br/> <b>version</b> 108:18<br/> <b>vertical</b> 42:11<br/> 82:18 87:23<br/> 110:25</p> | <p><b>videoconference</b><br/> 4:12 5:3,13,21<br/> 6:5,14 7:4,12,20<br/> 8:3,10,17 9:3,12<br/> 9:20 10:3<br/> <b>view</b> 93:3,6 95:2<br/> 100:9 101:22<br/> 112:4<br/> <b>viewed</b> 95:11,12<br/> 100:8,12<br/> <b>viewing</b> 80:17,18<br/> <b>violation</b> 53:9<br/> <b>voluntary</b> 73:1<br/> <b>vote</b> 17:23</p> <hr/> <p style="text-align: center;"><b>w</b></p> <hr/> <p><b>waiting</b> 19:9<br/> <b>walk</b> 84:16<br/> <b>want</b> 44:3 69:24<br/> 71:21 75:16<br/> 84:11,11 85:16<br/> 112:12 113:3<br/> <b>wanted</b> 36:12,20<br/> 49:1 58:24 60:7<br/> 79:21 84:14,20<br/> <b>wanting</b> 112:1<br/> <b>wants</b> 111:12<br/> <b>warranted</b> 90:22<br/> <b>waste</b> 88:3,24<br/> 89:4 96:5,10<br/> 104:1,2 107:11<br/> <b>way</b> 20:14 78:23<br/> 83:24 97:22<br/> 99:13,14,18<br/> 103:11 104:8,13<br/> 106:5,8<br/> <b>ways</b> 58:18</p> | <p><b>wayside</b> 51:24<br/> <b>we've</b> 49:10 52:8<br/> 65:17<br/> <b>website</b> 14:10<br/> 30:21<br/> <b>week</b> 17:2 55:8<br/> <b>well's</b> 69:3 81:21<br/> <b>wells</b> 27:2,15<br/> 30:7,10 39:4,13<br/> 40:7 41:6 45:21<br/> 46:8 48:14,17<br/> 50:15 55:18,24<br/> 56:10,17 58:22<br/> 58:24 59:7,8<br/> 68:5 69:4,9<br/> 71:21 75:7<br/> 81:17 82:11<br/> 87:23 88:1<br/> 93:12 96:12<br/> 99:19,20 107:16<br/> 107:16,17 110:2<br/> 110:9,25 111:3<br/> <b>went</b> 30:3<br/> 112:18<br/> <b>west</b> 34:19 38:24<br/> 46:4,5 55:3<br/> 65:21,22,23<br/> 66:16,17,18<br/> 91:16 93:12<br/> 94:7 95:14<br/> <b>western</b> 34:3,3,5<br/> 34:5<br/> <b>whatsoever</b><br/> 21:13<br/> <b>wide</b> 86:23<br/> <b>wildcat</b> 26:15<br/> 29:5,16 30:5</p> |
|--|---|--|--|

[willis - yesterday]

|  |  |
|--|--|
| <p><b>willis</b> 10:20<br/>55:16<br/><b>willis's</b> 55:11<br/><b>withdrawal</b><br/>78:19<br/><b>withdrawn</b> 52:8<br/>65:5 78:13<br/>90:17<br/><b>withdrew</b> 78:15<br/><b>witness</b> 55:12<br/>56:6 115:4<br/><b>wolfcamp</b> 26:22<br/>29:6,24 30:2,2<br/>66:14,25 68:1,2<br/>71:12 91:13<br/>92:24 97:2,8,10<br/>98:2 108:6<br/>114:3<br/><b>wonderful</b> 79:8<br/><b>woodlands</b> 10:6<br/><b>woody</b> 8:17<br/>32:25 33:2,5,6,9<br/>33:22,24 35:20<br/>35:23 36:5,11,18<br/>36:23 37:8<br/><b>words</b> 82:21<br/>111:9<br/><b>work</b> 20:11<br/>29:25 30:8 48:6<br/>56:2 60:19<br/>61:10 72:25<br/>106:7<br/><b>worked</b> 59:5<br/>60:17 61:7<br/><b>working</b> 39:22<br/>55:23 57:19<br/>59:10 62:7 83:5<br/>92:9 107:12</p> | <p><b>works</b> 18:1<br/><b>worksheet</b> 14:9<br/>14:10 15:1<br/><b>world</b> 48:24<br/><b>worry</b> 22:16<br/><b>wozniak</b> 6:15<br/>16:14 19:10<br/>23:13 25:23<br/>54:21<br/><b>writing</b> 51:12</p> <hr/> <p style="text-align: center;"><b>x</b></p> <hr/> <p><b>x</b> 11:1,3 12:1<br/>13:1<br/><b>x.t.o.</b> 5:10 16:16<br/>18:9</p> <hr/> <p style="text-align: center;"><b>y</b></p> <hr/> <p><b>y'all</b> 61:7<br/><b>yarithza</b> 10:16<br/><b>yeah</b> 19:9 22:9<br/>22:15 30:25<br/>31:11,20 41:25<br/>42:9 43:15 44:8<br/>48:3 50:5,6,12<br/>50:18 51:14<br/>53:24 60:14<br/>61:3,3 71:5,11<br/>71:13 74:22<br/>75:15 84:10<br/>88:21 99:3<br/>109:14<br/><b>year</b> 54:2<br/><b>yep</b> 54:16<br/><b>yesterday</b> 83:4<br/>85:7</p> |
|--|--|