

**STATE OF NEW MEXICO
DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES**

OIL CONSERVATION DIVISION

**ADJUDICATORY APPEAL OF NMOCD DISTRICT II
REJECTION OF "APPLICATION FOR ADMINISTRATIVE
APPROVAL OF A RELEASE NOTIFICATION
AND CORRECTIVE ACTION (C-141)
FOR INCIDENT ID #NAPP2206346222"
Application ID: 114703**

**MOTION TO DISMISS
REQUEST FOR HEARING**

CASE NO. 23646

**JOINT MOTION TO DISMISS REQUEST FOR HEARING
REGARDING APPEAL BY LONGFELLOW ENERGY, LP**

This Joint Motion to Dismiss is submitted on behalf of Longfellow Energy LP/Riata Corporate Group, LLC (Longfellow) through its counsel, Jerry D. Worsham II of Clark Hill PLC, as required by NMAC 19.15.4.14(c). Longfellow previously requested an Adjudicatory Hearing before a Division Examiner and approval of the Variance Application and revised C-141 submitted and dated January 13, 2023. The Hearing is currently scheduled for **August 3, 2023**.

The following decision has been issued by the New Mexico Oil Conservation Division (NMOCD) Division 2 – Artesia, dated June 23, 2023.

From: OCDOnline@state.nm.us OCDOnline@state.nm.us

Sent: Friday, June 23, 2023 8:53 AM

To: David Cain david.cain@longfellowenergy.com

Subject: The Oil Conservation Division (OCD) has approved the application,
Application ID: 230884

To whom it may concern (c/o David Cain for LONGFELLOW ENERGY, LP),

The OCD has approved the submitted Application for administrative approval of a release notification and corrective action (C-141), for incident ID (n#) nAPP2206346222, with the following conditions:

- **The Remediation Plan is Conditionally Approved. Longfellow has petitioned the USFWS/FGDC and had the Wetland boundaries redefined for the mapped Wetland adjacent to this release. The release is no longer in the set back area. At this time, the OCD Approves the Site Assessment recommendation of 51'-100' depth to groundwater. All off pad areas must meet reclamation standards for the upper four feet of soil as set forth in 19.15.29 NMAC. For contamination that may exist on, under, or directly adjacent to Turkey Tract Road, OCD requests Longfellow communicate with Eddy County Road Department to ascertain any requirements for excavation near this county road. Obtain a written statement from the County and include it in the report. Sidewall samples should be delineated/excavated to 600 mg/kg for chlorides and 100**

mg/kg for TPH to define the edge of the release. A Variance has been approved for 500 ft² confirmation sample size.

The signed C-141 can be found in the OCD Online: Imaging under the incident ID (n#).

If you have any questions regarding this application, please contact me.

Thank you,

Robert Hamlet
575-748-1283
Robert.Hamlet@emnrd.nm.gov
New Mexico Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, NM 87505

Therefore, Longfellow and NMOCD request a dismissal of the Request for Adjudicatory Hearing before a Division Examiner due to the recent decision by NMOCD.

Dated this 29th day of June 2023.

Respectfully submitted,

By: /s/ Jerry D. Worsham
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By: /s/ Christopher L. Moander (with permission)
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