

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

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

**OWL SWD OPERATING, LLC APPLICATION FOR
AUTHORIZATION TO INJECT**

Case No. 15723

MOTION TO INTERVENE

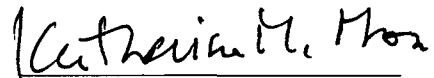
The State Land Office through its attorney, Katherine M. Moss, moves to Intervene in Case No. 15723 on the basis that it owns the mineral estate seven hundred and fifty (750) feet from the proposed injection site. The SLO is opposed to OWL SWD's proposed replacement well being drilled into the same zone as the Maralo Sholes Well No. 2, since the Tansill, Yates-Seven Rivers zones, as well as the Capitan Reef in this area, contain protectable groundwater of the State of New Mexico. If the proposed well were drilled deeper into the Devonian formation the SLO would not oppose the proposed SWD.

The SLO filed its Position Statement as a Party to this adjudication because it owns land seven hundred fifty (750) feet from the proposed injection site. However, because the SLO land is mineral and not surface estate, the SLO makes this Motion to Intervene.¹

¹ A person or entity is only a Party if it is entitled to Notice or if it properly intervenes NMAC 19.15.4.10. Notice is required for adjudicatory hearings before the OCD to "a person to whom statute, rule or order require notice (not including those persons to whom 19.15.4.9 NMAC requires distribution of hearing notice, who are not otherwise entitled to notice of the particular application, who has entered an appearance in the case" and to "a person who properly intervened in the case 19.15.4.10 (A).

The SLO respectfully requests that it be made a Party to this adjudicatory proceeding through this Motion to Intervene.

Respectfully submitted,

A handwritten signature in black ink, reading "Katherine M. Moss". The signature is written in a cursive style and is positioned above a horizontal line.

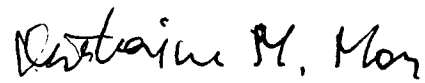
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Consent of Dalva L. Moellenberg

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following counsel of record this ___th day of June, 2017 via email:

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Katherine M. Moss