

# APPLICATION PROTESTED

Applicant: Solaris Along Loving-Malaga Fairway

Application Type: SWD

Well Name: Dickman SWD #1 API: 30-015-Pending

Protestant: NGL via <sup>Montgomery</sup> ~~Montgomery~~ & Andrews

Date Protest Received: 05/14/11

Notification of Applicant: May 14<sup>th</sup>

Resolution: ☒ Hearing ☐ Negotiation ☐ Withdrawn

Copy to Technical Reviewer:

## Goetze, Phillip, EMNRD

---

**From:** Sharon T. Shaheen <sshshaheen@montand.com>  
**Sent:** Wednesday, August 29, 2018 12:10 PM  
**To:** Goetze, Phillip, EMNRD  
**Cc:** Jones, William V, EMNRD; McMillan, Michael, EMNRD  
**Subject:** RE: Solaris Blackmon SWD Well No. 1

Thank you for the update.

Sharon T. Shaheen  
Montgomery & Andrews, P.A.  
P. O. Box 2307  
Santa Fe, NM 87504-2307  
[sshshaheen@montand.com](mailto:sshshaheen@montand.com)  
(505) 986-2678 (direct)  
(505) 603-8307 (cell)



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**From:** Goetze, Phillip, EMNRD [mailto:Phillip.Goetze@state.nm.us]  
**Sent:** Wednesday, August 29, 2018 10:38 AM  
**To:** Sharon T. Shaheen <sshshaheen@montand.com>  
**Cc:** J. Scott Hall <SHall@montand.com>; Jones, William V, EMNRD <WilliamV.Jones@state.nm.us>; McMillan, Michael, EMNRD <Michael.McMillan@state.nm.us>  
**Subject:** RE: Solaris Blackmon SWD Well No. 1

Sharon:

My apologies for the delayed response. I have reviewed our protest log and the current status in RBDMS database. There has been no application by Solaris for a hearing on this well nor has there been any indications by Solaris to withdraw the application. I would also venture that the SWD congestion in the area would probably require a hearing. Currently, Black River is being requested to prepare an assessment for the Rustler Breaks SWD No. 6 application (API No. 30-015-45034) in UL H, Sec. 5, T24S, R28E, NMPM. The proposed well is to be a Devonian interval. Please keep us informed if you have any information regarding negotiations with Solaris in this matter. Thank you. PRG

Phillip Goetze, PG  
Engineering Bureau, Oil Conservation Division, NM EMNRD  
1220 South St. Francis Drive, Santa Fe, NM 87505  
Direct: 505.476.3466  
E-mail: [phillip.goetze@state.nm.us](mailto:phillip.goetze@state.nm.us)

**From:** Sharon T. Shaheen <[sshaheen@montand.com](mailto:sshaheen@montand.com)>  
**Sent:** Friday, August 17, 2018 8:50 AM  
**To:** Goetze, Phillip, EMNRD <[Phillip.Goetze@state.nm.us](mailto:Phillip.Goetze@state.nm.us)>  
**Subject:** Solaris Blackmon SWD Well No. 1

Phil,

Scott Hall suggested I contact you re the Solaris Blackmon SWD Well No. 1. Montgomery & Andrews represents NGL Water Solutions Permian, LLC, which objected to the application by letter of May 9, 2018 from Scott to Heather Riley. We understand that the application has been withdrawn. Is that correct? If not, will you please let me know the status as I will be representing NGL in this matter going forward.

Thanks,  
Sharon

**Sharon T. Shaheen**  
**Montgomery & Andrews, P.A.**  
**P. O. Box 2307**  
**Santa Fe, NM 87504-2307**  
**[sshaheen@montand.com](mailto:sshaheen@montand.com)**  
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## Goetze, Phillip, EMNRD

---

**From:** Goetze, Phillip, EMNRD  
**Sent:** Monday, May 14, 2018 10:23 AM  
**To:** Ben Stone (ben@sosconsulting.us)  
**Cc:** Jones, William V, EMNRD; Dawson, Scott, EMNRD; McMillan, Michael, EMNRD; Lowe, Leonard, EMNRD; Scott Hall (shall@montand.com)  
**Subject:** Protest of Application to Inject - Blackmon SWD Well No. 1  
**Attachments:** NGL Protest\_Solaris Blackmon#1.pdf

RE: Blackmon SWD Well No. 1 (API 30-015-Pending; Appl. No. pMAM1808557368) – UL D, Sec 33, T. 23 S., R. 28 E., NMPM, Eddy County.

Mr. Stone:

OCD was notified through counsel that NGL Water Solutions Permian LLC is protesting this application for approval of this salt water disposal well. This protest was received prior to the Division's calculated deadline of May 11<sup>th</sup> for protest of this application. Therefore, you are being notified that if Solaris Water Midstream LLC wishes for this application to be considered, it must either go to hearing or may be reviewed administratively if the protest is withdrawn as a result of a negotiated resolution with this party. The application will be retained by OCD, but suspended from further administrative review. Please contact OCD once you have made a decision regarding the application within the next 30 days. If the protest remains after 30 days, OCD will initiate the process for the application to be reviewed at hearing.

Counsel for NGL Water Solutions Permian LLC:

Scott Hall  
Montgomery & Andrews  
325 Paseo de Peralta  
Santa Fe, NM 87501  
Phone: 505.982.3873  
E-mail: Scott Hall ([shall@montand.com](mailto:shall@montand.com))

Due to the specific characteristics of the application and the area proposed for the SWD well, the Division retains the right to request a hearing under 19.15.26.8(D) NMAC following the technical review of the proposed disposal activity. Please call/e-mail me with any questions regarding this matter. Thank you. PRG

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Engineering Bureau, Oil Conservation Division  
New Mexico Energy, Minerals and Natural Resources Department  
1220 South St. Francis Drive, Santa Fe, NM 87505  
Direct: 505.476.3466  
E-mail: [phillip.goetze@state.nm.us](mailto:phillip.goetze@state.nm.us)



## Goetze, Phillip, EMNRD

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**Cc:** Jones, William V, EMNRD; Dawson, Scott, EMNRD; McMillan, Michael, EMNRD; Lowe, Leonard, EMNRD; 'Scott Hall'  
**Subject:** RE: Protest of Application to Inject - Blackmon SWD Well No. 1

Ben:

You are correct - the March 26<sup>th</sup> date was not used to correctly calculated an end date. This is my error. But at this point, due to the congestion of the applications, approved orders and active injection along the Loving-Malaga area, the Division would support a hearing. There are two similar cases pending with the same subject set for the May 31<sup>st</sup> Docket. PRG

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E-mail: [phillip.goetze@state.nm.us](mailto:phillip.goetze@state.nm.us)

**From:** ben@sosconsulting.us <ben@sosconsulting.us>  
**Sent:** Monday, May 14, 2018 10:30 AM  
**To:** Goetze, Phillip, EMNRD <[Phillip.Goetze@state.nm.us](mailto:Phillip.Goetze@state.nm.us)>  
**Cc:** Jones, William V, EMNRD <[WilliamV.Jones@state.nm.us](mailto:WilliamV.Jones@state.nm.us)>; Dawson, Scott, EMNRD <[Scott.Dawson@state.nm.us](mailto:Scott.Dawson@state.nm.us)>; McMillan, Michael, EMNRD <[Michael.McMillan@state.nm.us](mailto:Michael.McMillan@state.nm.us)>; Lowe, Leonard, EMNRD <[Leonard.Lowe@state.nm.us](mailto:Leonard.Lowe@state.nm.us)>; 'Scott Hall' <[shall@montand.com](mailto:shall@montand.com)>  
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So there is now a 35 business day suspense period?

Thanks,  
Ben

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**Cc:** Jones, William V, EMNRD <[WilliamV.Jones@state.nm.us](mailto:WilliamV.Jones@state.nm.us)>; Dawson, Scott, EMNRD <[Scott.Dawson@state.nm.us](mailto:Scott.Dawson@state.nm.us)>; McMillan, Michael, EMNRD <[Michael.McMillan@state.nm.us](mailto:Michael.McMillan@state.nm.us)>; Lowe, Leonard, EMNRD <[Leonard.Lowe@state.nm.us](mailto:Leonard.Lowe@state.nm.us)>; Scott Hall ([shall@montand.com](mailto:shall@montand.com)) <[shall@montand.com](mailto:shall@montand.com)>  
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## Goetze, Phillip, EMNRD

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**From:** Goetze, Phillip, EMNRD  
**Sent:** Monday, May 14, 2018 11:53 AM  
**To:** 'ben@sosconsulting.us'  
**Cc:** Jones, William V, EMNRD; Dawson, Scott, EMNRD; McMillan, Michael, EMNRD; Lowe, Leonard, EMNRD; 'Scott Hall'  
**Subject:** RE: Protest of Application to Inject - Blackmon SWD Well No. 1

To all parties, so noted. PRG

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**From:** ben@sosconsulting.us <ben@sosconsulting.us>  
**Sent:** Monday, May 14, 2018 11:47 AM  
**To:** Goetze, Phillip, EMNRD <Phillip.Goetze@state.nm.us>  
**Cc:** Jones, William V, EMNRD <WilliamV.Jones@state.nm.us>; Dawson, Scott, EMNRD <Scott.Dawson@state.nm.us>; McMillan, Michael, EMNRD <Michael.McMillan@state.nm.us>; Lowe, Leonard, EMNRD <Leonard.Lowe@state.nm.us>; 'Scott Hall' <shall@montand.com>  
**Subject:** RE: Protest of Application to Inject - Blackmon SWD Well No. 1

Phillip,

Yes, I understand. However; for process clarity I believe the parties should be noticed that in fact, NGL missed the deadline for filing an objection but to their benefit, the Solaris Blackmon would be set to hearing by the NMOCD pursuant to the current effective policy concerning Devonian applications.

If it's appropriate for the applicant to accept the fact that their investment thus far in an application has met a regulatory roadblock, it should be appropriate for a protesting party to be noticed and accept that they in fact DID NOT file a timely objection.

Thank you for your attention to this matter.

Ben

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Scott Hall ([shall@montand.com](mailto:shall@montand.com)) <[shall@montand.com](mailto:shall@montand.com)>  
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