APPLICATION PROTESTED

APPLICANT: Lilystream Water Solutions, LLC

APPLICATION TYPE: SWD

WELL NAME: Berry Eaves SWD #2

API NUMBER: 30-025-Pending

ADMIN. APPL. NO.: pMAM1917749803

UL-S-T-R: D-18-21S-33E

DATE RECEIVED AT OCD: 6-24-2019 Admin Complete: Yes (No)
Admin Complete 6-25-2019

PROTESTANT: ① Advance Energy Partners
② Intrepid Potash

DATE PROTEST RECEIVED: 6-21-2019

DATE AND METHOD OF NOTIFICATION OF APPLICANT:

① 6-26-2019, E-mail
② 7-15-2019, E-mail

RESOLUTION:

- ☐ Hearing
- ☐ Negotiated/Withdrawn
- ☐ Denied/Cancelled by Division

NOTES/COMMENTS:

Make sure to confirm application status in E-permitting and entered into Protest Tracking Spreadsheet

McMillan, Michael, EMNRD

From: McMillan, Michael, EMNRD
Sent: Monday, July 15, 2019 1:01 PM
To: 'Joel Lowry'
Cc: 'greg.bruce@intrepidpotash.com'; Goetze, Phillip, EMNRD; Lowe, Leonard, EMNRD; Murphy, Kathleen A, EMNRD; Jones, William V, EMNRD
Subject: Notification of Protest for Application to Inject -:Berry Eaves SWD #2 Intrepid Potash, Inc.
Attachments: LilyWaterStreamWaterSolutions BerryEavesSWD#2 Intrepid Protest.pdf

RE: Berry Eaves SWD #2 (API 30-015-Pending; Admin. Appl. No pMAM1917749803) Unit D; Sec 18, T21S, R33E, NMPM, Lea County

Mr. Lowery:

OCD was notified by Intrepid Potash, Inc. that it is protesting this application. This party is identified as an affected person for the location being considered for the application. You are being notified that if LilyStream Water Solutions, LLC wishes for this application to be considered, they must either go to hearing or may be reviewed administratively if the protest is withdrawn as a result of a negotiated resolution with this party.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 pending resolution of the protest. Please continue to provide OCD with information regarding the standing of this application. Please me call with any questions on this matter.

Contact for Intrepid Potash, Inc.
Greg Bruce
Chief Mine Engineer
1001 17th Street Suite 1050
Denver, CO. 80202
Phone: (303) 296-3006
E-mail: greg.bruce@intrepidpotash.com

Michael McMillan
1220 South St. Francis
Santa Fe, New Mexico
505-476-3448
Michael.mcmillan@state.nm.us

McMillan, Michael, EMNRD

From: McMillan, Michael, EMNRD
Sent: Thursday, June 27, 2019 2:05 PM
To: 'Joel Lowry'
Cc: 'Gorman, Jessica (MRO)'; Goetze, Phillip, EMNRD; Lowe, Leonard, EMNRD; Murphy, Kathleen A, EMNRD; Jones, William V, EMNRD
Subject: Notification of Protest for Application to Inject -:Berry Eaves SWD #2 Marathon
Attachments: LilyWaterStreamSolutions BerryeavesSWD#2 Marathon Protest.pdf

RE: Berry Eaves SWD #2 (API 30-015-Pending; Admin. Appl. No pMAM1917749803) Unit D; Sec 18, T21S, R33E, NMPM, Lea County

Mr. Lowery:

OCD was notified by Marathon Oil Permian, LLC that it is protesting this application. This party is identified as an affected person for the location being considered for the application. You are being notified that if LilyStream Water Solutions, LLC wishes for this application to be considered, they 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 pending resolution of the protest. Please continue to provide OCD with information regarding the standing of this application. Please me call with any questions on this matter.

Contact for Marathon Oil Permian, LLC
Jessica Gorman
Land Specialist-Advanced
5555 San Felipe
Houston, TX. 77056
Phone: (432) 221-7379
E-mail: jgorman1@marathonoil.com

Michael McMillan
1220 South St. Francis
Santa Fe, New Mexico
505-476-3448
Michael.mcmillan@state.nm.us

McMillan, Michael, EMNRD

From: Gorman, Jessica (MRO) <jgorman1@marathonoil.com>
Sent: Thursday, June 27, 2019 6:24 AM
To: Bradfute, Jennifer (MRO); Brown, Matthew D. (MRO); Domangue, Eric (MRO); Gyllenband, Ryan (MRO); Hall, Brian (MRO); Horn, Jennifer (MRO); Murphy, Kathleen A, EMNRD; Lowe, Leonard, EMNRD; McMillan, Michael, EMNRD; Perry, Ethan R. (MRO); Goetze, Phillip, EMNRD; Pohl, Nancy B. (MRO); Rule, Clayton W. (MRO); Jones, William V, EMNRD; Wilty, Roy H. (MRO)
Subject: [EXT] Application of Injection: Berry Eaves SWD 2, (API: 30-025-pending), Unit D, Sec 18, T21S, R33E
Attachments: Application to Inject Berry Eaves SWD 2.pdf

Mr. McMillan,

Marathon Oil Permian LLC is in receipt of an Application of Injection from Lowry Environmental on behalf of LilyStream Water Solutions, LLC's Berry Eaves SWD 2 (API: 30-025-pending) Unit D, Sec 18, T21S R33E, NMPM Lea County

Marathon's Current records show that the proposed injection zone for the Salt Water Well may impact its correlative rights.

Please let me know if there are any questions or if additional information is needed.

Respectfully,

Jessica Gorman

Marathon Oil

Advanced Land Specialist – Permian
Telephone: 713-296-3024
5555 San Felipe St.
Houston, Texas 77056

Certified # 7017 2620 0001 0356 9207

June 11, 2019

NOTIFICATION TO INTERESTED PARTIES

sent out 6/12/2019

Via U.S. Certified Mail - Return Receipt Requested

JUN 20 2019
Land - Permian

RE: Application for Authroization to Inject
Berry Eaves SWD #2
Township 21S, Range 33E, N.M.P.M
Section 18, 200' FSL & 225' FWL
Lea County, New Mexico

To Whom It May Concern:

Enclosed for your review is a copy of a C-108 Application submitted by LilyStream Water Solutions, LLC, Lovington, New Mexico, to the New Mexico Oil Conservation Division to drill and complete for produced water disposal the Berry Eaves SWD #2.

The well is located in Section 18, Township 21S, Range 33E, 200' FSL and 225' FWL, Lea County, New Mexico.

As required by NMOCD, we are notifying you because you have been indentified as an operator or surface owner and therefor an affected party by this action. Any objections must be submitted in writing to NMOCD, 1220 S. St. Francis Drive, Santa Fe, New Mexico 87505. Objections must be received within fifteen (15) days of receipt of this letter.

The well will be a commercial SWD well taking produced water from oil and gas operations in the surrounding area. Please contact Joel Lowry with Lowry Environmental and Associates, LLC, at 432.466.4450 , with any questions or concerns regarding this well or application.

Respectfully,

Joel W. Lowry
LOWRY
environmental

McMillan, Michael, EMNRD

From: McMillan, Michael, EMNRD
Sent: Wednesday, June 26, 2019 2:18 PM
To: 'Joel Lowry'
Cc: 'Paul Burdick'; Goetze, Phillip, EMNRD; Lowe, Leonard, EMNRD; Murphy, Kathleen A, EMNRD; Jones, William V, EMNRD
Subject: Notification of Protest for Application to Inject -:Berry Eaves SWD #2 Advance Energy Partners
Attachments: LilyWaterStreamSolutions BerryEavesSWD#2 AdvanceEnergyProtest.pdf

RE: Berry Eaves SWD #2 (API 30-015-Pending; Admin. Appl. No pMAM1917749803) Unit D; Sec 18, T21S, R33E, NMPM, Lea County

Mr. Lowery:

OCD was notified by Advance Energy Partners, LLC that it is protesting this application. This party is identified as an affected person for the location being considered for the application. You are being notified that if LilyStream Water Solutions, LLC wishes for this application to be considered, they 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 pending resolution of the protest. Please continue to provide OCD with information regarding the standing of this application. Please me call with any questions on this matter.

Contact for Advance Energy Partners, LLC
Paul Burdick
Land Advisor
11490 Westheimer Road, Suite 950
Houston, TX. 77077
Phone: (832) 672-4700
E-mail: pburdick@advanceenergypartners.com

Michael McMillan
1220 South St. Francis
Santa Fe, New Mexico
505-476-3448
Michael.mcmillan@state.nm.us

McMillan, Michael, EMNRD

From: Paul Burdick <PBurdick@advanceenergypartners.com>
Sent: Friday, June 21, 2019 10:36 AM
To: McMillan, Michael, EMNRD
Subject: [EXT] SWD Well Protest - Berry Eaves SWD #2
Attachments: Berry Eaves SWD Protest Notification.pdf

Dear Michael, we have place the scanned letter in the mail and also want to deliver a scanned copy to you to ensure it arrives at the NMOCD within the 15 day period.

Paul Burdick, Land Advisor
Advance Energy Partners, LLC.
11490 Westheimer Road, Suite 950
Houston, Texas 77077

832-672-4623 (office)
713-228-7320 (cell)

ADVANCE ENERGY PARTNERS

11490 Westheimer Road, Suite 950, Houston, Texas 77077 • Phone 832-672-4700 • Fax 832-672-4609

June 21, 2019

New Mexico OCD
1220 S. St. Francis Drive
Santa Fe, New Mexico 87505

Re: Salt Water Disposal Well (SWD) Protest
Berry Eaves SWD #2
Section 18-T21S-R33E, Lea County, NM

Ladies and Gentlemen:

Advance Energy Partners Hat Mesa LLC (AEPHM) notifies the NMOCD of our protest of the referenced SWD Well proposed to be located 200' FSL and 225'FWL of Section 18-T21S-R33E. A C-108 Application was delivered to us by letter dated June 11, 2019 submitted by LilyStream Water Solutions, LLC.

AEPHM's reason of protest is the proximity of the proposed SWD well to wells AEPHM operates and/or plan to drill.

For more information, please contact David Harwell, Vice-President of Engineering AEPHM at 832-672-4604 or dharwell@advanceenergypartners.com.

Sincerely,

Paul Burdick, Land Advisor
Advance Energy Partners, LLC
Email: PBurdick@AdvanceEnergyPartners.com
Telephone: 832-672-4623

.cc LilyStream Water Solutions, LLC
1308 West Ave. N.
Lovington, NM 88260

.cc David Harwell

ADVANCE ENERGY PARTNERS

11490 Westheimer Road, Suite 950, Houston, Texas 77077 • Phone 832-672-4700 • Fax 832-672-4609

JUN 24 2019 PM02:34

June 21, 2019

New Mexico OCD
1220 S. St. Francis Drive
Santa Fe, New Mexico 87505

Re: Salt Water Disposal Well (SWD) Protest
Berry Eaves SWD #2
Section 18-T21S-R33E, Lea County, NM

Ladies and Gentlemen:

Advance Energy Partners Hat Mesa LLC (AEPHM) notifies the NMOCD of our protest of the referenced SWD Well proposed to be located 200' FSL and 225'FWL of Section 18-T21S-R33E. A C-108 Application was delivered to us by letter dated June 11, 2019 submitted by LilyStream Water Solutions, LLC.

AEPHM's reason of protest is the proximity of the proposed SWD well to wells AEPHM operates and/or plan to drill.

For more information, please contact David Harwell, Vice-President of Engineering AEPHM at 832-672-4604 or dharwell@advanceenergypartners.com.

Sincerely,

Paul Burdick

Paul Burdick, Land Advisor
Advance Energy Partners, LLC
Email: PBurdick@AdvanceEnergyPartners.com
Telephone: 832-672-4623

.cc LilyStream Water Solutions, LLC
1308 West Ave. N.
Lovington, NM 88260

.cc David Harwell

JUL 12 2019 PM01:51

Intrepid Potash, Inc.
1001 17th Street, Suite 1050
Denver, CO 80202
303.296.3006
303.298.7502 fax

July 8, 2019

New Mexico Oil Conservation Division
1220 S. Saint Francis Drive
Santa Fe, NM 87505

Subject: Objection to Berry Eaves SWD #2 Well
Section 18, T21S, R33E
LilyStream Water Solutions, LLC

Dear Administrator:

Intrepid Potash – New Mexico, LLC (Intrepid) objects to LilyStream Water Solutions, LLC's proposed Berry Eaves SWD #2 Well located in Section 28, T21S, R33E.

The basis of the objection is:

- LilyStream Water Solutions did not provide written notification of the proposed well to Intrepid. As required by Order R-111-P, LilyStream Water Solutions was to send notice by registered mail to potash operators holding leases (Intrepid) within one mile of the proposed location.

- The proposed location is inside Intrepid's Life of Mine Reserve (LMR). As stated by Order R-111-P, wells may only be drilled inside a potash lessee's LMR by agreement between the State Land Office (lessor) and the potash and oil and gas lessees. Intrepid does not agree to the location.

Thank you for your favorable consideration of our objection to the above referenced SWD well. Please contact me (greg.bruce@intrepidpotash.com or 575-234-3937) if you have any questions or need additional information.

Sincerely,

Greg Bruce
Chief Mine Engineer

cc: Jim Rutley, BLM
Katie Keller - Intrepid