



APPLICATION PROTESTED

APPLICANT: Delaware Energy, LLC

APPLICATION TYPE: SWD

WELL NAME: Prickly Pear SWD #1

API NUMBER: 30-015-Pending

ADMIN. APPL. NO.: pmAm19143 56805

UL-S-T-R: K-13-215-24E

DATE RECEIVED AT OCD: 05/20/2019 Admin Complete: Yes No

PROTESTANT: ① XTO Energy, Inc
② Intrepid Potash

DATE PROTEST RECEIVED: ① 05-31-2019
② 06-05-2019

DATE AND METHOD OF NOTIFICATION OF APPLICANT:

① 06-03-2019, E-mail
② 06-07-2019, 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☐ Negotiated/Withdrawn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: Friday, June 7, 2019 8:56 AM
To: 'Sarah Presley'
Cc: 'kevin.ryan@intrepidpotash.com'; Goetze, Phillip, EMNRD; Lowe, Leonard, EMNRD; Jones, William V, EMNRD; Murphy, Kathleen A, EMNRD; 'Rutley, James'
Subject: Notification of Protest for Application to Inject -:Prickly Pear State SWD #1 Intrepid Potash
Attachments: DelawareEnergy American PharoahStateSWD#1 CompadreStateSWD#1 PricklyPearSWD#1 IntrepidPotash Protest.pdf

RE: Prickly Pear State SWD #1 (API 30-015-Pending; Admin. Appl. No pMAM1914356805) Unit K; Sec 13, T21S, R29E, NMPM, Eddy County

Ms. Presley:

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 Delaware Energy, 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this application to be considered, they must either go to hearing or may be reviewed administratively if the protest is withdrawn as a result of a negotiated resolution with this party.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.

Kevin Ryan
Director of Technical Services
10001 17th Street, Suite 1050
Denver, CO. 80202
Phone: (303) 996-5934
E-mail: kevin.ryan@intrepidpotash.com

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

McMillan, Michael, EMNRD

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Kevin Ryan
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Michael McMillan
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505-476-3448
Michael.mcmillan@state.nm.us



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

June 4, 2019

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

JUN 05 2019 AM 10:51

Subject: Objection to Prickly Pear State SWD #1 Well
Section 13, T21S, R29E
Delaware Energy, LLC

Dear Administrator:

Intrepid Potash – New Mexico, LLC (Intrepid) objects to Delaware Energy, LLC's proposed Prickly Pear State SWD #1 Well #1 located in Section 13, T21S, R29E.

The basis of the objection is:

- Delaware Energy did not provide written notification of the proposed well to Intrepid. As required by Order R-111-P, Delaware Energy 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.
- The well would penetrate Intrepid's open mine works. It would result in undue waste of potash and threaten the safety of Intrepid's potash operations.

Thank you for your favorable consideration of our objection to the above referenced SWD well. Please contact me (kevin.ryan@intrepidpotash.com or 303-996-5934) if you have any questions or need additional information.

Sincerely,

Kevin J. Ryan
Director of Technical Services

cc: Jim Rutley, BLM
Katie Keller, Greg Bruce - Intrepid

McMillan, Michael, EMNRD

From: McMillan, Michael, EMNRD
Sent: Monday, June 3, 2019 4:25 PM
To: Sarah Presley
Cc: Cherry, Tracie; Goetze, Phillip, EMNRD; Lowe, Leonard, EMNRD; Jones, William V, EMNRD; Murphy, Kathleen A, EMNRD
Subject: Notification of Protest for Application to Inject -:Prickly Pear State SWD #1 XTO
Attachments: DelawareEnergy PricklyPearSWDeq XTOprotest.pdf

RE: Prickly Pear State SWD #1 (API 30-015-Pending; Admin. Appl. No pMAM1914356805) Unit K; Sec 13, T21S, R29E, NMPM, Eddy County

Ms. Presley:

OCD was notified XTO Energy 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 Delaware Energy, 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 XTO Energy Inc.

Tracie Cherry
Regulatory Coordinator
6401 Holiday Hill Road, Building 5
Midland, TX. 79707
Phone: (432) 221-7379
E-mail: Tracie_Cherry@xtoenergy.com

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

McMillan, Michael, EMNRD

From: Cherry, Tracie <Tracie_Cherry@xtoenergy.com>
Sent: Friday, May 31, 2019 3:25 PM
To: McMillan, Michael, EMNRD
Cc: Miers, Elizabeth; Thompson, Michael
Subject: [EXT] Delaware Energy, LLC - Prickly Pear State SWD #1

PM AM 19143 56805

Good afternoon Michael.

The referenced application was received in our office via certified mail on May 30, 2019. XTO Permian Operating, LLC (XTO), as an affected party, objects to the referenced application for disposal into the Devonian formation. Delaware Energy's proposed location is inside the XTO operated Big Eddy Unit and will impact development activity in the area.

XTO requests to be notified of any further activity in regard to the application, including being provided with notice of any hearing scheduled.

Should you have any questions, please do not hesitate to contact me or Michael Thompson at (432) 221-7357.

Tracie J Cherry
Regulatory Coordinator
Direct number 432-221-7379



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