

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

**APPLICATION OF DELAWARE ENERGY LLC TO REVOKE THE INJECTION
AUTHORITY GRANTED UNDER SWD-1680 FOR THE ALPHA SWD NO. 1
WELL OPERATED BY ALPHA SWD OPERATING LLC, EDDY COUNTY, NEW
MEXICO.**

**Case No. 15855 (*de novo*)
Order No. R-14484-D**

ORDER FOR REHEARING

THIS MATTER came before the New Mexico Oil Conservation Commission (“Commission”) on the Application for Rehearing (“Application”) filed by Delaware Energy LLC (“Delaware”). The Commission, having considered the Application at a meeting on September 13, 2018 in Santa Fe, New Mexico, enters the following order.

THE COMMISSION FINDS THAT:

1. Alpha SWD Operating, LLC (“Alpha SWD”) filed an application for a *de novo* review with the Commission, pursuant to NMSA 1978, §70-2-13, of an Order (R-14484-A) entered by the Oil Conservation Division (“Division”) which rescinded a previous Order (SWD-1680) of the Division. After hearing, the Commission issued Order No. R-14484-B which reversed and vacated Order No. R-14484-A.

2. NMSA 1978 §70-2-13 (1981) provides that:

When any matter or proceeding is referred to an examiner and a decision is rendered thereon, any party of record adversely affected shall have the right to have the matter heard *de novo* before the commission upon application filed with the division within thirty days from the time any such decision is rendered.

The “matter or proceeding” that was referred to the examiner was the issuance of Administrative Order SWD-1680, and therefore the “matter” to be “heard *de novo* before the commission” is the issuance of Administrative Order SWD-1680.

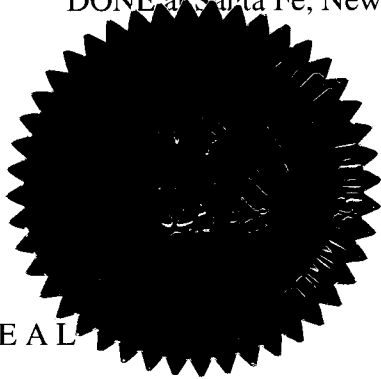
3. Since the Commission did not rule on the “matter” before the Commission, the Commission will grant a rehearing on the matter.

IT IS THEREFORE ORDERED THAT:

The Application for Rehearing is granted and Commission Order No. R-14484-B is suspended. A rehearing on the *de novo* application of Alpha SWD will be held on October 11, 2018.

DONE at Santa Fe, New Mexico on the 19th day of September, 2018.

SEAL



STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

HEATHER RILEY, Chair