

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

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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

ALPHA SWD OPERATING, LLC'S SUPPLEMENTAL RESPONSE TO SUBPOENA

Alpha SWD Operating, LLC ("Alpha") hereby provides its supplemental responses to the document production subpoena issued by the Oil Conservation Division ("the Division") to Delaware Energy, LLC ("Delaware") on October 23, 2017.

OBJECTIONS AND RESPONSES

REQUEST FOR PRODUCTION NO. 1: All contracts, letter agreements, emails, communications or other written instruments which involve the drilling of the Alpha SWD Well No. 1 approved in Administrative Order SWD-1680.

RESPONSE: Alpha objects to this request to the extent that it seeks the production of documents that are not relevant to the substantive claims asserted by Delaware in its application requesting the revocation of the injection authority granted to Alpha under Administrative Order SWD-1680 ("application"), ie., that (i) Alpha and the Division violated 19.15.26.7.A and 19.15.26.8.B(2) NMAC by failing to notify Delaware of the C-108 that Alpha filed on June 12, 2017, and (ii) the Division violated 19.15.26.8.C(2) NMAC by issuing Administrative Order SWD-1680 sixteen days after Alpha submitted its administrative application. Subject to and

without waiving its objection, Alpha is contemporaneously producing responsive documents (Bates nos. ALPHA 0001 – ALPHA 0194).

SUPPLEMENTAL RESPONSE: Alpha withdraws its objection to this Request for Production (RFP”), and is contemporaneously producing additional responsive documents (Bates no. ALPHA 0250 - ALPHA 0281).

REQUEST FOR PRODUCTION NO. 2: All contracts, letter agreements, emails, communications or other written instruments which involve Alpha SWD Operating LLC’s right to access the surface at the location of its Alpha SWD No. 1 well.

RESPONSE: Alpha objects to this request to the extent that it seeks the production of documents that are not relevant to the substantive claims asserted by Delaware in its application, ie., that (i) Alpha and the Division violated 19.15.26.7.A and 19.15.26.8.B(2) NMAC by failing to notify Delaware of the C-108 that Alpha filed on June 12, 2017, and (ii) the Division violated 19.15.26.8.C(2) NMAC by issuing Administrative Order SWD-1680 sixteen days after Alpha submitted its administrative application. Subject to and without waiving its objection, Alpha is contemporaneously producing responsive documents (Bates nos. ALPHA 0195 – ALPHA 0208 and ALPHA 0231 - ALPHA 0249).

SUPPLEMENTAL RESPONSE: Alpha withdraws its objection to this RFP, and is contemporaneously producing additional responsive documents (Bates nos. ALPHA 0282 - ALPHA 0290).

REQUEST FOR PRODUCTION NO. 3: All contracts, letter agreements, emails, communications or other written instruments which involve the closing on Alpha SWD Operating LLC’s purchase of acreage that includes the Alpha SWD No. 1 well location.

RESPONSE: Alpha objects to this request to the extent that it seeks the production of documents that are not relevant to the substantive claims asserted by Delaware in its application, ie., that (i) Alpha and/or the Division violated 19.15.26.7.A and 19.15.26.8.B(2) NMAC by failing to notify Delaware of the C-108 that Alpha filed on June 12, 2017, and (ii) the Division violated 19.15.26.8.C(2) NMAC by issuing Administrative Order SWD-1680 sixteen days after Alpha had submitted its administrative application. Subject to and without waiving its objection, Alpha is producing responsive documents (Bates nos. ALPHA 0195 – ALPHA 0208 and ALPHA 0231 - ALPHA 0249).

SUPPLEMENTAL RESPONSE: Alpha withdraws its objection to this RFP, and is contemporaneously producing additional responsive documents (Bates nos. ALPHA 0282 - ALPHA 0290).

REQUEST FOR PRODUCTION NO. 4: All contracts, letter agreements, emails, communications or other written instruments which involve the disposal of produced water through the Alpha SWD No. 1 well.

RESPONSE: Alpha objects to this request to the extent that it seeks the production of documents that are not relevant to the claims asserted by Delaware in its application, ie., that (i) Alpha and/or the Division violated 19.15.26.7.A and 19.15.26.8.B(2) NMAC by failing to notify Delaware of the C-108 that Alpha filed on June 12, 2017, and (ii) the Division violated 19.15.26.8.C(2) NMAC by issuing Administrative Order SWD-1680 sixteen days after Alpha submitted its administrative application. Subject to and without waiving its objection, Alpha is contemporaneously producing responsive documents (Bates nos. ALPHA 0209 – ALPHA 0218).

SUPPLEMENTAL RESPONSE: Alpha withdraws its objection to this RFP, and is contemporaneously producing additional responsive documents (Bates nos. ALPHA 0291 - ALPHA 0322).

REQUEST FOR PRODUCTION NO. 5: All documents, insurance coverage certificates, or other written instruments, reflecting that Alpha SWD Operating LLC has obtained general liability insurance and/or well control insurance that covers the proposed Alpha SWD No. 1 well.

RESPONSE: Alpha objects to this request to the extent that it seeks the production of documents that are not relevant to the claims asserted by Delaware in its application, ie., that (i) Alpha and/or the Division violated 19.15.26.7.A and 19.15.26.8.B(2) NMAC by failing to notify Delaware of the C-108 that Alpha filed on June 12, 2017, and (ii) the Division violated 19.15.26.8.C(2) NMAC by issuing Administrative Order SWD-1680 sixteen days after Alpha submitted its administrative application. Subject to and without waiving its objection, Alpha is contemporaneously producing responsive documents (Bates nos. ALPHA 0219 – ALPHA 0230).

SUPPLEMENTAL RESPONSE: Alpha withdraws its objection to this RFP, but has no additional documents to produce.

Respectfully submitted,

HINKLE SHANOR LLP



Gary W. Larson
P.O. Box 2068
Santa Fe, NM 87504-2068
Phone: (505) 982-4554
Facsimile: (505) 982-8623
glarson@hinklelawfirm.com

Counsel for Alpha SWD Operating LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of November, 2017 I served a true and correct copy of the foregoing *Alpha SWD Operating LLC's Supplemental Response to Subpoena* via email to:

Michael H. Feldewert, Esq.
Adam G. Rankin, Esq.
Jordan L. Kessler, Esq.
Holland & Hart LLP
Post Office Box 2208
Santa Fe, NM 87504-2208
mfeldewert@hollandhart.com
agrankin@hollandhart.com
jlkessler@hollandhart.com

Counsel for Delaware Energy LLC



Gary W. Larson