

## Murphy, Kathleen A, EMNRD

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**From:** Goetze, Phillip, EMNRD  
**Sent:** Monday, September 10, 2018 9:39 AM  
**To:** Adam Rankin  
**Cc:** Jordan L. Kessler; Seth McMillan; Michael Feldewert; Clory L. Wetzsteon; Davidson, Florene, EMNRD; Jones, William V, EMNRD; Brooks, David K, EMNRD  
**Subject:** RE: Delaware Energy, LLC / Case No. 16375  
**Attachments:** BLM 4-String Casing area.pdf

Adam:

The case will be dismissed. Pending the outcome of the continuance of Delaware's other cases, this case will be placed on the September 20<sup>th</sup> Docket for entry of the dismissal into the record.

The return of the current application to the administrative review process still requires Delaware to address the deficiencies cited in the Division's e-mail of November 7, 2016. Of these deficiencies, the most notable is the failure of Delaware to recognize the Capitan Reef aquifer as a protectable water source (classified as an USDW), specifically at this well's location, and to isolate this portion of borehole from higher concentrations of dissolved solids that occur in other formations that are adjacent to the Capitan. This location is also within the BLM's Four String area which is cooperatively applied by the Division.

Please contact me with any questions regarding the content of this e-mail at your convenience. PRG

Phillip Goetze, PG  
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**From:** Adam Rankin  
**Sent:** Monday, September 10, 2018 9:05 AM  
**To:** Seth McMillan ; Brooks, David K, EMNRD ; Goetze, Phillip, EMNRD  
**Cc:** Jordan L. Kessler ; Michael Feldewert ; Clory L. Wetzsteon  
**Subject:** RE: Delaware Energy, LLC / Case No. 16375

Based on the Finley's withdrawal of its objections, we ask that the Division dismiss Case No. 16375 and take the application under administrative consideration.

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**From:** Seth McMillan <[SMcMillan@montand.com](mailto:SMcMillan@montand.com)>  
**Sent:** Monday, September 10, 2018 8:43 AM  
**To:** Adam Rankin <[AGRankin@hollandhart.com](mailto:AGRankin@hollandhart.com)>; Brooks, David K, EMNRD <[DavidK.Brooks@state.nm.us](mailto:DavidK.Brooks@state.nm.us)>; 'phillip.goetze@state.nm.us' <[phillip.goetze@state.nm.us](mailto:phillip.goetze@state.nm.us)>  
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**Subject:** RE: Delaware Energy, LLC / Case No. 16375

All,

I am informed this morning that Finley Resources wishes to withdraw its opposition to Delaware's application in Case No. 16375. As such, Finley will not be appearing for hearing, and I hereby withdraw the motion for continuance filed late last week. Further, I would not oppose Delaware's application being shunted back to the administrative track. My sincere apologies to all for any inconvenience caused by Finley's late change of position.

Thanks,  
Seth



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**From:** Adam Rankin [<mailto:AGRankin@hollandhart.com>]  
**Sent:** Thursday, September 6, 2018 5:02 PM  
**To:** Seth McMillan <[SMcMillan@montand.com](mailto:SMcMillan@montand.com)>; Brooks, David K, EMNRD <[DavidK.Brooks@state.nm.us](mailto:DavidK.Brooks@state.nm.us)>; 'phillip.goetze@state.nm.us' <[phillip.goetze@state.nm.us](mailto:phillip.goetze@state.nm.us)>  
**Cc:** Jordan L. Kessler <[JLKessler@hollandhart.com](mailto:JLKessler@hollandhart.com)>; Michael Feldewert <[MFeldewert@hollandhart.com](mailto:MFeldewert@hollandhart.com)>; Clory L. Wetzsteon <[CLWetzsteon@hollandhart.com](mailto:CLWetzsteon@hollandhart.com)>  
**Subject:** RE: Delaware Energy, LLC / Case No. 16375

Delaware Energy opposes the motion and will file its response in opposition by 10 a.m. on Monday. A prehearing conference to resolve the motion late Monday morning can work for us.

Sincerely,  
Adam

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**From:** Seth McMillan <[SMcMillan@montand.com](mailto:SMcMillan@montand.com)>  
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**To:** Brooks, David K, EMNRD <[DavidK.Brooks@state.nm.us](mailto:DavidK.Brooks@state.nm.us)>; 'phillip.goetze@state.nm.us' <[phillip.goetze@state.nm.us](mailto:phillip.goetze@state.nm.us)>  
**Cc:** Adam Rankin <[AGRankin@hollandhart.com](mailto:AGRankin@hollandhart.com)>  
**Subject:** FW: Delaware Energy, LLC / Case No. 16375

Mr. Brooks, Mr. Goetze – Please see attached, FYI. I just spoke with Adam, and Delaware opposes this motion and will be responding. Perhaps we can schedule a brief pre-hearing conference on the motion sometime Monday morning? The hearing is scheduled for Tuesday. Thanks.



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**From:** David Ortiz  
**Sent:** Thursday, September 6, 2018 4:26 PM  
**To:** 'mfeldewert@hollandhart.com' <[mfeldewert@hollandhart.com](mailto:mfeldewert@hollandhart.com)>; Adam Rankin ([agrarkin@hollandhart.com](mailto:agrarkin@hollandhart.com)) <[agrarkin@hollandhart.com](mailto:agrarkin@hollandhart.com)>; 'jlkessler@hollandhart.com' <[jlkessler@hollandhart.com](mailto:jlkessler@hollandhart.com)>; 'jbroggi@hollandhart.com' <[jbroggi@hollandhart.com](mailto:jbroggi@hollandhart.com)>  
**Cc:** Seth McMillan <[SMcMillan@montand.com](mailto:SMcMillan@montand.com)>  
**Subject:** Delaware Energy, LLC / Case No. 16375

Counsel, attached is Finley Resources, Inc.'s Motion for Continuance which was filed with the OCD today.

David H. Ortiz  
Assistant to Stephen S. Hamilton, Seth C. McMillan, Edmund H. Kendrick  
& Matthew A. Zidovsky



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