

## **Murphy, Kathleen A, EMNRD**

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**From:** Adam Rankin <AGRankin@hollandhart.com>  
**Sent:** Monday, November 12, 2018 8:54 PM  
**To:** Marion Craig; Goetze, Phillip, EMNRD  
**Cc:** Michael Feldewert; Murphy, Kathleen A, EMNRD; Seth McMillan; Callahan, Candace; Katherine Moss; Jim Davis; Alisa Ogden  
**Subject:** [EXT] RE: Cases No. 16258 to 16261 - Delaware SWD

Delaware will address the Davises' and Ms. Ogden's opposition to the continuance of Case No. 16261 at hearing before the Division tomorrow.

-----Original Message-----

From: Marion Craig <jimmy@craiglawllc.com>  
Sent: Monday, November 12, 2018 10:00 AM  
To: Goetze, Phillip, EMNRD <Phillip.Goetze@state.nm.us>  
Cc: Adam Rankin <AGRankin@hollandhart.com>; Michael Feldewert <MFeldewert@hollandhart.com>; Murphy, Kathleen A,, EMNRD <KathleenA.Murphy@state.nm.us>; Seth McMillan <SMcMillan@montand.com>; Callahan, Candace <CCallahan@bwenerylaw.com>; Katherine Moss <katherinem@slo.state.nm.us>; Jim Davis <bjdavis12142@hughes.net>; Alisa Ogden <alisaogden@plateautel.net>  
Subject: Cases No. 16258 to 16261 - Delaware SWD

Mr. Examiner:

Mr. Davies and Ms. Ogden oppose the Motion to vacate only one of the wells that we protested, which was filed late Friday. We do not oppose vacating the hearings on all wells scheduled for hearing on Tuesday, so that the applicant may amend. We only want to drive from Carlsbad and Roswell once. Hopefully you will be able to decide today before my clients and witnesses start their travel.

--

Jimmy Craig  
Marion J. Craig III  
Marion J. Craig III, Attorney at Law, L.L.C.  
P.O. Box 1436  
Roswell, NM 88202  
(575) 622-1106  
Jimmy@craiglawllc.com

## Murphy, Kathleen A, EMNRD

---

**From:** Adam Rankin <AGRankin@hollandhart.com>  
**Sent:** Monday, November 12, 2018 8:54 PM  
**To:** Seth McMillan  
**Cc:** Goetze, Phillip, EMNRD; Davidson, Florene, EMNRD; Dawson, Scott, EMNRD; Brooks, David K, EMNRD; Lowe, Leonard, EMNRD; McMillan, Michael, EMNRD; Michael Feldewert; Murphy, Kathleen A, EMNRD; Callahan, Candace (CCallahan@bwenerylaw.com); katherinem@slo.state.nm.us; Marion Craig  
**Subject:** [EXT] RE: Information Request for Cases No. 16258 to 16261 - Delaware SWD

Delaware will address Foundation's and 3Bear's arguments in opposition to the motion to continue Case No. 16261 and the motion to dismiss at hearing tomorrow.

---

**From:** Seth McMillan <SMcMillan@montand.com>  
**Sent:** Monday, November 12, 2018 8:51 AM  
**To:** Adam Rankin <AGRankin@hollandhart.com>  
**Cc:** Goetze, Phillip, EMNRD <Phillip.Goetze@state.nm.us>; (florene.davidson@state.nm.us) <florene.davidson@state.nm.us>; Dawson, Scott, EMNRD <Scott.Dawson@state.nm.us>; Brooks, David K, EMNRD <DavidK.Brooks@state.nm.us>; Lowe, Leonard, EMNRD <Leonard.Lowe@state.nm.us>; McMillan, Michael, EMNRD <Michael.McMillan@state.nm.us>; Michael Feldewert <MFeldewert@hollandhart.com>; Murphy, Kathleen A, EMNRD <KathleenA.Murphy@state.nm.us>; Callahan, Candace (CCallahan@bwenerylaw.com) <CCallahan@bwenerylaw.com>; katherinem@slo.state.nm.us; Marion Craig <jimmy@craiglawllc.com>  
**Subject:** Re: Information Request for Cases No. 16258 to 16261 - Delaware SWD

Similarly, and having just fully reviewed the motion to dismiss 3Bear, how is 3Bear supposed to timely respond to this, and how are 3Bear's witnesses supposed to know how to proceed with travel today? Likewise my witnesses, whose arguments are tied to 3Bear's?

The motion to dismiss, like the motion to continue, is late filed for no apparent reason other than to create prejudicial effect for the parties. All four of these matters need to be continued by the Division, sua sponte, 3Bear needs to given time to respond to the motion to dismiss, and we need to have a motions hearing and prehearing conference before these hearings can proceed. That's the only way out of this mess Delaware has created by its Friday afternoon surprises.

Sent from my iPhone

On Nov 12, 2018, at 8:30 AM, Seth McMillan <[SMcMillan@montand.com](mailto:SMcMillan@montand.com)<<mailto:SMcMillan@montand.com>>> wrote:

Examiners,

As correctly noted below, Foundation Minerals et al. does not oppose the motion to continue 16261. It makes sense to us that if SLO wants the location moved again, Delaware should have that opportunity. However, to the extent other parties are opposing the motion on grounds that all four hearings should be continued together, for travel and efficiency purposes, Foundation Minerals et al. would support such an approach.

Seems much too late for Delaware to be continuing just one hearing but not all four, and requiring all parties to travel twice (the first time perhaps only to watch attorneys argue motions, depending on the outcomes). Is OCD even open today to decide these late-filed motions? Or are we all to gather in Santa Fe with our clients first thing tomorrow to find out if these hearings are going forward? This motion should have either been filed much earlier last week, or should have been filed as to all four hearings. Delaware has put us all in a difficult position.

In any event, that is Foundation Minerals' full position as to continuance. We are not filing a response to the motion given the incredibly short time span for decision here. Would appreciate knowing what to tell my clients about appearing tomorrow morning.

Thanks,  
Seth

Sent from my iPhone

On Nov 9, 2018, at 4:47 PM, Adam Rankin <[AGRankin@hollandhart.com](mailto:AGRankin@hollandhart.com)<<mailto:AGRankin@hollandhart.com>>> wrote:

Examiners,

Attached are two motions which are being filed today by Delaware in Cases 16258-16261: a motion to dismiss 3Bear from all four cases and a motion to continue only Case No. 16261 (Kodiak SWD). The continuance is requested because we just learned that the Commissioner for State Land Office prefers a different location for the proposed Kodiak well.

The Davises and Ogdens oppose the continuance. 3Bear is presumed to oppose, although their counsel was not able to confirm their position on the continuance.

The Foundation Minerals group, represented by Mr. McMillan at M&A does not oppose. The State Land Office also does not oppose.

Docket dates for 2019 are not yet available. We have requested a hearing date on the regularly scheduled docket in January 2019 since the docket has been vacated for December.

We would appreciate knowing in advance of the Tuesday hearing whether the continuance will be granted. Counsel for all protestants will be here on Tuesday for the hearing on the other cases anyway, so the Division can hear argument then, if necessary. But it seems that the new location could potentially resolve protestants' objections and obviate the need for a hearing.

Sincerely,  
Adam

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E-mail: [agrankin@hollandhart.com](mailto:agrankin@hollandhart.com)<<mailto:agrankin@hollandhart.com>>  
Download vCard<<https://www.hollandhart.com/getvcards.aspx?id=15951>>  
Web Bio<<http://www.hollandhart.com/agrankin/>>

<image002.gif>

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sent to you in error, please reply to the sender that you received the message in error; then please delete this e-mail.  
Thank you.

From: Goetze, Phillip, EMNRD <[Phillip.Goetze@state.nm.us](mailto:Phillip.Goetze@state.nm.us)<<mailto:Phillip.Goetze@state.nm.us>>>  
Sent: Tuesday, October 23, 2018 10:49 AM  
To: Seth McMillan <[SMcMillan@montand.com](mailto:SMcMillan@montand.com)<<mailto:SMcMillan@montand.com>>>; Callahan, Candace  
([CCallahan@bwenerylaw.com](mailto:CCallahan@bwenerylaw.com)<<mailto:CCallahan@bwenerylaw.com>>)  
<[CCallahan@bwenerylaw.com](mailto:CCallahan@bwenerylaw.com)<<mailto:CCallahan@bwenerylaw.com>>>;  
[katherinem@slo.state.nm.us](mailto:katherinem@slo.state.nm.us)<<mailto:katherinem@slo.state.nm.us>>; Marion Craig  
<[jimmy@craiglawllc.com](mailto:jimmy@craiglawllc.com)<<mailto:jimmy@craiglawllc.com>>>  
Cc: Adam Rankin <[AGRankin@hollandhart.com](mailto:AGRankin@hollandhart.com)<<mailto:AGRankin@hollandhart.com>>>; Michael Feldewert  
<[MFeldewert@hollandhart.com](mailto:MFeldewert@hollandhart.com)<<mailto:MFeldewert@hollandhart.com>>>; Murphy, Kathleen A, EMNRD  
<[KathleenA.Murphy@state.nm.us](mailto:KathleenA.Murphy@state.nm.us)<<mailto:KathleenA.Murphy@state.nm.us>>>  
Subject: FW: Information Request for Cases No. 16258 to 16261 - Delaware SWD

To All:

Florene has brought to my attention that the amended applications were not entered as to the correct docket notice.  
She will supply an amended Docket notice shortly correcting this difference.

Meanwhile, I have received two new applications for Case No. 16261, the Kodiak SWD No. 1, and for Case 16260, the Grizzly SWD No. 1. A PDF of both applications are attached and will also be available in the case files. If any additional applications for the remaining two cases are submitted, then you will be notified. Please contact me with any questions regarding this docket at you convenience. PRG

Phillip Goetze, PG  
Engineering Bureau, Oil Conservation Division, NM EMNRD  
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From: Goetze, Phillip, EMNRD  
Sent: Tuesday, October 23, 2018 8:02 AM  
To: 'Seth McMillan' <[SMcMillan@montand.com](mailto:SMcMillan@montand.com)<<mailto:SMcMillan@montand.com>>>; Marion Craig  
<[jimmy@craiglawllc.com](mailto:jimmy@craiglawllc.com)<<mailto:jimmy@craiglawllc.com>>>  
Cc: Brooks, David K, EMNRD <[DavidK.Brooks@state.nm.us](mailto:DavidK.Brooks@state.nm.us)<<mailto:DavidK.Brooks@state.nm.us>>>; Callahan, Candace  
([CCallahan@bwenerylaw.com](mailto:CCallahan@bwenerylaw.com)<<mailto:CCallahan@bwenerylaw.com>>)  
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[katherinem@slo.state.nm.us](mailto:katherinem@slo.state.nm.us)<<mailto:katherinem@slo.state.nm.us>>; Davidson, Florene, EMNRD  
<[florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us)<<mailto:florene.davidson@state.nm.us>>>  
Subject: RE: Information Request for Cases No. 16258 to 16261 - Delaware SWD

To All:

Currently, that is correct. A Special Docket is set for November 13th – Porter Hall – with a starting time of 9AM to accommodate travel. Any exhibits are to be presented at the hearing. As per SOP, remember to bring enough for everyone. PRG

Phillip Goetze, PG  
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E-mail: [phillip.goetze@state.nm.us](mailto:phillip.goetze@state.nm.us)<<mailto:phillip.goetze@state.nm.us>>

From: Seth McMillan <[SMcMillan@montand.com](mailto:SMcMillan@montand.com)<<mailto:SMcMillan@montand.com>>>  
Sent: Monday, October 22, 2018 4:57 PM  
To: Goetze, Phillip, EMNRD <[Phillip.Goetze@state.nm.us](mailto:Phillip.Goetze@state.nm.us)<<mailto:Phillip.Goetze@state.nm.us>>>; Marion Craig <[jimmy@craiglawllc.com](mailto:jimmy@craiglawllc.com)<<mailto:jimmy@craiglawllc.com>>>  
Cc: Brooks, David K, EMNRD <[DavidK.Brooks@state.nm.us](mailto:DavidK.Brooks@state.nm.us)<<mailto:DavidK.Brooks@state.nm.us>>>; Callahan, Candace <[CCallahan@bwenerylaw.com](mailto:CCallahan@bwenerylaw.com)<<mailto:CCallahan@bwenerylaw.com>>>  
<[CCallahan@bwenerylaw.com](mailto:CCallahan@bwenerylaw.com)<<mailto:CCallahan@bwenerylaw.com>>>; Adam Rankin <[AGRankin@hollandhart.com](mailto:AGRankin@hollandhart.com)<<mailto:AGRankin@hollandhart.com>>>  
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[katherinem@slo.state.nm.us](mailto:katherinem@slo.state.nm.us)<<mailto:katherinem@slo.state.nm.us>>; Davidson, Florene, EMNRD <[florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us)<<mailto:florene.davidson@state.nm.us>>>  
Subject: [EXT] RE: Information Request for Cases No. 16258 to 16261 - Delaware SWD

And, sorry, with respect to Jimmy's initial question below, these matters remain set for November 13, correct?

Sent from my iPhone

From: Goetze, Phillip, EMNRD [<mailto:Phillip.Goetze@state.nm.us>]  
Sent: Monday, October 22, 2018 4:33 PM  
To: Marion Craig <[jimmy@craiglawllc.com](mailto:jimmy@craiglawllc.com)<<mailto:jimmy@craiglawllc.com>>>  
Cc: Seth McMillan <[SMcMillan@montand.com](mailto:SMcMillan@montand.com)<<mailto:SMcMillan@montand.com>>>; Brooks, David K, EMNRD <[DavidK.Brooks@state.nm.us](mailto:DavidK.Brooks@state.nm.us)<<mailto:DavidK.Brooks@state.nm.us>>>; Callahan, Candace <[CCallahan@bwenerylaw.com](mailto:CCallahan@bwenerylaw.com)<<mailto:CCallahan@bwenerylaw.com>>>  
<[CCallahan@bwenerylaw.com](mailto:CCallahan@bwenerylaw.com)<<mailto:CCallahan@bwenerylaw.com>>>; Adam Rankin <[AGRankin@hollandhart.com](mailto:AGRankin@hollandhart.com)<<mailto:AGRankin@hollandhart.com>>>  
<[AGRankin@hollandhart.com](mailto:AGRankin@hollandhart.com)<<mailto:AGRankin@hollandhart.com>>>; Michael Feldewert <[mfeldewert@hollandhart.com](mailto:mfeldewert@hollandhart.com)<<mailto:mfeldewert@hollandhart.com>>>  
<[mfeldewert@hollandhart.com](mailto:mfeldewert@hollandhart.com)<<mailto:mfeldewert@hollandhart.com>>>;  
[katherinem@slo.state.nm.us](mailto:katherinem@slo.state.nm.us)<<mailto:katherinem@slo.state.nm.us>>; Davidson, Florene, EMNRD <[florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us)<<mailto:florene.davidson@state.nm.us>>>  
Subject: RE: Information Request for Cases No. 16258 to 16261 - Delaware SWD

Marion:

For an Examiner's hearing, the applicant is not required to provide advance copies of the final exhibits – unlike a Commission hearing where the applicant (as well as all parties appearing) have to provide their exhibits a week before the hearing. This creates a very stimulating process at Examiner's hearings of simultaneously reviewing the exhibits

while trying to offer relevant (and, hopefully, intelligent) questions during cross.

But the applicant will be presenting the C-108 applications at the beginning of the hearing which will include testimony as to preparation and the content. This tends to offer the ability to review the applications during the presentation. PRG

Phillip Goetze, PG  
Engineering Bureau, Oil Conservation Division, NM EMNRD  
1220 South St. Francis Drive, Santa Fe, NM 87505  
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E-mail: [phillip.goetze@state.nm.us](mailto:phillip.goetze@state.nm.us)<<mailto:phillip.goetze@state.nm.us>>

From: Marion Craig <[jimmy@craiglawllc.com](mailto:jimmy@craiglawllc.com)<<mailto:jimmy@craiglawllc.com>>>  
Sent: Monday, October 22, 2018 3:08 PM  
To: Goetze, Phillip, EMNRD <[Phillip.Goetze@state.nm.us](mailto:Phillip.Goetze@state.nm.us)<<mailto:Phillip.Goetze@state.nm.us>>>  
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Subject: [EXT] Re: Information Request for Cases No. 16258 to 16261 - Delaware SWD

Phillip: Thanks for the response. Do we have a date set for these applications, or are you waiting for the C-108s with the new surface locations?

Jimmy Craig

Marion J. Craig III

Marion J. Craig III, Attorney at Law, L.L.C.

P.O. Box 1436

Roswell, NM 88202

(575) 622-1106

[Jimmy@craiglawllc.com](mailto:Jimmy@craiglawllc.com)<<mailto:Jimmy@craiglawllc.com>>

On 10/22/2018 3:02 PM, Goetze, Phillip, EMNRD wrote:  
Seth:

Since this is a protested case, I will respond to your request for information for the applications with notice to all. The C-108 for each of the wells will be placed in their respective case file as a separate PDF:

Case No. 16258 – Bear Trap SWD No. 1

Case No. 16259 – Giant Panda SWD No. 1

Case No. 16260 – Grizzly SWD No. 1

Case No. 16261 – Kodiak SWD No. 1

Please note that these are the applications are for the original old locations. The Division has not received any amended applications that include the new surface locations identified in the pre-hearing by legal counsel for Delaware Energy dated September 4, 2018. Please contact if this does not address your request. PRG

Phillip Goetze, PG

Engineering Bureau, Oil Conservation Division

New Mexico Energy, Minerals and Natural Resources Department

1220 South St. Francis Drive, Santa Fe, NM 87505

Direct: 505.476.3466

E-mail: [phillip.goetze@state.nm.us](mailto:phillip.goetze@state.nm.us)<mailto:phillip.goetze@state.nm.us>

<image001.jpg>

<Delaware Energy LLC's Motion to Dismiss.pdf>

<Delaware Energy LLC's Motion for Continuance.pdf>

## **Murphy, Kathleen A, EMNRD**

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**From:** Callahan, Candace <CCallahan@bwenergylaw.com>  
**Sent:** Monday, November 12, 2018 11:27 AM  
**To:** Goetze, Phillip, EMNRD; Adam Rankin; Seth C. McMillan; Marion Craig; Davidson, Florene, EMNRD; Dawson, Scott, EMNRD; Brooks, David K, EMNRD; Lowe, Leonard, EMNRD; McMillan, Michael, EMNRD; Michael Feldewert; Murphy, Kathleen A, EMNRD; katherinem@slo.state.nm.us  
**Subject:** [EXT] Cases No. 16258 to 16261 - Delaware SWDs

Examiners:

As to Delaware's Motion for Continuance filed late Friday, 3Bear does not oppose continuing all four cases into January, 2019. We agree with counsel for Foundation Minerals et al, Mr. Davies and Ms. Ogden that for efficiency all four cases should be continued.

As to Delaware's Motion to Dismiss also filed late Friday, 3Bear requests that Delaware's Motion to Dismiss either be denied sua sponte as having been untimely filed, or, alternatively, all four cases be continued into January, 2019, a motions hearing scheduled and a reasonable opportunity until Friday, November 16th be granted to 3Bear to respond to Delaware's Motion to Dismiss.

Candace Callahan | Beatty & Wozniak, P.C.  
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### Energy in the Law

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Mr. Examiner:

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## Murphy, Kathleen A, EMNRD

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The motion to dismiss, like the motion to continue, is late filed for no apparent reason other than to create prejudicial effect for the parties. All four of these matters need to be continued by the Division, sua sponte, 3Bear needs to given time to respond to the motion to dismiss, and we need to have a motions hearing and prehearing conference before these hearings can proceed. That's the only way out of this mess Delaware has created by its Friday afternoon surprises.

Sent from my iPhone

On Nov 12, 2018, at 8:30 AM, Seth McMillan <SMcMillan@montand.com<mailto:SMcMillan@montand.com>> wrote:

Examiners,

As correctly noted below, Foundation Minerals et al. does not oppose the motion to continue 16261. It makes sense to us that if SLO wants the location moved again, Delaware should have that opportunity. However, to the extent other parties are opposing the motion on grounds that all four hearings should be continued together, for travel and efficiency purposes, Foundation Minerals et al. would support such an approach.

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In any event, that is Foundation Minerals' full position as to continuance. We are not filing a response to the motion given the incredibly short time span for decision here. Would appreciate knowing what to tell my clients about appearing tomorrow morning.

Thanks,  
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The Foundation Minerals group, represented by Mr. McMillan at M&A does not oppose. The State Land Office also does not oppose.

Docket dates for 2019 are not yet available. We have requested a hearing date on the regularly scheduled docket in January 2019 since the docket has been vacated for December.

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Sincerely,  
Adam

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Fax (505) 983-6043

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Download vCard<[https://clicktime.symantec.com/a/1/1bnnonCEhRMhrSH0NtOj6klyOy36zxOzSo1qf-yBI5s=?d=7tRREqp8PTHVN3qYKg\\_2End8ZfEUSIbz-2bpxSvOq3IkRm-JGH0OtIjXgG4oaPLJtqOqDWRs0foKcDh1y2Q\\_bnnSXPZ1Sn8uoWfrUib0ybKSX3faT5xXt5rZM9BiBiVyPfmnVnaTEfZm\\_ZEVHUUQ-3NHAdtMvBwh0EnaCXbjrB07iltN2Hx15J-tn4lgiJaXN6HGqRHJ2g0U2nhE7OOrCvG2SpInTRDW\\_flSpGFqLz3Q\\_A5EekMsxX30GYet1HvInhp4d5fHqKODw9YxiKjyXXJ4mMLKsR1u9oh7UiqSUzaWHZxZfTWsjHqQGMUI9M2DrWMLJUXCWig73bbM66N1EW6jQa6FXIVX2RFDNtnj2obuvTKudpKTUwVQVQLnvXUjwGrEwXNjPtYP7u5k8SBOjZwG9JWvFXsbsz0gVmjb&u=https%3A%2F%2Fwww.hollandhart.com%2Fgetvcard.aspx%3Fid%3D15951](https://clicktime.symantec.com/a/1/1bnnonCEhRMhrSH0NtOj6klyOy36zxOzSo1qf-yBI5s=?d=7tRREqp8PTHVN3qYKg_2End8ZfEUSIbz-2bpxSvOq3IkRm-JGH0OtIjXgG4oaPLJtqOqDWRs0foKcDh1y2Q_bnnSXPZ1Sn8uoWfrUib0ybKSX3faT5xXt5rZM9BiBiVyPfmnVnaTEfZm_ZEVHUUQ-3NHAdtMvBwh0EnaCXbjrB07iltN2Hx15J-tn4lgiJaXN6HGqRHJ2g0U2nhE7OOrCvG2SpInTRDW_flSpGFqLz3Q_A5EekMsxX30GYet1HvInhp4d5fHqKODw9YxiKjyXXJ4mMLKsR1u9oh7UiqSUzaWHZxZfTWsjHqQGMUI9M2DrWMLJUXCWig73bbM66N1EW6jQa6FXIVX2RFDNtnj2obuvTKudpKTUwVQVQLnvXUjwGrEwXNjPtYP7u5k8SBOjZwG9JWvFXsbsz0gVmjb&u=https%3A%2F%2Fwww.hollandhart.com%2Fgetvcard.aspx%3Fid%3D15951)>

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Web

Bio<[https://clicktime.symantec.com/a/1/Q7v4hHNX5I8Myg1rWfTGqnwiFnZ6i4Sl3lr9d9pbTvY=?d=7tRREqp8PTHVN3qYKg\\_2End8ZfEUSIbz-2bpxSvOq3IkRm-JGH0OtIjXgG4oaPLJtqOqDWRs0foKcDh1y2Q\\_bnnSXPZ1Sn8uoWfrUib0ybKSX3faT5xXt5rZM9BiBiVyPfmnVnaTEfZm\\_ZEVHUUQ-3NHAdtMvBwh0EnaCXbjrB07iltN2Hx15J-tn4lgiJaXN6HGqRHJ2g0U2nhE7OOrCvG2SpInTRDW\\_flSpGFqLz3Q\\_A5EekMsxX30GYet1HvInhp4d5fHqKODw9YxiKjyXXJ4mMLKsR1u9oh7UiqSUzaWHZxZfTWsjHqQGMUI9M2DrWMLJUXCWig73bbM66N1EW6jQa6FXIVX2RFDNtnj2obuvTKudpKTUwVQVQLnvXUjwGrEwXNjPtYP7u5k8SBOjZwG9JWvFXsbsz0gVmjb&u=http%3A%2F%2Fwww.hollandhart.com%2Fagrankin%2F](https://clicktime.symantec.com/a/1/Q7v4hHNX5I8Myg1rWfTGqnwiFnZ6i4Sl3lr9d9pbTvY=?d=7tRREqp8PTHVN3qYKg_2End8ZfEUSIbz-2bpxSvOq3IkRm-JGH0OtIjXgG4oaPLJtqOqDWRs0foKcDh1y2Q_bnnSXPZ1Sn8uoWfrUib0ybKSX3faT5xXt5rZM9BiBiVyPfmnVnaTEfZm_ZEVHUUQ-3NHAdtMvBwh0EnaCXbjrB07iltN2Hx15J-tn4lgiJaXN6HGqRHJ2g0U2nhE7OOrCvG2SpInTRDW_flSpGFqLz3Q_A5EekMsxX30GYet1HvInhp4d5fHqKODw9YxiKjyXXJ4mMLKsR1u9oh7UiqSUzaWHZxZfTWsjHqQGMUI9M2DrWMLJUXCWig73bbM66N1EW6jQa6FXIVX2RFDNtnj2obuvTKudpKTUwVQVQLnvXUjwGrEwXNjPtYP7u5k8SBOjZwG9JWvFXsbsz0gVmjb&u=http%3A%2F%2Fwww.hollandhart.com%2Fagrankin%2F)>

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tn4lgiJaXN6HGqRHJ2g0U2nhE7OOrCvG2SpInTRDW\_flSpGFqLz3Q\_A5EekMsxX30GYet1HvInhp4d5fHqKODw9YxiKjyXXJ4mMLKsR1u9oh7UiqSUzaWHZxZfTWsjHqQGMUI9M2DrWMLJUXCWig73bbM66N1EW6jQa6FXIVX2RFDNtnj2obuvTKudpKTUwVQVQLnvXUjwGrEwXNjPtYP7u5k8SBOjZwG9JWvFXsbsz0gVmjb&u=http%3A%2F%2Fwww.hollandhart.com%2Fagrankin%2F>

<image002.gif>

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From: Goetze, Phillip, EMNRD <Phillip.Goetze@state.nm.us<mailto:Phillip.Goetze@state.nm.us>>  
Sent: Tuesday, October 23, 2018 10:49 AM  
To: Seth McMillan <SMcMillan@montand.com<mailto:SMcMillan@montand.com>>; Callahan, Candace (CCallahan@bwenerylaw.com<mailto:CCallahan@bwenerylaw.com>)<CCallahan@bwenerylaw.com<mailto:CCallahan@bwenerylaw.com>>;  
katherinem@slo.state.nm.us<mailto:katherinem@slo.state.nm.us>; Marion Craig <jimmy@craiglawllc.com<mailto:jimmy@craiglawllc.com>>  
Cc: Adam Rankin <AGRankin@hollandhart.com<mailto:AGRankin@hollandhart.com>>; Michael Feldewert <MFeldewert@hollandhart.com<mailto:MFeldewert@hollandhart.com>>; Murphy, Kathleen A, EMNRD <KathleenA.Murphy@state.nm.us<mailto:KathleenA.Murphy@state.nm.us>>  
Subject: FW: Information Request for Cases No. 16258 to 16261 - Delaware SWD

To All:

Florene has brought to my attention that the amended applications were not entered as to the correct docket notice. She will supply an amended Docket notice shortly correcting this difference.

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E-mail: phillip.goetze@state.nm.us<mailto:phillip.goetze@state.nm.us>

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Sent: Tuesday, October 23, 2018 8:02 AM  
To: 'Seth McMillan' <SMcMillan@montand.com<mailto:SMcMillan@montand.com>>; Marion Craig <jimmy@craiglawllc.com<mailto:jimmy@craiglawllc.com>>  
Cc: Brooks, David K, EMNRD <DavidK.Brooks@state.nm.us<mailto:DavidK.Brooks@state.nm.us>>; Callahan, Candace (CCallahan@bwenerylaw.com<mailto:CCallahan@bwenerylaw.com>)<CCallahan@bwenerylaw.com<mailto:CCallahan@bwenerylaw.com>>; Adam Rankin (AGRankin@hollandhart.com<mailto:AGRankin@hollandhart.com>)<AGRankin@hollandhart.com<mailto:AGRankin@hollandhart.com>>; Michael Feldewert (mfeldewert@hollandhart.com<mailto:mfeldewert@hollandhart.com>)<mfeldewert@hollandhart.com<mailto:mfeldewert@hollandhart.com>>;  
katherinem@slo.state.nm.us<mailto:katherinem@slo.state.nm.us>; Davidson, Florene, EMNRD <florene.davidson@state.nm.us<mailto:florene.davidson@state.nm.us>>  
Subject: RE: Information Request for Cases No. 16258 to 16261 - Delaware SWD

To All:

Currently, that is correct. A Special Docket is set for November 13th – Porter Hall – with a starting time of 9AM to accommodate travel. Any exhibits are to be presented at the hearing. As per SOP, remember to bring enough for everyone. PRG

Phillip Goetze, PG  
Engineering Bureau, Oil Conservation Division, NM EMNRD  
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E-mail: phillip.goetze@state.nm.us<mailto:phillip.goetze@state.nm.us>

From: Seth McMillan <SMcMillan@montand.com<mailto:SMcMillan@montand.com>>  
Sent: Monday, October 22, 2018 4:57 PM  
To: Goetze, Phillip, EMNRD <Phillip.Goetze@state.nm.us<mailto:Phillip.Goetze@state.nm.us>>; Marion Craig <jimmy@craiglawllc.com<mailto:jimmy@craiglawllc.com>>  
Cc: Brooks, David K, EMNRD <DavidK.Brooks@state.nm.us<mailto:DavidK.Brooks@state.nm.us>>; Callahan, Candace <CCallahan@bwenerylaw.com<mailto:CCallahan@bwenerylaw.com>>  
<CCallahan@bwenerylaw.com<mailto:CCallahan@bwenerylaw.com>>; Adam Rankin <AGRankin@hollandhart.com<mailto:AGRankin@hollandhart.com>>  
<AGRankin@hollandhart.com<mailto:AGRankin@hollandhart.com>>; Michael Feldewert <mfeldewert@hollandhart.com<mailto:mfeldewert@hollandhart.com>>  
<mfeldewert@hollandhart.com<mailto:mfeldewert@hollandhart.com>>;  
katherinem@slo.state.nm.us<mailto:katherinem@slo.state.nm.us>; Davidson, Florene, EMNRD <florene.davidson@state.nm.us<mailto:florene.davidson@state.nm.us>>  
Subject: [EXT] RE: Information Request for Cases No. 16258 to 16261 - Delaware SWD

And, sorry, with respect to Jimmy's initial question below, these matters remain set for November 13, correct?

Sent from my iPhone

From: Goetze, Phillip, EMNRD [mailto:Phillip.Goetze@state.nm.us]  
Sent: Monday, October 22, 2018 4:33 PM  
To: Marion Craig <jimmy@craiglawllc.com<mailto:jimmy@craiglawllc.com>>  
Cc: Seth McMillan <SMcMillan@montand.com<mailto:SMcMillan@montand.com>>; Brooks, David K, EMNRD <DavidK.Brooks@state.nm.us<mailto:DavidK.Brooks@state.nm.us>>; Callahan, Candace <CCallahan@bwenerylaw.com<mailto:CCallahan@bwenerylaw.com>>  
<CCallahan@bwenerylaw.com<mailto:CCallahan@bwenerylaw.com>>; Adam Rankin <AGRankin@hollandhart.com<mailto:AGRankin@hollandhart.com>>  
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<mfeldewert@hollandhart.com<mailto:mfeldewert@hollandhart.com>>;  
katherinem@slo.state.nm.us<mailto:katherinem@slo.state.nm.us>; Davidson, Florene, EMNRD <florene.davidson@state.nm.us<mailto:florene.davidson@state.nm.us>>  
Subject: RE: Information Request for Cases No. 16258 to 16261 - Delaware SWD

Marion:

For an Examiner's hearing, the applicant is not required to provide advance copies of the final exhibits – unlike a Commission hearing where the applicant (as well as all parties appearing) have to provide their exhibits a week before

the hearing. This creates a very stimulating process at Examiner's hearings of simultaneously reviewing the exhibits while trying to offer relevant (and, hopefully, intelligent) questions during cross.

But the applicant will be presenting the C-108 applications at the beginning of the hearing which will include testimony as to preparation and the content. This tends to offer the ability to review the applications during the presentation. PRG

Phillip Goetze, PG

Engineering Bureau, Oil Conservation Division, NM EMNRD

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Direct: 505.476.3466

E-mail: [phillip.goetze@state.nm.us](mailto:phillip.goetze@state.nm.us)<<mailto:phillip.goetze@state.nm.us>>

From: Marion Craig <[jimmy@craiglawllc.com](mailto:jimmy@craiglawllc.com)<<mailto:jimmy@craiglawllc.com>>>

Sent: Monday, October 22, 2018 3:08 PM

To: Goetze, Phillip, EMNRD <[Phillip.Goetze@state.nm.us](mailto:Phillip.Goetze@state.nm.us)<<mailto:Phillip.Goetze@state.nm.us>>>

Cc: Seth McMillan <[SMcMillan@montand.com](mailto:SMcMillan@montand.com)<<mailto:SMcMillan@montand.com>>>; Brooks, David K, EMNRD <[DavidK.Brooks@state.nm.us](mailto:DavidK.Brooks@state.nm.us)<<mailto:DavidK.Brooks@state.nm.us>>>; Callahan, Candace

(<[CCallahan@bwenergylaw.com](mailto:CCallahan@bwenergylaw.com)<<mailto:CCallahan@bwenergylaw.com>>

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katherinem@slo.state.nm.us<<mailto:katherinem@slo.state.nm.us>>; Davidson, Florene, EMNRD

<[florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us)<<mailto:florene.davidson@state.nm.us>>>

Subject: [EXT] Re: Information Request for Cases No. 16258 to 16261 - Delaware SWD

Phillip: Thanks for the response. Do we have a date set for these applications, or are you waiting for the C-108s with the new surface locations?

Jimmy Craig

Marion J. Craig III

Marion J. Craig III, Attorney at Law, L.L.C.

P.O. Box 1436

Roswell, NM 88202

(575) 622-1106

[Jimmy@craiglawllc.com](mailto:Jimmy@craiglawllc.com)<<mailto:Jimmy@craiglawllc.com>>

On 10/22/2018 3:02 PM, Goetze, Phillip, EMNRD wrote:

Seth:

Since this is a protested case, I will respond to your request for information for the applications with notice to all. The C-108 for each of the wells will be placed in their respective case file as a separate PDF:

Case No. 16258 – Bear Trap SWD No. 1

Case No. 16259 – Giant Panda SWD No. 1

Case No. 16260 – Grizzly SWD No. 1

Case No. 16261 – Kodiak SWD No. 1

Please note that these are the applications are for the original old locations. The Division has not received any amended applications that include the new surface locations identified in the pre-hearing by legal counsel for Delaware Energy dated September 4, 2018. Please contact if this does not address your request. PRG

Phillip Goetze, PG

Engineering Bureau, Oil Conservation Division New Mexico Energy, Minerals and Natural Resources Department

1220 South St. Francis Drive, Santa Fe, NM 87505

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E-mail: [phillip.goetze@state.nm.us](mailto:phillip.goetze@state.nm.us)<mailto:phillip.goetze@state.nm.us>

<image001.jpg>

<Delaware Energy LLC's Motion to Dismiss.pdf> <Delaware Energy LLC's Motion for Continuance.pdf>

## Murphy, Kathleen A, EMNRD

---

**From:** Adam Rankin <AGRRankin@hollandhart.com>  
**Sent:** Friday, November 9, 2018 4:45 PM  
**To:** Goetze, Phillip, EMNRD; Davidson, Florene, EMNRD; Dawson, Scott, EMNRD; Brooks, David K, EMNRD; Lowe, Leonard, EMNRD; McMillan, Michael, EMNRD  
**Cc:** Michael Feldewert; Murphy, Kathleen A, EMNRD; Seth McMillan; Callahan, Candace (CCallahan@bwenerylaw.com); katherinem@slo.state.nm.us; Marion Craig  
**Subject:** [EXT] RE: Information Request for Cases No. 16258 to 16261 - Delaware SWD  
**Attachments:** Delaware Energy LLC's Motion to Dismiss.pdf; Delaware Energy LLC's Motion for Continuance.pdf

Examiners,

Attached are two motions which are being filed today by Delaware in Cases 16258-16261: a motion to dismiss 3Bear from all four cases and a motion to continue only Case No. 16261 (Kodiak SWD). The continuance is requested because we just learned that the Commissioner for State Land Office prefers a different location for the proposed Kodiak well.

The Davises and Ogdens oppose the continuance. 3Bear is presumed to oppose, although their counsel was not able to confirm their position on the continuance.

The Foundation Minerals group, represented by Mr. McMillan at M&A does not oppose. The State Land Office also does not oppose.

Docket dates for 2019 are not yet available. We have requested a hearing date on the regularly scheduled docket in January 2019 since the docket has been vacated for December.

We would appreciate knowing in advance of the Tuesday hearing whether the continuance will be granted. Counsel for all protestants will be here on Tuesday for the hearing on the other cases anyway, so the Division can hear argument then, if necessary. But it seems that the new location could potentially resolve protestants' objections and obviate the need for a hearing.

Sincerely,  
Adam

**Adam G. Rankin**  
Holland & Hart LLP  
110 North Guadalupe Suite 1  
P.O. Box 2208  
Santa Fe, NM 87504  
Office: (505) 988-4421  
Direct: (505) 954-7294  
Cell: (505) 570-0377  
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E-mail: [agrarkin@hollandhart.com](mailto:agrarkin@hollandhart.com)  
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**To:** Seth McMillan <SMcMillan@montand.com>; Callahan, Candace (CCallahan@bwenergyllc.com) <CCallahan@bwenergyllc.com>; katherinem@slo.state.nm.us; Marion Craig <jimmy@craiglawllc.com>  
**Cc:** Adam Rankin <AGRankin@hollandhart.com>; Michael Feldewert <MFeldewert@hollandhart.com>; Murphy, Kathleen A, EMNRD <KathleenA.Murphy@state.nm.us>  
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**Sent:** Monday, October 22, 2018 4:33 PM  
**To:** Marion Craig <[jimmy@craiglawllc.com](mailto:jimmy@craiglawllc.com)>  
**Cc:** Seth McMillan <[SMcMillan@montand.com](mailto:SMcMillan@montand.com)>; Brooks, David K, EMNRD <[DavidK.Brooks@state.nm.us](mailto:DavidK.Brooks@state.nm.us)>; Callahan, Candace (<[CCallahan@bwenergyllaw.com](mailto:CCallahan@bwenergyllaw.com)>); Adam Rankin (<[AGRankin@hollandhart.com](mailto:AGRankin@hollandhart.com)>); Michael Feldewert (<[mfeldewert@hollandhart.com](mailto:mfeldewert@hollandhart.com)>); [katherinem@slo.state.nm.us](mailto:katherinem@slo.state.nm.us); Davidson, Florene, EMNRD <[florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us)>  
**Subject:** RE: Information Request for Cases No. 16258 to 16261 - Delaware SWD

Marion:

For an Examiner's hearing, the applicant is not required to provide advance copies of the final exhibits – unlike a Commission hearing where the applicant (as well as all parties appearing) have to provide their exhibits a week before the hearing. This creates a very stimulating process at Examiner's hearings of simultaneously reviewing the exhibits while trying to offer relevant (and, hopefully, intelligent) questions during cross.

But the applicant will be presenting the C-108 applications at the beginning of the hearing which will include testimony as to preparation and the content. This tends to offer the ability to review the applications during the presentation.  
PRG

Phillip Goetze, PG  
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**From:** Marion Craig <[jimmy@craiglawllc.com](mailto:jimmy@craiglawllc.com)>  
**Sent:** Monday, October 22, 2018 3:08 PM  
**To:** Goetze, Phillip, EMNRD <[Phillip.Goetze@state.nm.us](mailto:Phillip.Goetze@state.nm.us)>  
**Cc:** Seth McMillan <[SMcMillan@montand.com](mailto:SMcMillan@montand.com)>; Brooks, David K, EMNRD <[DavidK.Brooks@state.nm.us](mailto:DavidK.Brooks@state.nm.us)>; Callahan, Candace (<[CCallahan@bwenergyllaw.com](mailto:CCallahan@bwenergyllaw.com)>); Adam Rankin (<[AGRankin@hollandhart.com](mailto:AGRankin@hollandhart.com)>); Michael Feldewert (<[mfeldewert@hollandhart.com](mailto:mfeldewert@hollandhart.com)>); [katherinem@slo.state.nm.us](mailto:katherinem@slo.state.nm.us); Davidson, Florene, EMNRD <[florene.davidson@state.nm.us](mailto:florene.davidson@state.nm.us)>  
**Subject:** [EXT] Re: Information Request for Cases No. 16258 to 16261 - Delaware SWD

Phillip: Thanks for the response. Do we have a date set for these applications, or are you waiting for the C-108s with the new surface locations?

Jimmy Craig  
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On 10/22/2018 3:02 PM, Goetze, Phillip, EMNRD wrote:

Seth:

Since this is a protested case, I will respond to your request for information for the applications with notice to all. The C-108 for each of the wells will be placed in their respective case file as a separate PDF:

Case No. 16258 – Bear Trap SWD No. 1  
Case No. 16259 – Giant Panda SWD No. 1  
Case No. 16260 – Grizzly SWD No. 1  
Case No. 16261 – Kodiak SWD No. 1

Please note that these are the applications are for the original old locations. The Division has not received any amended applications that include the new surface locations identified in the pre-hearing by legal counsel for Delaware Energy dated September 4, 2018. Please contact if this does not address your request. PRG

Phillip Goetze, PG

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