

**BEFORE THE OIL CONSERVATION DIVISION  
STATE OF NEW MEXICO**

**APPLICATION FOR INJECTION/SWD  
WELLS IN EDDY COUNTY, NM  
BY DELAWARE ENERGY LLC**

**Case Nos.: 16259, 16,260, and 16,261**

**PROTESTANT'S REQUEST TO INTERVENE**

Comes now **Alisa Ogden**, Protestant in the above referenced matters, and files this Request for Intervention, as a follow-up on Protestant's oral Motion to Intervene, made at the hearing on the above Applications, and in support of this Request state:

1. Alisa Ogden owns real property in T-24-S, R-27-E, N.M.P.M. Ms. Ogden also own water rights in the property, as well as mineral rights. One of the protested wells, which was dismissed at the Hearing, is on land leased by Ms. Ogden.
2. The property owned by protestant fronts on Black River.
3. The Black River is the prime habitat for the Texas Horn Shell Mussel, which has been placed on the endangered species list. Disruption of the habitat by a produced water spill will most assuredly result in the Federal Fish and Wildlife declaring this area as a critical habitat, which will result in the area being controlled by the Federal Government, which will disrupt all commercial activity in the area.
4. Ms. Ogden protested the above referenced original Applications by letter to the Oil Conservation Division.
5. After the original protest, the Applicant moved locations of some of the wells, and the first hearing was postponed at the request of the Applicant.

7. Ms. Ogden personally appeared at the hearing held before the Hearing Officer on November 13, 2018. At the time of the hearing, Applicant made its first oral motion to dismiss Mr. and Mrs. Davis for lack of standing and for failure to properly intervene.

8. There still has been no written Motion filed by the Applicant.

9. Ms. Ogden actively participated in the hearing, testified, elicited testimony and entered exhibits into the record.

10. The basis of the objection of the Protestant is the potential contamination of the Black River, which would contaminate one of the best fresh water supplies in New Mexico which sustains the Texas Horn Shell Mussel (an endangered species). Ms. Ogden's other objections were based upon the proximity of the wells to Black River Village Road, the traffic problems on Black River Village Road, and the locations of the proposed salt water disposal wells which were in proximity to her property.

Respectfully Submitted,

Marion J. Craig III,  
Attorney at Law, LLC

/s/Marion J. Craig III

Marion J. Craig III  
PO Box 1436  
Roswell, N.M. 88202  
575-622-1106  
Attorney for Protestants

**Certificate of Service**

Copies of this Statement have been sent to counsel for Applicant and the Oil Conservation Division Office this 7<sup>th</sup> day of December, 2018.

Michael H. Feldewert  
Adam G. Rankin  
Holland & Hart  
PO Box 2208  
Santa Fe, NM 87504  
[mfeldewert@hollandhart.com](mailto:mfeldewert@hollandhart.com)  
[agrarkin@hollandhart.com](mailto:agrarkin@hollandhart.com)  
Attorneys for Delaware Energy, LLC

Seth C. McMillan  
Montgomery & Andrews, P.A.  
P.O. Box 2307  
Santa Fe, NM 87504-2307  
[smcmillan@montand.com](mailto:smcmillan@montand.com)

Candace Callahan  
Beatty & Wozniak, P.C.  
500 Don Gaspar  
Santa Fe, NM 87505  
[CCallahan@bwenergyllaw.com](mailto:CCallahan@bwenergyllaw.com)

Katherine M. Moss  
New Mexico State Land Office  
P.O. Box 1148  
Santa Fe, NM 87504-1148  
[katherinem@slo.state.nm.us](mailto:katherinem@slo.state.nm.us)

/s/Marion J. Craig III