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February 15, 2019

Via Email
Oil Conservation Division
1220 S. St. Francis Drive
Santa Fe, N.M. 87505

Attention: Pjhillip Goetze

Re: Case Nos. 16258, 16259 and 16260

Dear Mr. Goetze:

As you know, we represent Jim and Barbara Davis and Alisa Ogden, who protested each of the above-referenced Applications for Salt Water Disposal Wells filed by Delaware Energy, LLC. On November 13, 2018, they participated in a full one day hearing on these Applications before the OCD.

After the hearing, Mr. and Mrs. Davis and Ms. Ogden briefed the issues raised, submitted closing arguments and statements, and filed a Response to the oral motion made by the Applicant that their Protest be dismissed (no written motion was filed). Protestants also made an oral Motion to Intervene at the Hearing.

Yesterday I learned that a decision had been reached on the Protestants, which was orally announced in an open hearing before the OCD. We have never received any written order or decision by the OCD regarding their ability to protest the above referenced Applications. We only learned that these Applications are going to be again before the OCD on February 21, 2018, because of notices were run in the Carlsbad Newspaper. No notice has ever been provided of the hearing, where the oral decision dismissing their Protests was announced, or the hearing scheduled for February 21, 2019.

Since no formal Order has been entered, my clients have not been able to pursue any appellant remedies before the Court of Appeals regarding their ability to protest this matter. We

would therefore object to any further consideration of these Applications until formal decisions are rendered whereby an Appeal might be taken, if our clients so desire.

We appreciate your prompt attention to this matter which affects Mr. and Mrs. Davis and Ms. Alisa Ogden, our other client who participated and protested in these hearings.

Sincerely,

MARION J. CRAIG III
ATTORNEY AT LAW, L.L.C.

/s/ Marion J. Craig III
Marion J. Craig III

XC: Jim and Barbara Davis
Alisa Ogden
Seth McMillan
Adam Rankin