

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

**APPLICATION OF SOLARIS WATER
MIDSTREAM, LLC FOR APPROVAL OF
SALT WATER DISPOSAL WELL,
EDDY COUNTY, NEW MEXICO.**

CASE NO. 20587

**SOLARIS MOTION TO DISMISS UNTIMELY PROTEST
AND REMAND FOR ADMINISTRATIVE APPROVAL**

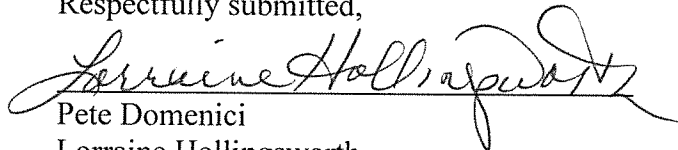
COMES NOW Solaris Water Midstream, by and through undersigned counsel of record, and requests that the protest by NGL to the Capt Call SWD #1 (Capt Call) application for authorization to inject be dismissed as untimely filed. Because NGL was the only protest to the Capt Call application, Solaris further requests that the application be remanded for administrative approval. In support of this Motion, Solaris states as follows.

1. Sections 19.15.26.8.C(1)(d) and C(2) NMAC of the OCD regulations for administrative approval of an application for a salt water disposal well establish a 15-day period for objections to an application to be filed with the OCD.
2. Section 19.15.26.8.C(3) states that “[i]f the division does not receive an objection within the 15-day period, and a hearing is not otherwise required, the division may approve the application administratively.”
3. Notice of the Capt Call application was published in the Carlsbad Current Argus on March 1, 2019. The published notice stated that “[i]nterested parties opposing the action must file objections or requests for hearing with the Oil Conservation Division, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, within 15 days.” Exhibit 1, Affidavit of Publication, attached hereto.

4. Solaris also provided mailed notice as required by Section 19.15.26.8.C(2). Exhibit 2, attached hereto.
5. Objections or requests for hearing were required to be filed by March 15, 2019.
6. NGL filed a protest, via email to Michael McMillan, Phillip Goetze, and William Jones, on May 15, 2019. Exhibit 3, attached hereto. No other protests were submitted to the OCD.
7. The NGL protest was filed 60 days after the 15-day period had expired and is therefore untimely pursuant to Section 19.15.26.8.C(1)(d) and C(2) and should be dismissed.
8. Because an objection was not received by the OCD within the 15-day period, the application may be approved administratively pursuant to Section 19.15.26.8.C(3). Solaris requests that the Capt Call application be remanded for administrative approval.

WHEREFORE, Solaris Water Midstream, LLC, respectfully requests that NGL's protest be dismissed and the Capt Call SWD #1 application be remanded for administrative approval pursuant to 19.15.26.8.C.

Respectfully submitted,

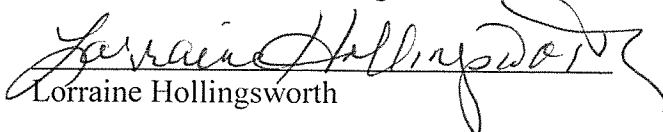


Pete Domenici
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lhollingsworth@domenicilaw.com

Attorneys for Solaris Water Midstream, LLC

I hereby certify that the foregoing was served on counsel for NGL on June 28, 2019 via email to Deana M. Bennett at dmb@modrall.com.



Lorraine Hollingsworth

CARLSBAD
CURRENT-ARGUS

AFFIDAVIT OF PUBLICATION

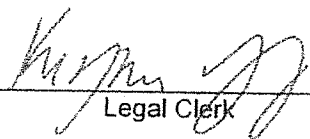
Ad No.
0001278782

LONQUIST FIELD SERVICE
1001 MCKINNEY ST., SUITE 1650

HOUSTON TX 77002

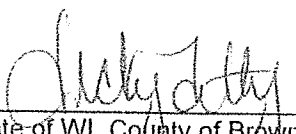
I, a legal clerk of the **Carlsbad Current-Argus**, a newspaper published daily at the City of Carlsbad, in said county of Eddy, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

03/01/19



Legal Clerk

Subscribed and sworn before me this
1st of March 2019.



State of WI, County of Brown
NOTARY PUBLIC

9-19-21

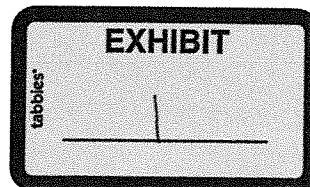
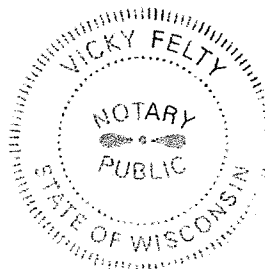
My Commission Expires

Ad#:0001278782
P O : Capt. Call SWD
of Affidavits :0.00

Legal Notice

Solaris Water Midstream, LLC, 907 Tradewinds Blvd., Suite B, Midland, TX 79706, is filling Form C-108 (Application for Authorization to Inject) with the New Mexico Oil Conservation Division for administrative approval for its salt water disposal well Capt Call SWD No. 1. The proposed well will be located 820' FSL & 300' FWL in Section 2, Township 20S, Range 28E in Eddy County, New Mexico. Disposal water will be sourced from area production, and will be injected into the Siluro-Devonian formation (determined by offset log analysis) through an open hole completion between a maximum applied for top of 12,510 feet to a maximum depth of 14,310 feet. The maximum surface injection pressure will not exceed 2,502 psi with a maximum rate of 40,000 BWPd. Interested parties opposing the action must file objections or requests for hearing with the Oil Conservation Division, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505, within 15 days. Additional information can be obtained from the applicant's agent, Lonquist & Co., LLC, at (512) 600-1774.

March 1, 2019



Capt Call SWD No. 1

TRACT ID	COUNTY CLERK	MAILING ADDRESS	PHONE	TRACKING #	DATE SHIPPED	DATE RECEIVED
	OIL CONSERVATION DIVISION DISTRICT II	811 S. FIRST ST., ARTESIA, NM 88210		USPS - 7018 1830 0000 8887 9275	3/21/2019	
	OIL CONSERVATION DIVISION DISTRICT IV	1220 S ST FRANCIS DR, SANTA FE, NM 87505				
	SURFACE LANDOWNER	MAILING ADDRESS				
	Harley W. and Carol J. Ballard	1819-2 N Canal Street Carlsbad, NM 88220		USPS - 7018 1830 0000 8887 9799	3/21/2019	
	GOVERNMENT AGENCY	MAILING ADDRESS				
	Bureau of Land Management	620 E Greene Street Carlsbad, NM 88220		USPS - 7018 1830 0000 8887 9305	3/21/2019	
	New Mexico State Land Office	310 Old Santa Fe Trail Santa Fe, NM 87501		USPS - 7018 1830 0000 8887 9312	3/21/2019	
	AFFECTED PARTIES	MAILING ADDRESS				
	ARD Energy Group LP	222 W 4TH Street PH 5 Fort Worth, TX 76102		USPS - 7018 1830 0000 8887 9329	3/21/2019	
	Bill Seltzer	214 W Texas Street # 507 Midland, TX 79701		USPS - 7018 1830 0000 8887 9336	3/21/2019	
	Bryl W. Harris	1205 Caprock Hobbs, NM 88240		USPS - 7018 1830 0000 8887 9343	3/21/2019	
	C & J Investment Co	101 E Lohman Avenue Las Cruces, NM 88001		USPS - 7018 1830 0000 8887 9350	3/21/2019	
	Chisholm Energy Agent Inc	801 Cherry Street Suite 1200 Unit 20 Fort Worth, TX 76102-6825		USPS - 7018 1830 0000 8887 9367	3/21/2019	
	Clarence H. Albaugh	P.O. Box 48065 Los Angeles, CA 90048		USPS - 7018 1830 0000 8887 9374	3/21/2019	
	Clay Cooper	P.O. Box 117 Canyon, TX 79015		USPS - 7018 1830 0000 8887 9381	3/21/2019	
	Clifton E. Shumate	1608 Northridge Drive Arlington, TX 76012		USPS - 7018 1830 0000 8887 9398	3/21/2019	
	Clinton H. Dean	6006 Balcones #32 El Paso, TX 79912		USPS - 7018 1830 0000 8887 9404	3/21/2019	
	COG Operating, LLC	600 W Illinois Avenue Midland, TX 79701-4882		USPS - 7018 1830 0000 8887 9411	3/21/2019	
	Colgate Operating, LLC	306 W Wall Street Suite 500 Midland, TX 79701		USPS - 7018 1830 0000 8887 9428	3/21/2019	
	Colgate Production LLC	306 W Wall Street Suite 500 Midland, TX 79701-5173		USPS - 7018 1830 0000 8887 9435	3/21/2019	
	Construction Enterprises, Inc.	2179 Edward Curd Lane Suite 100 Franklin, TN 37067		USPS - 7018 1830 0000 8887 9442	3/21/2019	
	CTL Oil & Gas Corporation	P.O. Box 10 Buchanan Dam, TX 78609		USPS - 7018 1830 0000 8887 9459	3/21/2019	
	D. W. Underwood	505 N Bile Spring Street Suite 100 Midland, TX 79701		USPS - 7018 1830 0000 8887 9466	3/21/2019	
	D W UNDERWOOD & LOIS GERALDINE WILLIAMSON	P.O. Box 16 Midland, TX 79702		USPS - 7018 1830 0000 8887 9473	3/21/2019	
	David Levens (Levins)	2984 Corte De Espuelas Santa Fe, NM 87501		USPS - 7018 1830 0000 8887 9480	3/21/2019	
	Deaton Energy Prod Co LP	333 W Sheridan Avenue Oklahoma City, OK 73102-5010		USPS - 7018 1830 0000 8887 9487	3/21/2019	
	DH Essex Agency Acct	303 W Wall Street Suite 902 Midland, TX 79701		USPS - 7018 1830 0000 8887 9503	3/21/2019	
	Diane S. Johnson	939 East Blvd. Unit 6F La Jolla, CA 92037		USPS - 7018 1830 0000 8887 9510	3/21/2019	
	Don Hofman	8096 State 209 Hwy Tucuman, NM 88401		USPS - 7018 1830 0000 8887 9527	3/21/2019	
	Ellabeth M. Locker	1610 Gulf Avenue Midland, TX 79705		USPS - 7018 1830 0000 8887 9534	3/21/2019	
	Ellwade Corporation	3520 96th Street Lubbock, TX 79423		USPS - 7018 1830 0000 8887 9541	3/21/2019	
	Endavor Energy Resources LP	110 North Mainfield Street Suite 200 Midland, TX 79701		USPS - 7018 1830 0000 8887 9558	3/21/2019	
	Enduro Operating LLC	777 Main Street Suite 800 Fort Worth, TX 76102-5350		USPS - 7018 1830 0000 8887 9565	3/21/2019	
	Energex Co	100 N Pennsylvania Avenue Roswell, NM 88201		USPS - 7018 1830 0000 8887 9572	3/21/2019	
	Eugene K. Jorgenson	12334 Broken Bough, Houston, TX 77024		USPS - 7018 1830 0000 8887 9589	3/21/2019	
	George L Scott Jr	215 W 3RD Street Roswell, NM 88201		USPS - 7018 1830 0000 8887 9602	3/21/2019	
	Harold D Justice	1005 DE Bremond Drive Roswell, NM 88201		USPS - 7018 1830 0000 8887 9619	3/21/2019	
	Hillin Production Co	P.O. Box 152 Odessa, TX 79760		USPS - 7018 1830 0000 8887 9626	3/21/2019	
	Hutchings Oil Co	P.O. Box 1216 Albuquerque, NM 87102-1216		USPS - 7018 1830 0000 8887 9633	3/21/2019	
	J.C. Williamson	P.O. Box 16 Midland, TX 79702		USPS - 7018 1830 0000 8887 9640	3/21/2019	
	J. Manley Bryan	4028 Kentshire Lane Dallas, TX 75287		USPS - 7018 1830 0000 8887 9657	3/21/2019	
	J. R. Hutchins, Jr.	401 East 21 Street Tishomingo, OK 73460		USPS - 7018 1830 0000 8887 9664	3/21/2019	
	James L Alford Jr	P.O. Box 489 McComb, MS 39648		USPS - 7018 1830 0000 8887 9671	3/21/2019	
	Javelina Partners	616 Texas Street Fort Worth, TX 76102-4612		USPS - 7018 1830 0000 8887 9688	3/21/2019	
	John R. Gray	P.O. Box 400 Ruidoso, NM 88355		USPS - 7018 1830 0000 8887 9695	3/21/2019	
	JTI Inc	P.O. Box 400 Ruidoso, NM 88355		USPS - 7018 1830 0000 8887 9701	3/21/2019	
	K. G. MacCarr Estate, Robert W. Downes, Jr. (Trustee)	5801 E 41 Street Suite 603 Tulsa, OK 74135		USPS - 7018 1830 0000 8887 9718	3/21/2019	
	Kennedy Oil Company, Inc.	619 Sheridan Woods Dr. Melbourne, FL 32904		USPS - 7018 1830 0000 8887 9725	3/21/2019	
	L. B. Meaders Estate	1203 Courtyard Road, High Point, NC 27260		USPS - 7018 1830 0000 8887 9732	3/21/2019	
	Lariat Petroleum, Inc. (Newfield Exploration Mid-Continent)	P.O. Box 50766 Dallas, TX 75250		USPS - 7018 1830 0000 8887 9749	3/21/2019	
	Liberty OG 1982-2	110 W. 7 Street Suite 1300 TULSA OK 74119		USPS - 7018 1830 0000 8887 9756	3/21/2019	
	Liberty OG Corp	P.O. Box 430 Livonia, LA 70755-0430		USPS - 7018 1830 0000 8887 9763	3/21/2019	
	Liberty Partners LP	P.O. Box 430 Livonia, LA 70755-0430		USPS - 7018 1830 0000 8887 9770	3/21/2019	
	M. E. Neesen	5151 San Felipe Street Suite 400 Houston, TX 77056		USPS - 7018 1830 0000 8887 9787	3/21/2019	
	Magnum Hunter Production Inc	505 Lombardy Avenue El Paso, TX 79922		USPS - 7018 1830 0000 8887 9794	3/21/2019	
	Marathon Oil Permian LLC	202 S Cheyenne Avenue Suite 1000 Tulsa, OK 74103-3001		USPS - 7018 1830 0000 8887 9800	3/21/2019	
	Mark T. Owen	5555 San Felipe Street Houston, TX 77056-2701				
	Maurice Mordta	P.O. Box 1799 Midland, TX 79702				
	Michael D Hayes	1800 N Grady Avenue Tucson, AZ 85715-4510				
	Michael T. Holbourn	P.O. Box 1799 Midland, TX 79702				
		5100 Westheimer Road Houston, TX 77058				

EXHIBIT

2

tabbles

Orion OG Properties	P.O. Box 2523 Roswell, NM 88202	USPS - 7018 1830 0000 8887 9824	3/21/2019
Oxy USA WTP LP	P. O. Box 4294 Houston, TX 77210-4294	USPS - 7018 1830 0000 8887 9831	3/21/2019
Oxy USA WTP LP	5 Greenway Plaza Suite 110 Houston, TX 77046-0521	USPS - 7018 1830 0000 8887 9848	3/21/2019
Oxy USA, Inc	5 Greenway Plaza Suite 110 Houston, TX 77046-0521	USPS - 7018 1830 0000 8887 9848	3/21/2019
Petroc Oil Corporation	P.O. Box 2769 Hobbs, NM 88241	USPS - 7018 1830 0000 8887 9855	3/21/2019
Petroleum Synergy Group Inc	1641 California Street Suite 410 Denver, CO 80202	USPS - 7018 1830 0000 8887 9862	3/21/2019
R. N. Hillin	20 Via Playa Drive Odessa, TX 79762	USPS - 7018 1830 0000 8887 9879	3/21/2019
Riverhill Energy Company	P.O. Box 27216 Midland, TX 79702-2726	USPS - 7018 1830 0000 8887 9886	3/21/2019
Robert E. Haynsworth	P.O. Box 3237 El Paso, TX 79923	USPS - 7018 1830 0000 8887 9893	3/21/2019
Robert K Hillin	P.O. Box 1552 Midland, TX 79702	USPS - 7018 1830 0000 8887 9909	3/21/2019
Sharon W Scott	215 W 3RD Street Roswell, NM 88201-4504	USPS - 7018 1830 0000 8887 9916	3/21/2019
SM Energy Company	1775 Sherman Street Suite 1200 Denver, CO 80203-1100	USPS - 7018 1830 0000 8887 9923	3/21/2019
St Mary Land & Expl	1776 Lincoln Street Suite 1100 Denver, CO 80203-1080	USPS - 7018 1830 0000 8887 9930	3/21/2019
Strata Production Co	P.O. Box 1030 Roswell, NM 88202-1030	USPS - 7018 1830 0000 8887 9947	3/21/2019
Tandem Oil Co	11759 San Vicente Suite 2 Los Angeles, CA 90049	USPS - 7018 1830 0000 8887 9954	3/21/2019
Te-Ray Resources Inc	1105 Sovereign Row Unit C Oklahoma City, OK 73108	USPS - 7018 1830 0000 8887 9961	3/21/2019
Tim N Throckmorton	6126 Longmont Drive Houston, TX 77057-1816	USPS - 7018 1830 0000 8887 9978	3/21/2019
Tom P Stephens Trust	3702 Camp Bowie Blvd Suite 220 Fort Worth, TX 76107-3330	USPS - 7018 1830 0000 8887 9985	3/21/2019
W D Kennedy	550 W Texas Avenue Suite 1225 Midland, TX 79701	USPS - 7018 1830 0000 8887 9992	3/21/2019
W. P. Curtis	520 Linda Avenue El Paso, TX 79922	USPS - 7018 1830 0000 8888 0004	3/21/2019
XTO Holdings LLC	22777 Springwoods Village Pkwy Spring, TX 77389-1425	USPS - 7018 1830 0000 8888 2510	3/21/2019
Zorro Partners Ltd	616 Texas Street Fort Worth, TX 76102-4612	USPS - 7018 1130 0001 5497 0032	3/21/2019

McMillan, Michael, EMNRD

From: Deana M. Bennett <dmb@modrall.com>
Sent: Wednesday, May 15, 2019 3:26 PM
To: McMillan, Michael, EMNRD; Goetze, Phillip, EMNRD; Jones, William V, EMNRD
Subject: [EXT] NGL Protests of Solaris Applications

Hello,

I am submitting protests on behalf of NGL for the following Solaris applications:

- Lisa Turtle SWD #1
- Simms 35 SWD #1
- Clara Allen SWD #1
- Capt Call SWD #1
- Brantley 22 SWD #1

Thanks much,

Deana M. Bennett



Deana M. Bennett

Lawyer

Modrall Sperling | www.modrall.com

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