

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

APPLICATION OF DELAWARE ENERGY LLC TO REVOKE THE INJECTION
AUTHORITY GRANTED UNDER SWD-1680 FOR THE ALPHA SWD NO. 1 WELL
OPERATED BY ALPHA SWD OPERATING LLC, EDDY COUNTY, NEW MEXICO.

Case No. 15855 (*de novo*)
Order No. R-14484-A

ERRATA NOTICE

Applicant Alpha SWD Operating, LLC (“Alpha SWD”) submits this Errata Notice to advise the Oil Conservation Commission (“Commission”) of two errors in Alpha SWD’s Response In Opposition to Delaware Energy LLC’s Motion for Judgment Based on the Division Record (“Response”) filed on May 4, 2018. The errors are:

1. In ¶ 9 of the Response, specifically in line 2 on page 4, the referenced October 26, 2016 application was submitted by Delaware Energy LLC (“Delaware”), not Alpha SWD. Consequently, “Alpha SWD’s” should be replaced by “Delaware’s”.

2. Also in ¶ 9 of the Response, specifically in line 4 on page 4, the referenced Delaware application was filed on July 3, 2017, not on July 3, 2007. Consequently, the year “2017” should replace the year “2007.”

Alpha SWD has attached hereto a new page 4 of the Response that corrects the two referenced errors and could be used to replace the initial page 4 in the Response.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May, 2018 I served a true and correct copy of the foregoing Errata Notice via email to:

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Gary W. Larson

April 19, 2017 list of Administrative Applications Not Approved, attached hereto as Exhibit B.¹ A Division listing dated October 20, 2017 similarly indicates that Delaware's October 26, 2016 application had been cancelled, and further indicates that a Delaware application addressing the same SWD well was filed on July 3, 2017 and assigned a new application number by the Division. *October 20, 2017 list of Administrative Applications Not Approved*, attached hereto as Exhibit C.²

10. As the Division records appear to indicate, Delaware's second application was filed *after* the Division had issued SWD-1680. If Delaware did not have an application pending at the time Alpha SWD filed its application, and was not otherwise entitled to receive notice of Alpha SWD's application, then the question arises whether Delaware has standing to request the revocation of SWD-1680.

11. In considering Delaware's application anew, as it is mandated to do by the Oil and Gas Act and its rules, the Commission must conduct an evidentiary hearing on all of the assertions in Delaware's application, in addition to determining whether Delaware has standing to request the revocation of SWD-1680. Consequently, Alpha SWD submits that Delaware's Motion should be denied.

WHEREFORE, Alpha SWD requests that the Commission deny Delaware's Motion and set this matter for hearing.

¹ In the interest of saving paper, Alpha SWD has included only the pertinent pages of the April 19, 2017 list.

² Exhibit 3 similarly includes only the pertinent pages of the Division's October 20, 2017 list.