

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

**APPLICATION OF DELAWARE ENERGY, LLC
FOR AUTHORIZATION TO INJECT SALT WATER Cases No. 16258-16261
FOR PURPOSES OF DISPOSAL THROUGH ITS
PROPOSED BEAR TRAP SWD #1 WELL,
EDDY COUNTY, NEW MEXICO**

NEW MEXICO STATE LAND OFFICE NOTICE OF INTERVENTION

This Notice of Intervention is submitted by the Commissioner of Public Lands as required by the Oil Conservation Division under 19.15.4.11(A) NMAC:

- (1) The New Mexico State Land Office
- (2) Katherine M. Moss
Associate General Counsel
New Mexico State Land Office
P.O. Box 1148
Santa Fe, NM 87504-1148
(505) 827-1261
kmoss@slo.state.nm.us
Fax (505) 827-4262
- (3) Delaware Energy, LLC (the Applicant) proposes to inject salt water on the Intervenor's land. *See* Exhibit A.
- (4) The State Land Office strongly opposes the Applicant's Application for Authorization to Inject at the proposed SWD locations. The SLO and Applicant have identified alternative locations but Applicant has not obtained easements from the SLO. *See* Exhibit B.

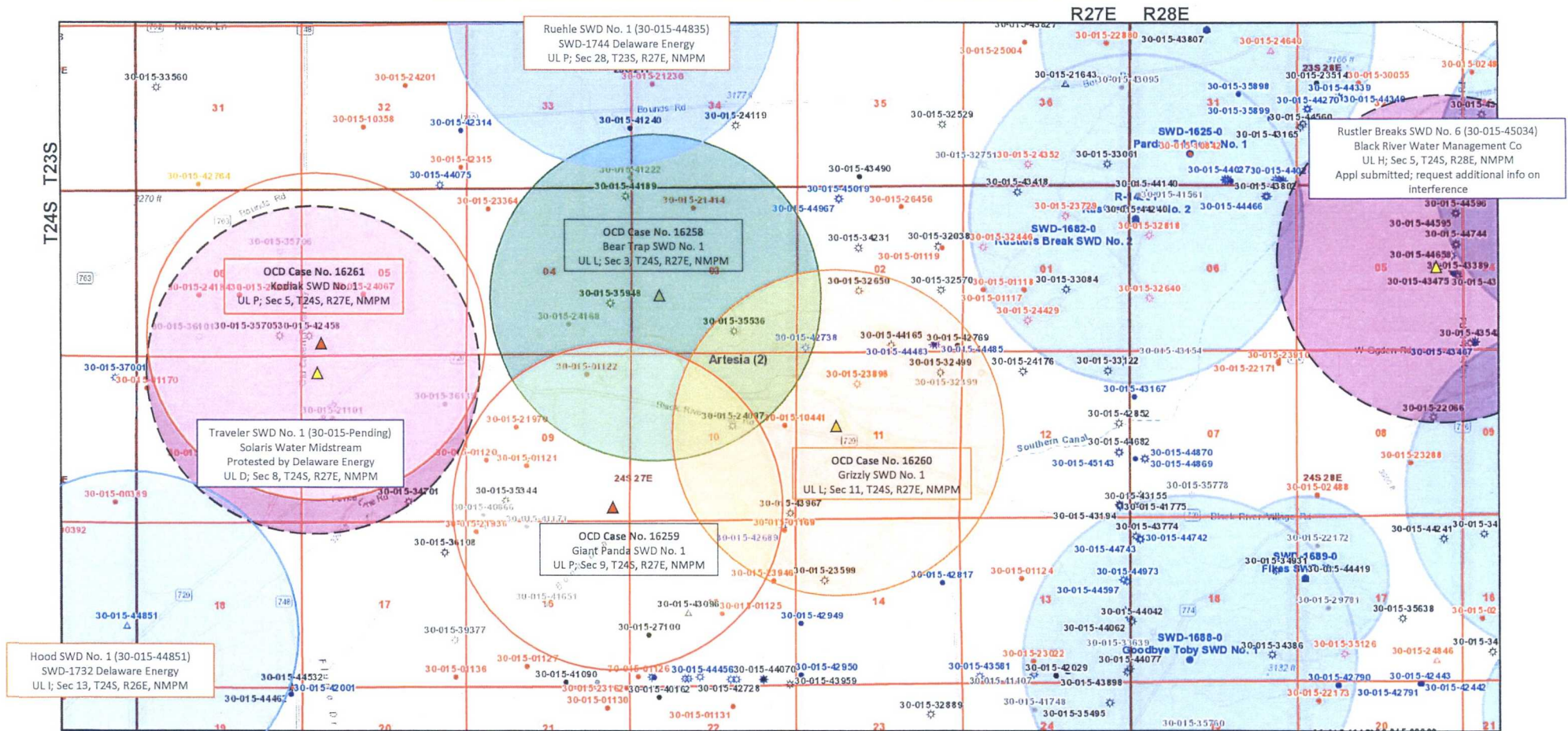
STATEMENT

Applicants seek an order authorizing the injection of produced water for disposal purposes. The State Land Office has known and objected to the proposed locations of Delaware's SWDs because the proposed SWDs are on State Trust Land. The Applicant has been advised repeatedly that their proposed locations will not be approved by the State Land Office (SLO) because the proposed locations are close to the Black River in an area protected by the Texas Hornshell CCAA.



Original locations

Protested Delaware SWD Applications: Cases No. 16258 through 16261



Compiled by PRG; draft version 8/27/2018; GIS and well information from OCD databases

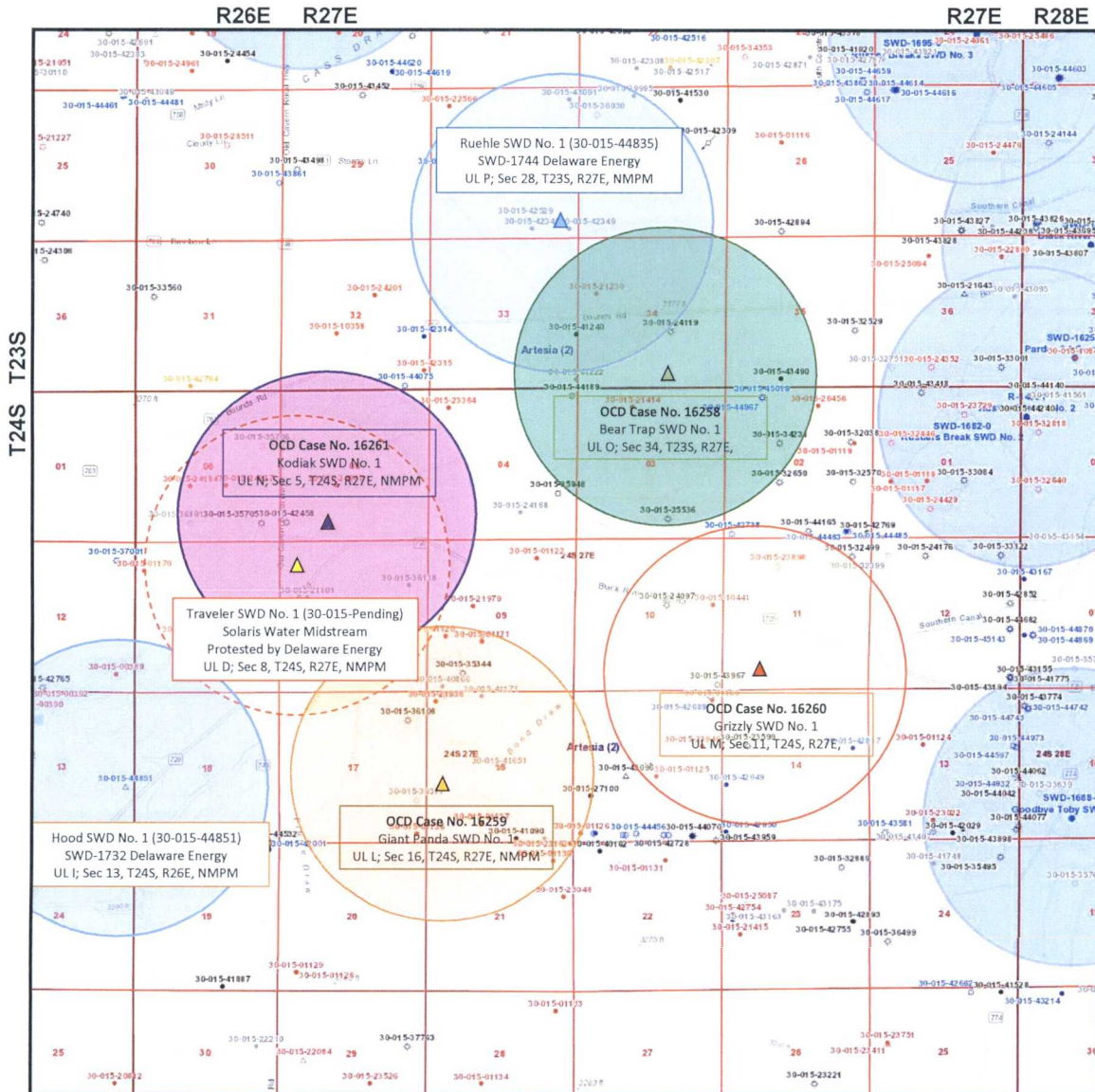
EXHIBIT

A



New Locations

Protested Delaware SWD Applications: Cases No. 16258 through 16261
Revised Well Locations



Compiled by PRG; draft version 9/6/2018; GIS and well information from OCD databases

EXHIBIT

B

Faith Crosby in the SLO Oil, Gas and Minerals Division at the State Land Office has communicated with Delaware by telephone and email on numerous occasions and received assurances that the well locations will be moved. So far the Applicant has not completed the application forms

PROPOSED EVIDENCE

WITNESSES

EST. TIME

EXHIBITS

Faith Crosby

30 min

Approx. 6

PROCEDURAL MATTERS

This matter should be continued on the basis that the required notice of this adjudicatory hearing did not give the corrected location of the proposed injection wells. Under 19.15.4.9 NMAC, the division shall publish notice of each adjudicatory hearing before the commission or a division examiner at least 20 days before the hearing. Although notice was given of this hearing it is insufficient because the description of the location of the proposed injection wells has been amended since the notice was published. The proposed change in the location of the proposed injection wells effectively nullifies the published notice because the adjoining landowners have not been properly notified by the Applicant of the newly proposed locations of the proposed injection wells.

Respectfully submitted,

By Katherine M. Moss
Katherine M. Moss
Associate General Counsel
New Mexico State Land Office
P.O. Box 1148
Santa Fe, NM 87504-1148
(505) 827-1261

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following counsel of record this 6th day of September, 2018 by e-mail:

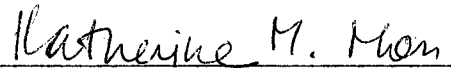
Marion J. Craig, III
Attorney at Law, L.L.C.
Post Office Box 1436
Roswell, NM 88202-1436
Jimmy@craiglawllc.com

Michael H. Feldewert
Holland & Hart
110 North Guadalupe Suite 1
Santa Fe, New Mexico 87501
mfeldewert@hollandhart.com

Adam G. Rankin
Holland & Hart
110 North Guadalupe Suite 1
Santa Fe, New Mexico 87501
agrarkin@hollandhart.com

Seth C. McMillan
Montgomery & Andrews, P.A.
P.O. 2307
Santa Fe, NM 87504-2307
smcmillan@montand.com

Candace Callahan
500 Don Gaspar Avenue
Santa Fe, NM 87505
ccallahan@bwenergyllaw.com


Katherine M. Moss