(4) According to the Oil Conservation Division's Southeast Oil Proration Schedule (July-December, 1995) there are forty-six producing wells in the Livingston Ridge-Delaware Pool operated by five different operators. Of the forty-six producing wells, twenty-three are operated by the applicant.

(5) IMC Global Operations, Inc. (IMC), a potash operator in this area, appeared at the hearing and expressed concerns about permitting injection wells in close proximity to potash mining operations. Specifically, IMC is concerned that injected fluid will escape or otherwise migrate from the proposed injection interval into potash bearing formations.

(6) Testimony presented in this case indicates that potash mining operations occur at depths of approximately 1,300 feet to 2,000 feet.

(7) Evidence and testimony presented by the applicant indicate that the proposed pilot pressure maintenance project is located:

a) within the Known Potash Leasing Area as described within Division Order No. R-111-P;

b) directly adjacent to a potash lease which encompasses portions of Sections 3 through 5, 8 through 11, 13 through 14, 23 through 24, and 26, Township 22 South, Range 31 East, NMPM. The ownership of this potash lease is undetermined at this time due to ongoing litigation between IMC Global Operations, Inc. and Yates Petroleum Corporation;

c) approximately eight miles from IMC's existing potash mine workings; and,

d) one mile from the outer boundary of the Waste Isolation Pilot Project (WIPP).

(8) The applicant notified the Department of Energy (DOE) of its application in this case, however, no representative of that agency appeared at the hearing.

(9) Applicant's testimony indicates that the Neff Federal Well No. 3, originally drilled as a producing well in the Livingston Ridge-Delaware Pool, has declined to a producing rate of approximately 2 barrels of oil per day.

(10) Applicant seeks authority to utilize the Neff Federal Well No. 3 for injection in order to provide pressure support to wells in this portion of the field.