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APPEARANCES

FOR APPLICANT BLACK RIVER WATER MANAGEMENT COMPANY, LLC:

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EXHIBITS OFFERED AND ADMITTED

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1 (8:27 a.m.)

2 EXAMINER GOETZE: Very good. Case Number
3 16130, application of Black River Water Management
4 Company, LLC for a saltwater disposal well and
5 authorization to inject through its proposed Malaga SWD
6 No. 4 well, Eddy County, New Mexico.

7 Call for appearances.

8 MR. FELDEWERT: May it please the Examiner,
9 Michael Feldewert, with the Santa Fe office of Holland &
10 Hart, appearing on behalf of the Applicant.

11 EXAMINER GOETZE: So here we are.

12 MR. FELDEWERT: Here we are, Mr. Examiner.

13 EXAMINER GOETZE: We had an effort by Black
14 River to administratively approve a disposal well --
15 Devonian disposal well. The Division requested that
16 Black River expand its effort for this -- for this
17 application because of the fact that it is in an area
18 with a concentrated population of Devonian wells.

19 With that, Black River responded by doing
20 additional notice, as well as increased the area of
21 review and, with a prior meeting, provided information
22 regarding the effects of having several wells in the
23 same area, as well as geologic and engineering
24 information on reservoir characteristics and the impact
25 of multiple wells in the same location.

1 With that, we received three protests, of
2 which two of them resolved -- or actually four protests.
3 COG has since removed themselves from that, and
4 Mr. Barton has removed himself. And then we had an
5 individual provide a notice of protest, and this is why
6 we're here today, correct?

7 MR. FELDEWERT: Yes, sir.

8 EXAMINER GOETZE: Okay. So where are we?

9 MR. FELDEWERT: So, Mr. Examiner, with the
10 additional notice, there was a woman by the name of
11 Carla Kay Nearhood Dickson, who filed a protest and is a
12 remaining protestant in this particular matter that was
13 filed administratively. It is my understanding she is
14 not here today.

15 EXAMINER GOETZE: I would suggest that you
16 are correct.

17 MR. FELDEWERT: Accordingly, I would like
18 to introduce as Matador -- or Black River Exhibit
19 Number 1 letter under which notice of this hearing was
20 provided by certified mail to Ms. Carla Kay Nearhood
21 Dickson at the address which she provided with her
22 protest, if may I approach.

23 EXAMINER GOETZE: Please.

24 MR. FELDEWERT: I see you have the protest.

25 EXAMINER GOETZE: Yes, I do.

1 MR. FELDEWERT: So, Mr. Examiner, with the
2 fact we provided notice to Ms. Dickson of this hearing
3 today and she has not appeared, we ask that Exhibit
4 Number 1 be included in the file and that this matter be
5 handled administratively.

6 EXAMINER GOETZE: We accept Exhibit 1 into
7 the record.

8 (Black River Water Management Company
9 Exhibit Number 1 is offered and
10 admitted into evidence.)

11 EXAMINER GOETZE: And I have a question for
12 my attorney: Should we go ahead and just issue an order
13 or remand it back to the administrative process?

14 EXAMINER BROOKS: There is not a rule on
15 that, but it'd probably be a good idea to have an order
16 remanding it back and doing an administrative order.

17 EXAMINER GOETZE: So we'll go ahead and
18 issue an order and go with the recommendation of the
19 Applicant to go back to the administrative review
20 process.

21 MR. FELDEWERT: Thank you.

22 EXAMINER GOETZE: And with that, Case 16130
23 is taken under advisement. Thank you.

24 (Case Number 16130 concludes, 8:31 a.m.)

25

1 STATE OF NEW MEXICO
2 COUNTY OF BERNALILLO
3

4 CERTIFICATE OF COURT REPORTER

5 I, MARY C. HANKINS, Certified Court
6 Reporter, New Mexico Certified Court Reporter No. 20,
7 and Registered Professional Reporter, do hereby certify
8 that I reported the foregoing proceedings in
9 stenographic shorthand and that the foregoing pages are
10 a true and correct transcript of those proceedings that
11 were reduced to printed form by me to the best of my
12 ability.

13 I FURTHER CERTIFY that the Reporter's
14 Record of the proceedings truly and accurately reflects
15 the exhibits, if any, offered by the respective parties.

16 I FURTHER CERTIFY that I am neither
17 employed by nor related to any of the parties or
18 attorneys in this case and that I have no interest in
19 the final disposition of this case.

20 DATED THIS 23rd day of June 2018.
21

22
23 MARY C. HANKINS, CCR, RPR
24 Certified Court Reporter
25 New Mexico CCR No. 20
Date of CCR Expiration: 12/31/2018
Paul Baca Professional Court Reporters