

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

**APPLICATIONS OF GOODNIGHT MIDSTREAM
PERMIAN, LLC FOR APPROVAL OF
SALTWATER DISPOSAL WELLS
LEA COUNTY, NEW MEXICO.**

CASE NOS. 23614-23617

**APPLICATION OF GOODNIGHT MIDSTREAM
PERMIAN LLC TO AMEND ORDER NO. R-22026/SWD-2403
TO INCREASE THE APPROVED INJECTION RATE
IN ITS ANDRE DAWSON SWD #1,
LEA COUNTY, NEW MEXICO**

CASE NO. 23775

**APPLICATIONS OF EMPIRE NEW MEXICO LLC
TO REVOKE INJECTION AUTHORITY,
LEA COUNTY, NEW MEXICO**

CASE NOS. 24018-24020, 24025

**APPLICATION OF GOODNIGHT PERMIAN
MIDSTREAM, LLC FOR APPROVAL OF A
SALTWATER DISPOSAL WELL, LEA COUNTY,
NEW MEXICO**

CASE NO. 24123

JOINT MOTION FOR SECOND AMENDED PRE-HEARING ORDER

Empire New Mexico LLC, Goodnight Permian Midstream, LLC, and the Oil Conservation Division (collectively, “Parties”) hereby request that the Oil Conservation Commission (“Commission”) enter the agreed-upon second amended pre-hearing order attached hereto (“Attached Pre-Hearing Order”) for the limited purpose of amending the briefing schedule for motions to compel. In support, the parties state as follows:

1. On June 3, 2024, the Commission entered the Pre-Hearing Order setting these matters, among others, for an evidentiary hearing beginning September 23-27, 2024.
2. On July 11, 2024, the Commission issued its Joint Order on Goodnight Midstream Permian L.L.C.’s Motion to Limit Scope of Hearing on Cases Within the Eunice Monument South Unit and the Oil Conservation’s Motion Concerning the Scope of the Evidentiary Hearing Set for

September 23-27, 2024. Therein, the Commission determined that the evidentiary hearing shall include the above-referenced cases only.

3. On August 30, 2024, the Commission issued its Order Granting Oil Conservation Division's Motion to Vacate and resetting the hearing to begin on February 20, 2025, and to continue thereafter on consecutive days unless and until otherwise ordered.

4. The Parties conferred and agreed on the deadlines set forth a proposed Amended Pre-Hearing Order.

5. The Hearing Officer entered an Amended Pre-Hearing Order on December 5, 2025.

6. Since that time, the parties have been engaged in continued discovery. The Hearing Officer issued an order on December 30, 2024, extending the deadline to request subpoenas for additional depositions and production of documents. Empire and Goodnight each issued subpoenas for an additional witness deposition and for additional documents pursuant to that order.

7. The depositions are currently scheduled to take place on January 17 and January 21, 2025, and the document productions have been completed as of January 21, 2025.

8. The current deadline to file motions to compel, however, is January 6, 2025.

9. Accordingly, to provide the parties time to complete the additional depositions and review the additional document productions to assess compliance with the subpoenas, the parties respectfully request that the briefing schedule for motions to be compel be amended.

10. Specifically, the deadline to file motions to compel should be amended to be January 24, 2025. Responses should be due no later than January 31, 2025. No replies shall be filed. Rulings shall be made pursuant to 19.15.4.16.C NMAC.

11. The Parties have conferred with intervenors who do not object to this Motion.

WHEREFORE, the Parties request that the Commission enter the attached Second Amended Pre-Hearing Order in preparation for the upcoming evidentiary hearing in February 2025.

Respectfully submitted,

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OIL CONSERVATION DIVISION

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CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2025, I served a copy of the foregoing document to the following counsel of record via Electronic Mail to:

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Order No. R-XXXXX

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

**APPLICATION OF GOODNIGHT
MIDSTREAM PERMIAN, LLC TO AMEND
ORDER NO. R-7767 TO EXCLUDE THE SAN
ANDRES FORMATION FROM THE EUNICE
MONUMENT OIL POOL WITHIN THE
EUNICE MONUMENT SOUTH UNIT AREA,
LEA COUNTY, NEW MEXICO.**

CASE NO. 24277

**APPLICATION OF GOODNIGHT
MIDSTREAM PERMIAN, LLC TO AMEND
ORDER NO. R-7765, AS AMENDED TO
EXCLUDE THE SAN ANDRES FORMATION
FROM THE UNITIZED INTERVAL OF THE
EUNICE MONUMENT SOUTH UNIT,
LEA COUNTY, NEW MEXICO.**

CASE NO. 24278

**APPLICATIONS OF GOODNIGHT MIDSTREAM
PERMIAN, LLC FOR APPROVAL OF
SALTWATER DISPOSAL WELLS
LEA COUNTY, NEW MEXICO**

CASE NOS. 23614-23617

**APPLICATIONS OF EMPIRE NEW MEXICO
LLC TO REVOKE INJECTION AUTHORITY,
LEA COUNTY, NEW MEXICO**

CASE NOS. 24018-24027

**APPLICATION OF GOODNIGHT MIDSTREAM
PERMIAN LLC TO AMEND ORDER NO. R-22026/SWD-2403
TO INCREASE THE APPROVED INJECTION RATE
IN ITS ANDRE DAWSON SWD #1, LEA COUNTY, NEW MEXICO.**

CASE NO. 23775

SECOND AMENDED PRE-HEARING ORDER

This Pre-Hearing Order follows the status conference held on September 23, 2024, before the Oil Conservation Commission. The above-referenced matters shall proceed as follows:

1. These matters will be heard, and evidence presented, starting on February 24,

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2025, beginning at 9:00 A.M., and continuing thereafter on consecutive business days until complete, unless and until otherwise ordered. Opening arguments shall be heard on February 20, 2024. The parties, having disclosed their direct witnesses and having filed their direct witness testimony and exhibits, shall disclose their additional witnesses for rebuttal, each rebuttal witness's particular area of expertise, and identify the subject matter of each rebuttal witness's anticipated testimony, by Monday, January 6, 2025.

2. The last day to submit requests for subpoenas, including subpoenas for witness depositions in advance of hearing, shall be December 16, 2024.

3. Discovery motions may be filed, and if filed, motions to compel shall be filed on or before Friday, January 24, 2025. Responses will be due by Friday, January 31, 2025. No replies shall be filed. Rulings shall be made pursuant to 19.15.4.16.C NMAC.

4. Dispositive motions shall be filed no later than Thursday, January 23, 2025. Responses will be due ten business days after service of the dispositive motion and, in any event, no later than Thursday, February 6, 2025. Replies will be due seven business days after service of the response and, in any event, no later than Thursday, February 13, 2025. The Commission shall hear all outstanding motions at its February 20, 2025, regularly scheduled meeting.

5. Pre-hearing statements shall be filed on Thursday, February 6, 2025, and shall include a list of issues common to all applications and a list of issues unique to any specific application or sub-group of applications.

6. Rebuttal testimony and exhibits shall be filed on Thursday, February 6, 2025. The parties agree to provide copies of documents that are (1) within the respective party's possession, custody, or control, (2) upon which each party (including their witnesses) relied in preparation for the merits hearing, and (3) referenced in the rebuttal testimony and exhibits

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within one week of a request for such documents, without a subpoena.

7. Objections to testimony and exhibits shall be filed no later than Thursday, February 13, 2025.

8. Hearing, if any, on any unresolved motions shall be held at the start of the evidentiary hearing.

9. Except as to dates certain provided herein, all periods shall be calculated according to Rule 1-006 NMRA. Extensions to the foregoing deadlines and dates, including hearing continuances, may be granted by the Division Director, by agreement of the parties or on a motion for good cause shown.

DONE at Albuquerque, New Mexico on the XXth day of January, 2025.

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**

/s/ Rip Harwood

Rip Harwood, Hearing Officer

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