

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

**APPLICATION OF GOODNIGHT
MIDSTREAM PERMIAN, LLC TO AMEND
ORDER NO. R-22506 (SWD-2392) FOR A
ONE-YEAR EXTENSION TO COMMENCE
INJECTION OPERATIONS, LEA COUNTY,
NEW MEXICO.**

CASE NO. 24491

**OCD'S BRIEF PER DIVISION HEARING OFFICER'S OCTOBER 21, 2025 EMAIL
ORDER FOR BRIEFING**

COMES NOW the New Mexico Oil Conservation Division ("OCD") and hereby submits its Brief in response to the Hearing Officer's October 21, 2025 email Order to brief the issue of the impact of OCC Order No. 24004 upon the above captioned case. OCD's position is that OCD Case No. 24491's October 7, 2025 Order Dissolving Stay of Proceedings and Denying Empire New Mexico, LLC's Motion to Reconsider Decision should be reversed as a stay re-entered until such time that the OCC rules upon the pending briefing due to it by all Parties of record in what has become known as the "Goodnight/Empire Cases" – to expedite this pleading with simplicity, the OCD will refer simply to OCC Case No. 23775.

As grounds in support of this Brief, OCD points the Hearing Officer to the following facts:

- (1) The Commission stayed Case No. 24021 on July 2, 2024 through 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 MOTION CONCERNING THE SCOPE OF THE EVIDENTIARY HEARING SET FOR SEPTEMBER 23-27, 2024.*

- (2) Such Stay has not been lifted, expressly or impliedly, by the OCC as of the date of this filing;
- (3) Nor has the OCC concluded Case No. 23775 companion cases, as evidenced by the October 17, 2025 *ORDER PARTIALLY GRANTING GOODNIGHT'S MOTION FOR REHEARING; DENYING EMPIRE'S MOTION FOR REHEARING; GRANTING GOODNIGHT'S MOTION FOR STAY; HOLDING EMPIRE'S MOTION TO ENFORCE IN ABEYANCE* requiring additional briefing by the parties to that case and cases consolidated with it.
- (4) Thus, OCD avers that the October 7, 2025 Commission Order dissolving the stay in this matter was premature as the OCC has not yet concluded Case No. 23775 and cases consolidated with it and as such has not rendered final its findings and conclusions, which OCD anticipates will resolve or otherwise inform the OCC stay of Case No. 24021.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on October 24, 2025, this pleading was served by electronic mail on:

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