

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

**APPLICATION OF DESERT RAM  
SOUTH RANCH FOR DE NOVO HEARING**

**CASE NO. 26053**

**SELECT WATER SOLUTIONS, LLC'S MOTION TO DISMISS DESERT RAM SOUTH  
RANCH, INC'S APPLICATION FOR HEARING DE NOVO, REQUEST FOR LIMITED  
EVIDENTIARY HEARING, AND MOTION FOR STAY OF PROCEEDINGS**

Select Water Solutions, LLC (“Select”) files this Motion to Dismiss Desert Ram South Ranch, Inc’s (“Desert Ram”) Application for Hearing De Novo, Request for Limited Evidentiary Hearing, and Motion for Stay of Proceedings (“De Novo Application”). As demonstrated below, Desert Ram’s De Novo Application contravenes New Mexico law and policy and should be dismissed.<sup>1</sup>

**I. INTRODUCTION**

Desert Ram, a competitor water company, was properly denied intervention in New Mexico Oil Conservation Division (“Division”) proceedings involving Select’s applications for approval of four saltwater disposal wells because it lacks any interest within one-mile of the proposed wells.<sup>2</sup> Dissatisfied with that outcome, Desert Ram now seeks extraordinary and

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<sup>1</sup> It is Select’s understanding that Desert Ram opposes this motion.

<sup>2</sup> Desert Ram is formerly known as NGL South Ranch Inc., a produced water company. *See* New Mexico Secretary of State Business Record Portal Search Information for Desert Ram, attached as Exhibit 1. Desert Ram is an affiliate of Hydrosource Logistics Waste Management LLC (“Hydrosource”), which provides water for various drilling and saltwater disposal activities in the Permian Basin. *See* <https://hydrosourcelogistics.com> (visited March 23, 2026). Indeed, Hydrosource “boasts an extensive network of water resources strategically located throughout the Delaware and Midland Basins, one of the most prolific oil and gas regions in the world.” *Id.* Hydrosource “oversees caliche, water access, and surface operations on behalf of Desert Ram in Southeast New Mexico.” *See* <https://hydrosourcelogistics.com/services/land-management/> (visited March 23, 2026). According to New Mexico Secretary of State records, Desert Ram’s designated corporate representative in New Mexico is Tim Jurco, who’s email address is [tim.jurco@hydrosourcelogistics.com](mailto:tim.jurco@hydrosourcelogistics.com). *See* Exhibit 1. Mr. Jurco also provided

impermissible relief by asking the Commission to step in and reverse the Oil Conservation Division's ("Division") decision on intervention, and stay the Division's proceedings, prior to the issuance of final orders on Select's applications. In essence, Desert Ram asks the Commission to remove these cases from the Division's jurisdiction mid-proceeding because it dislikes the Division's decision on standing. New Mexico law and policy do not permit this result.

The Oil and Gas Act limits de novo hearings to circumstances where a final order has been issued by the Division, which has not occurred here. In addition, the collateral order doctrine, upon which Desert Ram relies, does not apply to de novo hearings. Finally, the Division properly denied Desert Ram's attempted intervention. Desert Ram's De Novo Application lacks merit and must be dismissed.

## **II. PROCEDURAL BACKGROUND**

On August 7, 2025, Select filed Case No. 25547, which seeks an order approving its proposed produced water disposal well, the Javelina Fed 4 SWD #1 ("Javelina SWD"). Also on August 7, 2025, Select filed Case No. 25548, seeking an order approving its proposed produced water disposal well, the Jackrabbit Fed SWD #1 ("Jackrabbit SWD").

On August 8, 2025, Select initially filed an application seeking approval of its Coyote Fed 14 SWD #1 ("Coyote SWD"). Following discussions with several affected parties, Select dismissed its original application and refiled Case No. 25899 on January 6, 2026.

Select also originally filed an application seeking approval of its Roadrunner Fed 26 SWD #1 ("Roadrunner SWD"). Like the Coyote SWD application, following discussions with several affected parties, Select dismissed its original application and refiled Case No. 25900 on January 6, 2026.

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a Self-Affirmed Statement in support of Desert Ram's briefing in these cases. *See* Exhibit B-1 to Desert Ram's Application for Hearing De Novo.

Desert Ram failed to enter an appearance in these matters until February 3, 2026. It is undisputed that Desert Ram does not own or operate any saltwater disposal wells, oil and gas wells, or water wells, and does not hold any surface interest, within one mile of Select's proposed wells. Rather, Desert Ram claims only that it conducts agricultural operations and owns associated water rights within the same township as Select's proposed wells. *See De Novo Application* at 1. Thus, Desert Ram does not have any ownership interest or operational footprint within the half-mile Area of Review ("AOR") for Select's proposed disposal wells – or even within one-mile of the proposed wells – that would give rise to any protectable interest under the Division's standing requirements.

On February 4, 2026, Select moved to strike Desert Ram's Entry of Appearance and Notice of Intervention and Objection. *See Select's Motion to Strike Desert Ram's Entry of Appearance and Notice of Intervention*, attached as Exhibit 2. In its Motion, Select demonstrated that Desert Ram lacked standing and that its intervention would not "contribute substantially to the prevention of waste, protection of correlative rights or protection of public health or the environment." NMAC 19.15.4.11(C) NMAC. The Division granted Select's Motion on February 5, 2026. Desert Ram filed a motion for reconsideration on February 5, 2026, which was denied at hearing the same day.

The Division took Case Nos. 25547, 25548, and 25900 under advisement on February 5, 2026, but orders have not yet been issued. Case No. 25899 is set for hearing before the Division on May 12, 2026.

### **III. ARGUMENT**

#### **A. The Commission's de novo hearing process only applies to final Division orders.**

Section 70-2-13 of the Oil and Gas Act provides that "[w]hen any matter or proceeding is referred to an examiner and a decision is rendered thereon, any party of record adversely affected shall have the right to have the matter heard de novo before the commission[.]" Division

regulations confirm that the statutory right to de novo hearing before the Commission is limited to circumstances where a final order has been entered following a hearing:

A. De novo applications. *When the division enters an order pursuant to a hearing that a division examiner held, a party of record whom the order adversely affects has the right to have the matter heard de novo before the commission*, provided that within 30 days from the date the division issues the order the party files a written application for de novo hearing with the commission clerk. If a party files an application for a de novo hearing, the commission chairman shall set the matter or proceeding for hearing before the commission.

19.15.4.23(A) NMAC (emphasis added). Neither the Oil and Gas Act nor its implementing regulations permit de novo hearings on non-final or interlocutory orders. And this limitation makes sense—otherwise, parties could seek de novo hearings anytime they disagree with an OCD ruling in a pending proceeding. This result is not permitted by the statute and rule and would waste the resources of the Commission and the Division.

In addition, the OCD Director has the ability to refer cases to the Commission for hearing when deemed appropriate. *See* 19.15.4.20(B) NMAC. However, no such relief was requested or granted here. Select has not located (and Desert Ram does not cite) a single case to support Desert Ram's theory that the Commission can review interlocutory orders issued by the Division. For these reasons, Desert Ram's Application should be dismissed.

**B. The Collateral Order Doctrine has no application to de novo hearings before the Commission.**

In the absence of statutory or regulatory authority in support of its application, Desert Ram relies on a disfavored, narrow exception to the rule that appellate courts lack jurisdiction to review non-final orders. *Carrillo v. Rostro*, 1992-NMSC-054, ¶ 14, 114 N.M. 607, 845 P.2d 130. This exception, known as the Collateral Order Doctrine, has been applied by New Mexico courts generally in two categories of cases: (1) “when an individual sues the state or a state agency, the

trial court's order denying the state's motion to dismiss based on the lack of a written contract"; and (2) "in a civil rights action, a defendant's motion for summary judgment based on the defense of qualified immunity is a collateral order and can be reviewed by writ of error." *King v. Allstate Ins. Co.*, 2004-NMCA-031, ¶ 16, 135 N.M. 206, 86 P.3d 631. "A writ of error [Rule 12-503 NMRA] is the procedural vehicle used to invoke the collateral order doctrine in New Mexico." *State ex rel. Balderas v. ITT Educ. Servs., Inc.*, 2018-NMCA-044, ¶ 7, 421 P.3d 849.

Desert Ram cites no authority for its position that the Collateral Order Doctrine applies to administrative proceedings under the Oil and Gas Act. For one, the Commission is not subject to the Civil Rules of Appellate Procedure, which provide the applicable mechanism (*i.e.*, a writ of error) to invoke the Collateral Order Doctrine, *see, e.g.*, Rule 12-503 NMRA. In addition, *de novo* hearings before the Commission are new hearings on the merits – they are not appeals. *See* NMSA 1978, § 70-2-13; 19.15.4.23(A) NMAC. There is no appellate record and no mechanism for appellate review. Accordingly, there is no "appeal" from the Division and thus no basis for the Collateral Order Doctrine to apply in the first place.

Further, the New Mexico Supreme Court cautioned against permitting "unwarranted expansion of the 'small class' of cases in which the doctrine may be appropriately applied." *Carrillo*, 1992-NMSC-054, ¶¶ 23-24. According to the Supreme Court, if the Collateral Order Doctrine is applied in too many contexts, "the benefits of the final-judgment rule will be lost; and piecemeal appeals—despite [our Supreme] Court's and most other courts' strong policy against them—will become the order of the day." *Id.* ¶ 23 (citation omitted). Here, Desert Ram advocates for a new rule that will open the floodgates by allowing parties to run to the Commission each time they disagree with a non-final order of the Division. Neither the Oil and Gas Act nor the

Commission's regulations allow this result, and the Collateral Order Doctrine should not be applied in such a manner.

For these reasons, the Commission should decline Desert Ram's attempt to invoke the Collateral Order Doctrine to seek piecemeal review of the Division's non-final order.

**C. There is no basis for the Commission to stay the Division's proceedings.**

Desert Ram also makes the unprecedented argument that the Commission should stay the Division's proceedings pending review of the Division's decision on Desert Ram's standing. Yet again, this argument is predicated on a fundamental misunderstanding of the Commission's de novo hearing process. Unlike an appellate court, the Commission does not exercise appellate jurisdiction over Division decisions. Rather, parties can seek de novo hearings – not de novo appeals – before the Commission. *See* NMSA 1978, § 70-2-13; 19.15.4.23(A) NMAC. Desert Ram's improper request that the Commission intervene in these Division proceedings is contrary to law and should be rejected.

**D. Desert Ram cannot request a de novo hearing or stay because it lacks standing and is not a party of record.**

The Division's rules provide that the "division examiner or the commission chairman may strike a notice of intervention on a party's motion if the intervenor fails to show that the intervenor has standing, unless the intervenor shows that intervenor's participation will contribute substantially to the prevention of waste, protection of correlative rights or protection of public health or the environment." 19.15.4.11(C) NMAC. Although the Rule does not define "standing," the Commission has previously embraced the standing analysis applicable in civil court cases. *See, e.g.,* Commission Order No. R-10987-A(2), ¶¶ 13, 22-24. In this matter, the Division appropriately struck Desert Ram's Notice of Intervention and Objection for lack of standing.

Desert Ram must meet the following elements to establish standing: (1) injury in fact, (2) causation, and (3) redressability. *See, e.g., ACLU of New Mexico v. Santillanes*, 546 F.3d 1313, 1317-18 (10th Cir. 2008). To establish an “injury in fact,” a complainant must demonstrate that an “invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical” occurred. *Id.* In relation to injection permits, Affected Parties are those who hold an interest “within any tract wholly or partially contained within one-half mile of the well.” *See* 19.15.26.8.B(2) NMAC; *see also* Order No. R-12811, *In re Application of Gandy Corp.*, Case No. 13962 (N.M. Oil Conservation Div. Sept. 24, 2007). Further, the Commission has held that surface-related concerns are not a valid basis for intervention when such concerns are to be “addressed by proceedings and rules governing the actual drilling, recompletion, operating, and production of oil and gas wells, and the disposition of oil field wastes.” Commission Order No. R-10987-A(2), ¶¶ 23-24.

Here, there is no invasion of any legally protected interest because Desert Ram does not operate any wells, or own any interest, within the “half mile cutoff requirement.” *See* Order No. R-12811 at 3. In fact, Desert Ram does not hold any interest within one-mile of Select’s proposed SWDs and only claims to be a lessee of surface acreage two miles away. Thus, Desert Ram lacks standing to object to Select’s applications. Accordingly, there is simply no basis for Desert Ram’s request for hearing *de novo* before the Commission.

Desert Ram is a “surface lessee of lands located approximately two miles from the proposed SWD well” and “asserts generalized concerns regarding shallow injection, potential groundwater impairment, surface uplift, and possible communication with historic or unidentified wells.” *See* Order Granting Select Water Solutions, LLC’s Motion to Strike Desert Ram South Ranch, Inc.’s Entry of Appearance, Notice of Intervention, and Objection to Proceedings by

Affidavit, at ¶¶ 4, 8, attached as Exhibit A to Desert Ram's De Novo Application. Desert Ram's potential "surface-related injuries" do not "provide a legal basis for standing as a party to the proceedings" and do not "provide a sufficient basis for permissive intervention on the subject matter of the hearing." *See Application of Hilcorp Energy Company*, Order No. R-10987-A(2), at 3, 5 (Dec. 4, 2018). In Case No. 16403, surface owners attempted to intervene in Hilcorp's application to amend the Well Density Requirements for the Blanco-Mesaverde Pool to increase well density. *See* Order No. R-10987-A(2). The surface owners argued that their intervention should be permitted due to "risks to property, groundwater, the public health and the environment[.]" *Id.* at 3. Hilcorp moved to strike the intervention, and the Commission found that the parties did not establish any basis to intervene in the proceeding because "[t]he potential injuries alleged...are outside the zone of interest protected by statutes and rules at issue." *Id.* at 5. Further, the Commission found that the "potential injuries and harm alleged...are limited to surface-related issues that are not at issue in [the] proceeding. The fears and concerns raised...are addressed by proceedings and rules governing the actual drilling, recompletion, operation, and production of oil and gas wells, and the disposition of oil field wastes." *Id.*

Similar to the concerns raised in Case No. 16403, Desert Ram's claims fall outside the "zone of interests" protected by the statutes and rules that apply to Select's SWD applications. Under the "injury in fact" requirement, a party must show that it is "imminently threatened with injury" or that it faces "a real risk of future injury." *See ACLU of New Mexico v. City of Albuquerque*, 2008-NMSC-045, ¶ 11, 144 N.M. 471, 188 P.3d 1222. Desert Ram's alleged surface and pore space concerns do not pertain to any interest within the AOR for the Select SWDs and therefore do not involve any concrete risk, harm, or operational impairment to Desert Ram's wells,

facilities, or correlative rights. For these reasons, the Commission should dismiss Desert Ram's De Novo Application.

#### IV. CONCLUSION

For the foregoing reasons, Desert Ram's De Novo Application contravenes the statutes, regulations, and policies that govern de novo hearings before the Commission and should be dismissed.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served upon the following counsel of record by electronic mail on March 30, 2026.

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History



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Expand All

Amendment (1) - 01/15/2025

Filing Type  
**Amendment**  
Filing #  
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Date  
**01/15/2025**

Field Name	Changed From	Changed To
Mailing Address	6120 S. Yale Ave., Suite 1300, Tulsa, OK 74136	Attn: Tim Jurco 600 N. Mariefeld, Suite 800, Midland, TX 79701
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Business Name	NGL South Ranch, Inc.	Desert Ram South Ranch, Inc.

Amendment (2) - 01/15/2025

Filing Type  
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**01/15/2025**

Field Name	Changed From	Changed To
Party Removed	Executive Vice President Doug White Physical Address 865 North Albion Street, Ste 500, Denver, CO 80220	(none)
Party Removed	Senior Vice President Sharra Straight Physical Address 6120 S. Yale Ave., Suite 1300, Tulsa, OK 74136	(none)
Party Removed	Director Doug White Physical Address 865 North Albion Street, Ste 500, Denver, CO 80220	(none)
Party Removed	President H Michael Krimbill Physical Address 6120 S. Yale Ave., Suite 1300, Tulsa, OK 74136	(none)
Party Removed	Director H Michael Krimbill Physical Address 6120 S. Yale Ave., Suite 1300, Tulsa, OK 74136	(none)
Party Removed	Secretary Kurston P. McMurray Physical Address 6120 S. Yale Ave., Suite 1300, Tulsa, OK 74136	(none)
Party Removed	Director Bradley P Cooper Physical Address 6120 S. Yale Ave., Suite 1300, Tulsa, OK 74136	(none)
Party Removed	Chief Executive Officer H Michael Krimbill Physical Address 6120 S. Yale Ave., Suite 1300, Tulsa, OK 74136	(none)
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Biennial Report - 12/14/2023

Supplemental Report - 03/01/2023

Biennial Report - 01/21/2022

Biennial Report - 01/24/2020

Amendment - 11/30/2018

Supplemental Report - 09/21/2018

Amendment - 09/19/2018

Legacy Merger - 09/13/2018

Amendment - 08/31/2018

Biennial Report - 12/19/2017

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

**APPLICATIONS OF SELECT WATER  
SOLUTIONS, LLC FOR APPROVAL OF  
SALTWATER DISPOSAL WELLS,  
LEA COUNTY, NEW MEXICO.**

**CASE NOS. 25547, 25548,  
25899 & 25900**

**SELECT WATER SOLUTIONS, LLC'S MOTION TO  
STRIKE DESERT RAM SOUTH RANCH, INC.'S ENTRY OF  
APPEARANCE AND NOTICE OF INTERVENTION & OBJECTION**

Select Water Solutions, LLC, (“Select”) moves to strike the entry of appearance and notice of intervention and objection filed by Desert Ram South Ranch Inc. (“Desert Ram”) in Case Nos. 25547, 25548, 25899 and 25900 (collectively “Select SWD Cases”). Desert Ram is a surface owner or lessee that does not own any interest within one mile of Select’s proposed wells and is not an affected party under the New Mexico Oil Conservation Division’s (“Division”) regulations. Desert Ram lacks standing, and its intervention will not “contribute substantially to the prevention of waste, protection of correlative rights or protection of public health or the environment.” NMAC 19.15.4.11(C) NMAC. Accordingly, Desert Ram’s intervention and objection should be stricken.

**I. BACKGROUND**

**A. Select’s Pending Cases and Procedural History**

On August 7, 2025, Select filed Case No. 25547, which seeks an order approving its proposed produced water disposal well, the Javelina Fed 4 SWD #1 (“Javelina SWD”), to be drilled at a location 408’ from the south line and 831’ from the east line (Unit P) of Section 4, Township 26 South, Range 35 East, Lea County, New Mexico. Also on August 7, 2025, Select filed Case No. 25548, seeking an order approving its proposed produced water disposal well, the Jackrabbit Fed SWD #1 (“Jackrabbit SWD”), to be drilled at a location 556’ from the south line and 1,968’ from the east line (Unit O) of Section 28, Township 26 South, Range 35 East, Lea

County, New Mexico. Notice of the Javelina SWD and Jackrabbit SWD applications was sent to all affected parties on August 14, 2025, and notice was published in the Hobbs News-Sun on August 22, 2025. *See* Select Case Nos. 25547 & 25548, Ex. F (Jan. 6, 2026). Due to objections submitted by certain affected parties, the Javelina SWD and Jackrabbit SWD cases were set for a contested hearing on January 13, 2026. Select was able to resolve the objections, which were withdrawn. Due to withdrawal of the objections, the Division cancelled the January 13<sup>th</sup> hearing docket and re-set the cases for hearing by affidavit on February 5, 2026.

On August 8, 2025, Select initially filed an application seeking approval of its Coyote Fed 14 SWD #1 (“Coyote SWD”), to be drilled at a location 2,631’ from the north line and 901’ from the east line (Unit H) of Section 14, Township 26 South, Range 35 East, Lea County, New Mexico. Following discussions with several affected parties, Select dismissed its original application and refiled Case No. 25899 on January 6, 2026. Notice was timely sent to the affected parties. *See* Self-Affirmed Statement of Reed Davis (Exhibit 1), at ¶ 11.

Select also originally filed an application seeking approval of its Roadrunner Fed 26 SWD #1 (“Roadrunner SWD”) seeking approval of a proposed produced water disposal well, to be drilled at a location 2,561’ from the south line and 2,086’ from the east line (Unit J) of Section 26, Township 26 South, Range 35 East, Lea County, New Mexico, in August 2025. Like the Coyote SWD application, following discussions with several affected parties, Select dismissed its original application and refiled Case No. 25900 on January 6, 2026. Notice for the Roadrunner SWD was initially sent to all affected parties on August 14, 2025, and published in the Hobbs News-Sun on August 22, 2025. Following refiling of the Roadrunner SWD application, notice was sent to all affected parties on January 7, 2026 and published on January 15, 2026. *See* Select Case No. 25900, Ex. F (Jan. 29, 2026).

Due to extended negotiations with affected parties, Select's Javelina SWD and Jackrabbit SWD cases have been pending for almost six months, and Select's original Coyote SWD and Roadrunner SWD cases were also filed nearly six months ago. Select and its customers need the disposal capacity provided by these proposed wells, and Desert Ram has only now decided to attempt to enter an appearance and object. This, paired with the fact that Desert Ram is not an affected party, is grounds for striking its entry of appearance and objection.

### **B. Desert Ram's Operations and Interests**

Desert Ram does not own or operate any saltwater disposal wells, oil and gas wells, or water wells, and does not hold any surface interest, within one mile of Select's proposed wells. *See* Self-Affirmed Statement of Reed Davis (Exhibit 1) at ¶¶ 9-10. Desert Ram claims only that it is a "lessee of surface lands within two (2) miles of the proposed saltwater disposal well and maintains freshwater wells on the surface estate, which are critical to Desert Ram's ongoing ranching and agricultural operations." *See* Desert Ram's Entry of Appearance Notice of Intervention & Objection to Proceeding by Affidavit ("EOA and Objection"), at 2. Desert Ram does not have any ownership interest or operational footprint within the half-mile AOR for the proposed disposal wells – or even within one-mile of the proposed wells – that would give rise to any protectable interest under the Division's standing requirements.

Desert Ram admits that it does not operate any wells within the AOR and holds no ownership or operating interests within a half-mile of the proposed facilities. Therefore, any interest that Desert Ram holds falls outside the AOR in every one of the Select applications at issue. Accordingly, Desert Ram is not an affected person or entity as contemplated by the Division's rules governing objections to SWD applications. Desert Ram's unsubstantiated allegations that injection wells two miles away from freshwater wells "may create risks," *see* EOA

and Objection at 2, do not provide grounds for standing and cannot serve as a good-faith basis for its objection. Desert Ram's vague allegations also demonstrate that its participation will not contribute substantially to the prevention of waste, protection of correlative rights or protection of public health or the environment.

## II. ARGUMENT

### A. Legal standard

The Division's rules provide that the "division examiner or the commission chairman may strike a notice of intervention on a party's motion if the intervenor fails to show that the intervenor has standing, unless the intervenor shows that intervenor's participation will contribute substantially to the prevention of waste, protection of correlative rights or protection of public health or the environment." 19.15.4.11(C) NMAC. Although the Rule does not define "standing," the Commission has previously embraced the standing analysis applicable in civil court cases. *See, e.g.,* Commission Order No. R-10987-A(2), ¶¶ 13, 22-24. Desert Ram must meet the following elements to establish standing: (1) injury in fact, (2) causation, and (3) redressability. *See, e.g., ACLU of New Mexico v. Santillanes*, 546 F.3d 1318, 1317 (10<sup>th</sup> Cir. 2008). To establish an "injury in fact", a complainant must demonstrate that an "invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical" occurred. *Id.*

In relation to injection permits, Affected Parties are those who hold an interest "within any tract wholly or partially contained within one-half mile of the well." *See* 19.15.26.8.B(2) NMAC; *see also* Order No. R-12811, *In re Application of Gandy Corp.*, Case No. 13962 (N.M. Oil Conservation Div. Sept. 24, 2007). Further, the Commission has held that surface-related concerns are not a valid basis for intervention when such concerns are to be "addressed by proceedings and

rules governing the actual drilling, recompletion, operating, and production of oil and gas wells, and the disposition of oil field wastes.” Commission Order No. R-10987-A(2), ¶¶ 23-24. Here, there is no invasion of any legally protected interest because Desert Ram does not operate any wells, or own any interest, within the “half mile cutoff requirement.” See Order No. R-12811 at 3. In fact, Desert Ram does not hold any interest within one-mile of Select’s proposed SWDs and only claims to be a lessee of surface acreage two miles away. See EOA and Objection at 2. Thus, Desert Ram lacks standing to object to Select’s applications.

Desert Ram’s intervention should also be stricken because its participation will not contribute substantially to the prevention of waste, protection of correlative rights or protection of public health or the environment. There is simply no basis for Desert Ram’s objection and allowing its intervention would waste resources of the parties and the Division.

**B. Desert Ram is not an affected party and cannot establish standing.**

Desert Ram’s attempt to intervene and object to Select’s SWD Cases should be stricken because Desert Ram is not an affected party and lacks standing. Desert Ram seeks to intervene in these cases on the grounds that it “maintains freshwater wells” within two miles of the proposed SWDs and “is concerned that shallow high-volume injection may create risks of surface uplift, groundwater impairment, and communication with older vertical wells and historic boreholes on or near the property....” See EOA and Objection at 2. Desert Ram’s potential “surface-related injuries” do not “provide a legal basis for standing as a party to the proceedings” and do not “provide a sufficient basis for permissive intervention on the subject matter of the hearing.” See *Application of Hilcorp Energy Company*, Order No. R-10987-A(2), at 3, 5 (Dec. 4, 2018).

In Case No. 16403, surface owners attempted to intervene in Hilcorp’s application to amend the Well Density Requirements for the Blanco-Mesaverde Pool to increase well density.

See Order No. R-10987-A(2). The surface owners argued that their intervention should be permitted due to “risks to property, groundwater, the public health and the environment...” *Id.* at 3. Hilcorp moved to strike the intervention, and the Commission found that the parties did not establish any basis to intervene in the proceeding because “[t]he potential injuries alleged...are outside the zone of interest protected by statutes and rules at issue.” *Id.* at 5. Further, the Commission found that the “potential injuries and harm alleged...are limited to surface-related issues that are not at issue in [the] proceeding. The fears and concerns raised...are addressed by proceedings and rules governing the actual drilling, recompletion, operation, and production of oil and gas wells, and the disposition of oil field wastes.” *Id.*

Similar to the surface-related concerns raised in Case No. 16403, Desert Ram’s claims fall outside the “zone of interests” protected by the statutes and rules that apply to Select’s SWD applications. Under the “injury in fact” requirement, a party must show that it is “imminently threatened with injury” or that it faces “a real risk of future injury.” See *ACLU*, 2008, NMSC-045, ¶ 11. Desert Ram’s alleged surface and pore space concerns do not pertain to any interest within the AOR for the Select SWDs and therefore do not involve any concrete risk, harm, or operational impairment to Desert Ram’s wells, facilities, or correlative rights. Desert Ram fails to specify where in relation to Select’s proposed wells its surface interest is located and instead references a generalized two-mile radius. Desert Ram’s vague allegations – which are not supported by an affidavit – do not give rise to a protectible interest.

In addition, Desert Ram’s concern “that shallow high-volume injection may create risks of surface uplift, groundwater impairment, and communication with older vertical wells and historic boreholes on or near the property, including the potential for loss of integrity or uncontrolled releases” see EOA and Objection at 2, is dispelled by Select’s hydrologic investigation. Select

performed a thorough hydraulic investigation for each of the proposed SWDs and determined there is no potential connection between the proposed injection zones and the deepest underground source of drinking water within one mile of each proposed SWD. *See* Exhibit 1 at ¶ 16. Certainly, there would be no connection or potential for communication between underground sources of drinking water and the injection zones two miles away. Therefore, there is no “imminently threatening injury” or “real risk of future injury” alleged by Desert Ram sufficient to establish standing.

Allowing a surface lessee to object on this basis would undermine Division precedent and the long-standing half-mile rule for affected parties. *See* 19.15.26.8.B(2) NMAC; Order No. R-12811. If surface-related concerns outside the AOR were sufficient to support intervention, virtually any surface owner could intervene in any proceeding, effectively eviscerating the Division’s standing requirements and transforming technical permitting proceedings into drawn out application processes.

C. **Desert Ram’s participation will not contribute substantially to the prevention of waste, protection of correlative rights or protection of public health or the environment.**

As discussed above, Desert Ram only provides unsworn, generalized allegations regarding purported concerns about “surface uplift, groundwater impairment, and communication with older vertical wells and historic boreholes on or near the property, including the potential for loss of integrity or uncontrolled releases.” Desert Ram fails to identify any groundwater wells or vertical wells that it claims could be impacted, fails to provide the depths of its referenced water wells, fails to provide the locations of any “historic boreholes on or near the property,” fails to identify the property it references, and fails to provide any basis for its apparent claim that injection into the Delaware Mountain Group two miles away could have any impact on those items. Desert

Ram's participation based on its vague and unsupported concerns will not contribute substantially to the prevention of waste, protection of correlative rights or protection of public health or the environment. Accordingly, Desert Ram should not be permitted to intervene.

### III. CONCLUSION

Desert Ram is neither an affected party nor able to articulate any specific risk or harm within the AOR for Select's proposed wells, and its participation will not contribute substantially to the prevention of waste, protection of correlative rights, or protection of public health or the environment. Accordingly, Select respectfully requests that the Division strike Desert Ram's intervention and permit Select to proceed with its applications without Desert Ram's participation. Counsel for Desert Ram was contacted regarding this motion and opposes the relief sought.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served upon the following counsel of record by electronic mail on February 4, 2026.

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

**APPLICATIONS OF SELECT WATER  
SOLUTIONS, LLC FOR APPROVAL OF  
SALTWATER DISPOSAL WELLS,  
LEA COUNTY, NEW MEXICO.**

**CASE NOS. 25547, 25548,  
25899 & 25900**

**SELF-AFFIRMED STATEMENT OF REED DAVIS**

1. I am employed by ALL Consulting, LLC (“ALL Consulting”) as a geophysicist. ALL Consulting has been retained by Select Water Solutions, LLC, (“Select”) (OGRID No. 289068) to assist in the preparation of the above-referenced applications for approval of Saltwater Disposal Wells. I am over 18 years of age, have personal knowledge of the matters addressed herein, and am competent to provide this Self-Affirmed Statement.

2. I am familiar with Select’s applications in these cases and the objection filed by Desert Ram South Ranch Inc. (“Desert Ram”).

3. In Case No. 25547, Select seeks an order approving its proposed produced water disposal well, the Javelina Fed 4 SWD #1 (“Javelina SWD”), to be drilled at a location 408’ from the south line and 831’ from the east line (Unit P) of Section 4, Township 26 South, Range 35 East, Lea County, New Mexico. Select submitted its application for approval of the Javelina SWD on August 7, 2025.

4. In Case No. 25548, Select seeks an order approving its proposed produced water disposal well, the Jackrabbit Fed SWD #1 (“Jackrabbit SWD”), to be drilled at a location 556’ from the south line and 1,968’ from the east line (Unit O) of Section 28, Township 26 South, Range 35 East, Lea County, New Mexico. Select submitted its application for approval of the Jackrabbit SWD on August 7, 2025.

[Exhibit 1](#)

5. In Case No. 25899, Select seeks an order approving its proposed produced water disposal well, the Coyote Fed 14 SWD #1 (“Coyote SWD”), to be drilled at a location 2,631’ from the north line and 901’ from the east line (Unit H) of Section 14, Township 26 South, Range 35 East, Lea County, New Mexico. Select originally submitted its application for approval of the Coyote SWD in Case No. 25545 on August 8, 2025. After working with various parties, Select dismissed the original application and refiled for case 25899 on January 6, 2026.

6. In Case No. 25900, Select seeks an order approving its proposed produced water disposal well, the Roadrunner Fed 26 SWD #1 (“Roadrunner SWD”), to be drilled at a location 2,561’ from the south line and 2,086’ from the east line (Unit J) of Section 26, Township 26 South, Range 35 East, Lea County, New Mexico. Select originally submitted its application for approval of the Roadrunner SWD in Case No. 25545 on August 7, 2025. After working with various parties, Select dismissed the original application and refiled its application on January 6, 2026 (Case No. 25900).

7. Area of review (“AOR”) maps and corresponding tables were provided as attachments to the C-108s for the Javelina SWD, the Jackrabbit SWD, the Coyote SWD, and the Roadrunner SWD. *See* Exhibits for Case No. 25900 at 20-28 (filed 1/29/26); Exhibits for Case No. 25547 at 21-30 (filed 1/6/26); Exhibits for Case No. 25548 at 21-29 (filed 1/6/26); Application for Case No. 25899 at 15-24 (filed 1/6/26).

8. The AOR maps and corresponding tables include: wells located within two miles; wells located within one mile; operators and lessees within one mile; mineral lessees and owners within two miles; and surface ownership.

9. As shown on the AOR maps and corresponding tables, Desert Ram does not operate any wells within the half-mile AOR for each Select SWD well and does not operate any wells or own an interest within one-mile of the Select SWD Cases.

10. Also as shown on the AOR maps and corresponding tables, Desert Ram does not operate any wells or own any interest within one-mile of the proposed Select SWDs.

11. Select provided notice of its hearing application to the affected parties, as required by the Oil Conservation Division rules.

12. Select has conducted a diligent search of all county public records, including phone directories and computer databases, as well as internet searches, to locate the interest owners and offset operators.

13. It is my opinion that Select undertook a good faith effort to locate and identify the correct parties and valid addresses required for notice within the well's area of review. There were no unlocatable parties.

14. Select reviewed data from the New Mexico Office of the State Engineer to determine if there were any freshwater wells located within 1-mile of the proposed SWD locations. Water well maps were included as Attachment 6 to the C-108s. *See* Exhibits for Case No. 25900 at 38-39; Exhibits for Case No. 25547 at 39-41; Exhibits for Case No. 25548 at 39-40; Application for Case No. 25899 at 34-35.

15. Desert Ram does not maintain any freshwater wells within 1-mile of the proposed SWD locations. *See id.*

16. Select also performed a thorough hydrologic investigation related to its proposed SWDs. The investigation was conducted to determine if there were any potential connections between the proposed injection zones in the Bell Canyon and Cherry Canyon formations and the

deepest underground source of drinking water. The assessment and analysis concluded that there is no evidence of faults that would allow for communication between the underground source of drinking water and the Bell Canyon and Cherry Canyon injection zones. *See* Exhibits for Case No. 25900 at 41; Exhibits for Case No. 25547 at 43; Exhibits for Case No. 25548 at 42; Application for Case No. 25899 at 37.

17. Desert Ram is not an affected party entitled to notice.

18. The attached exhibits were either prepared by me or under my supervision, or were compiled from company business records.

19. I understand that this Self-Affirmed Statement will be used as written testimony in this case. I affirm that my testimony above is true and correct and is made under penalty of perjury under the laws of the State of New Mexico. My testimony is made as of the date next to my signature below.



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Reed Davis

February 4, 2026

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Date