

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

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

**CASE NOS. 24021-24024  
and 24026-24027**

**MOTION TO DISMISS WITHOUT PREJUDICE**

Goodnight Midstream Permian, LLC (“Goodnight”) respectfully submits this Motion to Dismiss without prejudice Case Nos. 24021-24024 and 24026-24027. For the reasons set forth below and in the accompanying brief in support, Goodnight respectfully requests that the Oil Conservation Commission (“Commission”) grant this Motion.

1. In 2023, Empire New Mexico, LLC (“Empire”) submitted six applications urging the Commission to revoke the injection authority provided to Goodnight Midstream Permian, LLC (“Goodnight”) to operate six saltwater-disposal (“SWD”) wells outside the Eunice Monument South Unit (“EMSU”) (Case Nos. 24021–24024 and 24026–24027).

2. These applications were all stayed on or about July 2, 2024, via Joint Order issued by the Commission, pending resolution of Empire’s similarly situated applications concerning Goodnight’s SWD wells inside the EMSU.

3. Empire now moves to lift the stay and set for status conference these cases, but doing so would be premature.

4. As Empire correctly asserts in its Motion- the Commission has heard and fully disposed of all the issues between the parties as to the competing claims within the EMSU at the administrative level but fails to address the fact that the dispute remains unresolved and on appeal at the district court.

5. Empire also overlooks the importance of the Commission's specific findings. Namely, that it was premature to grant Empire's applications to revoke Goodnight's injection authority, as it did not (and still has not) adduce substantial evidence that its correlative rights are currently being impaired by Goodnight's injections, nor did it adduce substantial evidence that the ROZ was recoverable. *See* OCC Order No. R-24004 (C) – (E). The Commission therefore granted Empire the opportunity to establish a pilot project and determine the recoverability of the ROZ. *See id.*

6. As more thoroughly briefed in Goodnight's Motion to Dismiss these non-EMSU applications filed in May 2024, Empire's claims in these applications are even more tenuous than those regarding Goodnight's operations actually within the EMSU. The holdings from the Commission's Order Nos. R-24004 and R-24004-A govern and apply to the facts at issue in these cases. Empire still faces similar hurdles regarding proving impairment of its correlative rights and recoverability of the ROZ, except Empire's claims of impairment are more attenuated in these cases involving disposal outside the EMSU.

7. Accordingly, Empire lacks standing and these applications should be dismissed, without prejudice, until such time as Empire conducts its pilot project and is able to determine the recoverability of the ROZ within the EMSU. Without such clarity, the same uncertainties identified in Order No. R-24004-A remain unresolved.

## CONCLUSION

Because Empire has not yet undertaken the work necessary to make the requisite showing to revoke Goodnight's permits within the EMSU, let alone support immediate shut-in of its disposal operations, the Commission should dismiss Case Nos. 24021–24024 and 24026–24027 without prejudice, and allow Empire to refile these cases at a later time, if and when it can make the applicable arguments in support.

Respectfully submitted,

HOLLAND & HART LLP

By: /s/ Adam G. Rankin

Adam G. Rankin

Paula M. Vance

A. Raylee Starnes

Post Office Box 2208

Santa Fe, NM 87504

505-998-4421

505-983-6043 Facsimile

agrarkin@hollandhart.com

pmvance@hollandhart.com

arstarnes@hollandhart.com

**ATTORNEYS FOR GOODNIGHT MIDSTREAM  
PERMIAN, LLC**

-and-

By: /s/ Matthew M. Beck

Matthew M. Beck

PEIFER, HANSON, MULLINS & BAKER,  
P.A.

P.O. Box 25245

Albuquerque, NM 87125-5245

Tel: (505) 247-4800

mbeck@peiferlaw.com

***Attorneys for Rice Operating Company and  
Permian Line Service, LLC***

**CERTIFICATE OF SERVICE**

I hereby certify that on May 14, 2026, I served a copy of the foregoing document to the following counsel of record via Electronic Mail to:

Dana S. Hardy  
Jaclyn M. McLean  
HARDY MCLEAN LLC  
125 Lincoln Ave., Suite 223  
Santa Fe, NM 87505  
(505) 230-4410  
*dhardy@hardymclean.com*  
*jmclean@hardymclean.com*

Sharon T. Shaheen  
Spencer Fane LLP  
Post Office Box 2307  
Santa Fe, New Mexico 87504-2307  
(505) 986-2678  
*sshhaheen@spencerfane.com*  
*cc: dortiz@spencerfane.com*

Corey F. Wehmeyer  
SANTOYO WEHMEYER P.C.  
IBC Highway 281 N. Centre Bldg.  
12400 San Pedro Avenue, Suite 300  
San Antonio, Texas 78216  
*cwehmeyer@swenergylaw.com*

***Attorneys for Empire New Mexico, LLC***

Miguel A. Suazo  
BEATTY & WOZNIAK, P.C.  
500 Don Gaspar Ave.  
Santa Fe, NM 87505  
Tel: (505) 946-2090  
*msuazo@bwenergylaw.com*

***Attorneys for Pilot Water Solutions SWD, LLC***

Jesse Tremaine  
Chris Moander  
Assistant General Counsels  
New Mexico Energy, Minerals, and  
Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505  
(505) 741-1231  
(505) 231-9312  
*jessek.tremaine@emnrd.nm.gov*  
*chris.moander@emnrd.nm.gov*

***Attorneys for New Mexico Oil Conservation Division***

Matthew M. Beck  
PEIFER, HANSON, MULLINS & BAKER,  
P.A.  
P.O. Box 25245  
Albuquerque, NM 87125-5245  
Tel: (505) 247-4800  
*mbeck@peiferlaw.com*

***Attorneys for Rice Operating Company and Permian Line Service, LLC***

*/s/ Adam G. Rankin*  
\_\_\_\_\_  
Adam G. Rankin

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Dana S. Hardy  
Jaclyn M. McLean  
HARDY MCLEAN LLC  
125 Lincoln Ave., Suite 223  
Santa Fe, NM 87505  
(505) 230-4410  
*dhardy@hardymclean.com*  
*jmclean@hardymclean.com*

Sharon T. Shaheen  
Spencer Fane LLP  
Post Office Box 2307  
Santa Fe, New Mexico 87504-2307  
(505) 986-2678  
*sshhaheen@spencerfane.com*  
*cc: dortiz@spencerfane.com*

Corey F. Wehmeyer  
SANTOYO WEHMEYER P.C.  
IBC Highway 281 N. Centre Bldg.  
12400 San Pedro Avenue, Suite 300  
San Antonio, Texas 78216  
*cwehmeyer@swenergylaw.com*

***Attorneys for Empire New Mexico, LLC***

Miguel A. Suazo  
BEATTY & WOZNIAK, P.C.  
500 Don Gaspar Ave.  
Santa Fe, NM 87505  
Tel: (505) 946-2090  
*msuazo@bwenergylaw.com*

***Attorneys for Pilot Water Solutions SWD, LLC***

Jesse Tremaine  
Chris Moander  
Assistant General Counsels  
New Mexico Energy, Minerals, and  
Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505  
(505) 741-1231  
(505) 231-9312  
*jessek.tremaine@emnrd.nm.gov*  
*chris.moander@emnrd.nm.gov*

***Attorneys for New Mexico Oil Conservation Division***

Matthew M. Beck  
PEIFER, HANSON, MULLINS & BAKER,  
P.A.  
P.O. Box 25245  
Albuquerque, NM 87125-5245  
Tel: (505) 247-4800  
*mbeck@peiferlaw.com*

***Attorneys for Rice Operating Company and Permian Line Service, LLC***

37889558\_v3