

**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 NO. 25899

**SELECT WATER SOLUTIONS, LLC'S MOTION TO
STRIKE THE CITY OF JAL'S ENTRY OF
APPEARANCE AND NOTICE OF INTERVENTION & OBJECTION**

Select Water Solutions, LLC, (“Select”) moves to strike the Entry of Appearance, Notice of Intervention, and Request for Hearing and Objection (“EOA and Objection”) filed by the City of Jal (“City”) in the above-captioned case. The City does not own any interest within a half-mile of Select’s proposed Coyote Fed 14 SWD #1 (“Coyote SWD”), and is not an affected party under the New Mexico Oil Conservation Division’s (“Division”) regulations. The City 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.” 19.15.4.11(C) NMAC. Accordingly, the City’s EOA and Objection should be stricken.

I. BACKGROUND

On August 8, 2025, Select initially filed an application seeking approval of its 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 A), at ¶ 7.

The City filed its EOA and Objection on May 4, 2026. The City admits that it does not operate any wells, and holds no ownership or operating interests, within a half-mile of the Coyote

SWD. The City identifies two permitted locations for future groundwater wells within one mile of Select's proposed Coyote SWD and four City-owned groundwater wells located within two miles of the proposed well. *See* Exhibit 1 to EOA and Objection. The City's permitted and active groundwater wells fall outside the half-mile Area of Review ("AOR") for the Coyote Well. Accordingly, the City is not an affected person or entity as contemplated by the Division's rules governing objections to SWD applications. Further, the City's unsubstantiated allegations that its wells "might be affected" by the Coyote well, *see* EOA and Objection at 2, do not provide grounds for standing and cannot serve as a good-faith basis for its objection. The City's speculative 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. The City 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 (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). Here, there is no invasion of any legally protected interest because the City does not operate any wells, or own any interest, within the “half mile cutoff requirement.” *See* Order No. R-12811 at 3. Thus, the City lacks standing to object to Select’s application. Additionally, the City’s intervention should 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 the City’s objection and allowing its intervention would waste resources of the parties and the Division.

B. The City is not an affected party and cannot establish standing.

The City’s attempt to intervene and object to Select’s application should be stricken because the City is not an affected party and lacks standing. The City seeks to intervene in this case on the grounds that its two future groundwater wells and four additional groundwater wells, all outside the AOR, “might be affected by the proposed location and depth of the Coyote well, because the Coyote disposal may contaminate or damage the City’s source aquifer.” EOA and Objection at 2. The City’s concerns about potential contamination 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 "[t]he 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, the City's claims fall outside the "zone of interests" protected by the statutes and rules that apply to Select's application. 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 v. City of Albuquerque*, 2008-NMSC-045, ¶ 11, 144 N.M. 471, 188 P.3d 1222. The City's hypothetical groundwater concerns do not pertain to any interest within the AOR for the Coyote well and therefore do not involve any concrete risk, harm, or operational impairment to the City's wells, facilities, or correlative rights.

In addition, City's concern "the Coyote disposal may contaminate or damage the City's source aquifer," *see* EOA and Objection at 2, is dispelled by Select's hydrologic investigation. Select performed a thorough hydraulic investigation for the Coyote Well and determined there is no potential connection between the proposed injection zones and the deepest underground source of drinking water within one mile of the well. *See* Exhibit A at ¶ 13. Therefore, there is no

“imminently threatening injury” or “real risk of future injury” alleged by the City sufficient to establish standing.

C. **The City’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, the City only provides generalized, speculative allegations regarding purported concerns about “potential contamination.” The City fails to identify any groundwater wells within the AOR that it claims would be impacted. The City’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, the City should not be permitted to intervene.

III. CONCLUSION

The City is neither an affected party nor able to demonstrate any specific risk or harm within the AOR for Select’s proposed well, and the City’s 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 the City’s intervention and permit Select to proceed with its application without the City’s participation. Due to the nature of this motion, Select presumes that the City 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 May 19, 2026.

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**APPLICATIONS OF SELECT WATER
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CASE NO. 25899

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 application for approval of the Coyote Fed 14 SWD #1 (“Coyote SWD”). 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 application in this case and the objection filed by the City of Jal (“City”).

3. In this case, Select seeks an order approving its proposed produced water disposal well, the 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 applied 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 its application (Case No. 25899) on January 6, 2026.

4. Area of review maps and corresponding tables were provided as attachments to the C-108 for the Coyote well. *See* Application for Case No. 25899 at 15-24 (filed 1/6/26).

EXHIBIT A

5. The area of review maps and corresponding tables provided as attachments to the C-108 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.

6. As shown on the area of review maps and corresponding tables attached to the C-108, the City does not operate any groundwater wells within the half-mile AOR for the Coyote SWD.

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

8. 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.

9. 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.

10. A significant amount of new drilling activity is in progress or planned in the area of the Coyote SWD, and there is minimal saltwater disposal infrastructure available. Select has communicated with the other operators in the area and they agree that additional SWD infrastructure would be beneficial.

11. Geologic conditions at this location are well-suited for saltwater disposal activities. Further, Select has evaluated other potential disposal formations in the area, but the Bell Canyon and Cherry Canyon formations are the most appropriate for injection.

12. Select reviewed data from the New Mexico Office of the State Engineer and water well maps were included as Attachment 6 to the C-108s. See Application for Case No. 25899 at 34-35.


13. As provided in Attachment 7 to the C-108, Select performed a thorough hydraulic investigation for the Coyote SWD and determined there is no potential connection between the proposed injection zone and the deepest underground sources of drinking water. Based on ALL's assessment and analysis, there is containment through multiple confining zones above the proposed Bell Canyon and Cherry Canyon injection zones and the underground sources of drinking water ("USDW") and over 4,265 feet of vertical separation between the base of the USDW and the top of the injection interval. Additionally, there is no evidence of faults that would allow for communication between the USDW and Bell Canyon and Cherry Canyon injection zones.

14. The City does not maintain any freshwater wells within a half-mile of the proposed Coyote SWD. See id.

15. The City is not an affected party entitled to notice under the cases.

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

17. 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 handwritten next to my signature below.



Reed Davis

May 19th, 2026

Date