

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

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ORDER NO. R-22026 FOR THE ANDRE DAWSON
SWD #001 OPERATED BY GOODNIGHT MIDSTREAM
PERMIAN LLC, LEA COUNTY, NEW MEXICO.**

CASE NO. 24018

**APPLICATION OF EMPIRE NEW MEXICO LLC
TO REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ORDER NO. R-22027 FOR THE ERNIE BANKS
SWD NO. 1 WELL OPERATED BY GOODNIGHT
MIDSTREAM PERMIAN LLC,
LEA COUNTY, NEW MEXICO.**

CASE NO. 24019

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED BY
ADMINISTRATIVE ORDER SWD-2307 FOR THE RYNO
SWD #001 F/K/A SNYDER SWD WELL NO. 1 OPERATED
BY GOODNIGHT MIDSTREAM PERMIAN LLC,
LEA COUNTY, NEW MEXICO.
CASE NO. 24020**

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ORDER NO. R-22027 FOR THE ROCKET SWD
NO. 1 WELL OPERATED BY GOODNIGHT MIDSTREAM
PERMIAN LLC, LEA COUNTY, NEW MEXICO.**

CASE NO. 24021

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ADMINISTRATIVE ORDER NO. SWD-2391 FOR
THE PEDRO SWD #001 WELL OPERATED BY
GOODNIGHT MIDSTREAM PERMIAN LLC,
LEA COUNTY, NEW MEXICO.**

CASE NO. 24022

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ORDER NO. R-22030 FOR THE VERLANDER
SWD WELL NO. 1 OPERATED BY**

**GOODNIGHT MIDSTREAM PERMIAN LLC,
LEA COUNTY, NEW MEXICO.**

CASE NO. 24023

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ORDER NO. R-20855 FOR THE NOLAN RYAN
SWD #001 OPERATED BY GOODNIGHT MIDSTREAM
PERMIAN LLC, LEA COUNTY, NEW MEXICO.**

CASE NO. 24024

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ORDER NO. R-21190 FOR THE SOSA SA 17 NO. 2
WELL OPERATED BY GOODNIGHT MIDSTREAM
PERMIAN LLC, LEA COUNTY, NEW MEXICO.**

CASE NO. 24025

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ADMINISTRATIVE ORDER NO. SWD-2075 FOR
THE TED 28 SWD WELL NO. 1 OPERATED BY
GOODNIGHT MIDSTREAM PERMIAN LLC,
LEA COUNTY, NEW MEXICO.**

CASE NO. 24026

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ORDER NO. R-20865 FOR THE YAZ 28 SWD
WELL NO. 1 OPERATED BY GOODNIGHT MIDSTREAM
PERMIAN LLC, LEA COUNTY, NEW MEXICO.**

CASE NO. 24027

**MOTION FOR SUBPOENAS TO GOODNIGHT MIDSTREAM PERMIAN, LLC AND
EMPIRE NEW MEXICO, LLC**

COMES NOW the New Mexico Oil Conservation Division (“OCD”) and hereby moves the New Mexico Oil Conservation Commission (“OCC”) for two subpoenas: one to Empire New Mexico, LLC (“Empire”) and one for Goodnight Midstream Permian, LLC (“Permian”). In support thereof, OCD states the following:

- 1) The controversy in the above-captioned matters is between Empire and Goodnight, with crux of the cases being, generally speaking, whether a Residual Oil Zone (“ROZ”) exists in the EMSU, the existence of which would favor Empire and the absence of which would favor Goodnight.
- 2) OCD is the oil and gas regulator in New Mexico per the Oil and Gas Act found in Chapter 70 of the New Mexico Statutes.
- 3) OCD’s interests in the above-captioned matters center on the existence of a ROZ, which in turn is related to issues involving drinking water, the Capitan Reef, and other industry and environmental concerns.
- 4) OCD cannot fulfill its obligation under § 70-2-6 NMSA, which sets forth OCD’s powers and duties, if OCD lacks full and complete information held by the parties bearing on the potential existence of a ROZ in the EMSU and any additional information relevant to water concerns under OCD’s purview. *See* § 70-2-12(B) NMSA.
- 5) OCD’s subpoenas are substantially similar to subpoenas the OCC approved for both Empire and Goodnight, with some minor changes.
- 6) 19.15.4.16.A NMAC allows a Party to a matter to petition the OCC for a subpoena for production of documentary evidence. Thus, OCD avails itself here of the OCC’s subpoena issuing power.
- 7) OCD is permitted to request issuance of these subpoenas per the OCC’s June 3, 2024 Pre-Hearing Order, paragraph 5. Likewise, this Motion and the underlying subpoenas are timely per that Order. The subpoenas are attached as Exhibit A (Goodnight) and Exhibit B (Empire).

Based on the above, OCD respectfully requests that the attached subpoenas, Exhibits A & B, be executed by the Director and issued on or before July 19, 2024.

Respectfully submitted,

Christophe
r Moander

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Christopher Moander
Date: 2024.07.17
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Christopher L. Moander

Assistant General Counsel
New Mexico Energy, Minerals and
Natural Resources Department
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
Tel (505) 709-5687
chris.moander@emnrd.nm.gov

CERTIFICATE OF SERVICE

I certify that on July 17, 2024, this pleading was served by electronic mail on:

<p>Ernest L. Padilla Padilla Law Firm, P.A. Post Office Box 2523 Santa Fe, New Mexico 87504 (505) 988-7577 padillalawnm@outlook.com</p> <p>Dana S. Hardy Jaclyn M. McLean HINKLE SHANOR LLP P.O. Box 2068 Santa Fe, NM 87504-2068 (505) 982-4554 dhardy@hinklelawfirm.com jmclean@hinklelawfirm.com</p> <p>Sharon T. Shaheen Samantha H. Catalano Montgomery & Andrews, P.A. Post Office Box 2307 Santa Fe, NM 87504-2307 (505) 986-2678 sshaheen@montand.com scatalano@montand.com cc: wmcginnis@montand.com</p> <p><i>Attorneys for Empire New Mexico, LLC</i></p>	<p>Michael H. Feldewert Adam G. Rankin Paula M. Vance HOLLAND & HART LLP 110 N. Guadalupe Street #1 Santa Fe, NM 87501 (505) 988-4421 mfeldewert@hollandhart.com agrarkin@hollandhart.com pmvance@hollandhart.com NRJurgensen@hollandhart.com</p> <p><i>Attorneys for Goodnight Midstream Permian, LLC</i></p> <p>Miguel A. Suazo Sophia A. Graham Kaitlyn A. Luck 500 Don Gaspar Ave. Santa Fe, NM 87505 (505) 946-2090 msuazo@bwenergylaw.com sgraham@bwenergylaw.com kluck@bwenergylaw.com</p> <p><i>Attorneys for Pilot Water Solutions SWD, LLC</i></p>
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Christopher
Moander
Date: 2024.07.17
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Christopher L. Moander

EXHIBIT A

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

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ORDER NO. R-22026 FOR THE ANDRE DAWSON
SWD #001 OPERATED BY GOODNIGHT MIDSTREAM
PERMIAN LLC, LEA COUNTY, NEW MEXICO.**

CASE NO. 24018

**APPLICATION OF EMPIRE NEW MEXICO LLC
TO REVOKE THE INJECTION AUTHORITY GRANTED
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SWD NO. 1 WELL OPERATED BY GOODNIGHT
MIDSTREAM PERMIAN LLC,
LEA COUNTY, NEW MEXICO.**

CASE NO. 24019

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED BY
ADMINISTRATIVE ORDER SWD-2307 FOR THE RYNO
SWD #001 F/K/A SNYDER SWD WELL NO. 1 OPERATED
BY GOODNIGHT MIDSTREAM PERMIAN LLC,
LEA COUNTY, NEW MEXICO.
CASE NO. 24020**

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ORDER NO. R-22027 FOR THE ROCKET SWD
NO. 1 WELL OPERATED BY GOODNIGHT MIDSTREAM
PERMIAN LLC, LEA COUNTY, NEW MEXICO.**

CASE NO. 24021

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ADMINISTRATIVE ORDER NO. SWD-2391 FOR
THE PEDRO SWD #001 WELL OPERATED BY
GOODNIGHT MIDSTREAM PERMIAN LLC,
LEA COUNTY, NEW MEXICO.**

CASE NO. 24022

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ORDER NO. R-22030 FOR THE VERLANDER
SWD WELL NO. 1 OPERATED BY**

**GOODNIGHT MIDSTREAM PERMIAN LLC,
LEA COUNTY, NEW MEXICO.**

CASE NO. 24023

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ORDER NO. R-20855 FOR THE NOLAN RYAN
SWD #001 OPERATED BY GOODNIGHT MIDSTREAM
PERMIAN LLC, LEA COUNTY, NEW MEXICO.**

CASE NO. 24024

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ORDER NO. R-21190 FOR THE SOSA SA 17 NO. 2
WELL OPERATED BY GOODNIGHT MIDSTREAM
PERMIAN LLC, LEA COUNTY, NEW MEXICO.**

CASE NO. 24025

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ADMINISTRATIVE ORDER NO. SWD-2075 FOR
THE TED 28 SWD WELL NO. 1 OPERATED BY
GOODNIGHT MIDSTREAM PERMIAN LLC,
LEA COUNTY, NEW MEXICO.**

CASE NO. 24026

**APPLICATION OF EMPIRE NEW MEXICO LLC TO
REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ORDER NO. R-20865 FOR THE YAZ 28 SWD
WELL NO. 1 OPERATED BY GOODNIGHT MIDSTREAM
PERMIAN LLC, LEA COUNTY, NEW MEXICO.**

CASE NO. 24027

SUBPOENA

TO: Goodnight Midstream Permian, LLC
c/o Adam Rankin
Holland & Hart LLP
P.O. Box 2208
Santa Fe, NM 87504-2208

YOU ARE HEREBY COMMANDED pursuant to NMSA 1978, §70-2-8 and Rule 19.15.4.16.A NMAC to produce the following documents at the offices of the New Mexico Oil Conservation Division, Chris Moander, P. O. 1220 South St. Francis Drive, Santa Fe, NM 87505.

- 1) All modeling of proposed injection operations or of existing disposal within the Eunice Monument South Unit (“Unit”).
- 2) All economic projections for the proposed injection operations underlying the Unit and all disposal wells operated by Goodnight Midstream Permian, LLC (“Goodnight”).
- 3) Dynamic interaction studies or other studies between produced water and the San Andres formation water, including water compatibility studies of Delaware Basin injected water with San Andres formation water.
- 4) Aside from the water analysis contained in Goodnight’s applications, provide water chemistry and analysis of produced water proposed to be injected including: Dissolved solids, pH, suspended solids, temperature, specific gravity, and dissolved gasses.
- 5) Raster images of open hole logs run on the following wells:
 - a. Andre Dawson SWD No. 1 (API #30- 025-50634);
 - b. Ernie Banks SWD No. 1 (API #30-025-50633);
 - c. Pedro SWD No. 1 (API #30-025-50079).
- 6) Summaries, including but not limited to internal and external correspondence and emails, memoranda, assessments, and projections that address, and justification for installation of the Llano Produced Water Pipeline System constructed in Lea County, NM.
- 7) Summaries, including but not limited to internal and external correspondence and emails, memoranda, and assessments, that address justification for the purchase of the following well:
 - a. Penroc State E Tr 27 SWD #2 (30-025-26491)
- 8) Summaries, including but not limited to internal and external correspondence and emails, memoranda, and assessments, that address, justification for the drilling of the following wells:
 - a. Andre Dawson SWD #1 (30-025-50634);
 - b. Ernie Banks SWD #1 (30-025-60633);
 - c. Nolan Ryan SWD #1 (30-025-45349);
 - d. Pedro SWD #1 (30-025-50079);
 - e. Snyder SWD #1 with name change to Ryno SWD #1 (30-025-43901);
 - f. Scully State SWD #1 (30-025-46398);
 - g. Sosa SA 17 SWD #2 (30-025-47947);
 - h. Ted 28 SWD #1 (30-025-44386);
 - i. Yaz 28 SWD #1 (30-025-46382).

- 9) All bottomhole pressure information acquired in the Grayburg and San Andres intervals on all 10 wells in items No. 7 and 8.
- 10) All Grayburg and San Andres formations reservoir pressure information and data on other wells in Lea County used to justify construction of Llano pipeline network.
- 11) Daily water injection rates and wellhead pressures for all wells in items Nos. 7 and 8 since start of injection.
- 12) All sidewall or rotary core information obtained on any of the wells in items Nos. 7 and 8.
- 13) All interpreted logs which calculate water saturation on the wells in items Nos. 7 and 8.
- 14) All mud logs taken on wells in items No. 7 and 8.
- 15) All documents relating to the calculation, determination or redetermination by Goodnight, or on its behalf by a third party, of the oil and gas reserves within the San Andres formation underlying the Unit and within two miles of the exterior boundaries of the Unit.
- 16) All water analyses of injected water into the San Andres formation for each well in items Nos. 7 and 8.
- 17) Top of structure maps for Grayburg and San Andres intervals with subsea elevation for each well used to generate Goodnight's structure map.
- 18) List of chemicals and monthly chemical bill for Wrigley SWD facility.
- 19) Facility drawing with list of equipment at Wrigley SWD facility.
- 20) All records of separator or tank cleanouts at Wrigley SWD facility.
- 21) Documents, correspondence, e-mails, data, analyses, reports, or summaries that address, reflect on, or indicate concerns for the existence or non-existence of hydrocarbons in the San Andres formation within the Unit.
- 22) All correspondence, emails, contracts or any other written materials by and between the Millard Deck Estate and its representatives, managers or employees, and Goodnight.
- 23) Please produce all well logs for wells operated by Goodnight within two miles of the exterior boundaries of the Unit that were drilled below 4000'.

- 24) All side wall or rotary core information for wells operated by Goodnight within two miles of the exterior boundaries of the Unit that were drilled below 4000’.
- 25) All mud logs for wells operated by Goodnight within two miles of the exterior boundaries of the Unit that were drilled below 4000’.
- 26) All cuttings and chromatograph data for wells operated by Goodnight within two miles of the exterior boundaries of the Unit that were drilled below 4000’.
- 27) All geochemical data for the Grayburg and San Andres formations showing the potential seal or lack thereof.
- 28) All San Andres formation top picks and or proof of seal from cross-sections or other calculated methods.
- 29) Please produce all documents and data supporting Preston McGuire’s representations of formation tops in paragraphs 12-15 of his Exhibit B of Goodnight’s exhibits in Case Nos. 23614-23617 and that the San Andres formation underlying the Unit is a “depleted formation”.
- 30) With respect to each person Goodnight may call as an expert witness at hearing, please provide:
 - a. the name, address, and qualifications of the expert;
 - b. the subject matter on which the expert is expected to testify;
 - c. the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;
 - d. any reports prepared by the expert regarding the pending action;
 - e. a list of all publications authored by the witness within the preceding ten (10) years; and
a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four (4) years.
- 31) All documents, data, reports, and analyses, including internal and external communications, emails, memoranda, and summaries relied upon by Goodnight or otherwise supporting the claims made by Goodnight in its applications in the above-captioned cases.
- 32) All documents, data, reports, and analyses, including internal and external communications, emails, memoranda, and summaries relied upon by Goodnight or otherwise supporting Goodnight’s anticipated case-in-chief in the September 2024 evidentiary hearing in the above-captioned cases.
- 33) All documents, data, reports, and analyses, including internal and external communications, emails, memoranda, and summaries relied upon by Goodnight regarding the water supply wells operated by Chevron in support of the EMSU waterflood and utilized by Goodnight to estimate total volumes of water withdrawn.

34) All documents, data, reports, and analyses, including internal and external communications, emails, memoranda, summaries, and materials relied upon, supplied to, provided by, created by, created for, and which Goodnight intends to use with the following witnesses, including Curriculum Vitaes/resumes:

- a) Nathan Alleman;
- b) Preston McGuire;
- c) Thomas Tomastik;
- d) William J. Knights;
- e) Dr. James A. Davidson;
- f) John McBeath;
- g) Dr. Larry Lake

This subpoena is issued on application of the New Mexico Oil Conservation Division through its attorney Chris Moander.

Dated this _____ day of _____, 2024.

**NEW MEXICO OIL CONSERVATION
COMMISSION**

BY: _____

Date: _____

EXHIBIT B

**STATE OF NEW MEXICO
DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES
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CASE NO. 24018

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SWD NO. 1 WELL OPERATED BY GOODNIGHT
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CASE NO. 24019

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CASE NO. 24023

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UNDER ORDER NO. R-20865 FOR THE YAZ 28 SWD
WELL NO. 1 OPERATED BY GOODNIGHT MIDSTREAM
PERMIAN LLC, LEA COUNTY, NEW MEXICO.**

CASE NO. 24027

SUBPOENA

To: Empire New Mexico, LLC

c/o Padilla Law Firm, P.A.
Attn: Ernest L. Padilla
Post Office Box 2523
Santa Fe, New Mexico 87504
(505) 988-7577 telephone
padillalawnm@outlook.com

Dana S. Hardy
Jaclyn M. McLean

HINKLE SHANOR LLP
P.O. Box 2068
Santa Fe, NM 87504-2068
(505) 982-4554
dhardy@hinklelawfirm.com
jmclean@hinklelawfirm.com

Sharon T. Shaheen
Samantha H. Catalano
Montgomery & Andrews, P.A.
Post Office Box 2307
Santa Fe, NM 87504-2307
(505) 986-2678
sshhaheen@montand.com
scatalano@montand.com
wmcginnis@montand.com

YOU ARE HEREBY COMMANDED pursuant to NMSA 1978, §70-2-8 and Rule 19.15.4.16.A NMAC to produce the following documents at the offices of the New Mexico Oil Conservation Division, Chris Moander, P. O. 1220 South St. Francis Drive, Santa Fe, NM 87505.

1. Agreements of any kind, including operating agreements, between Empire New Mexico, LLC, or any of its parent companies, affiliates, or subsidiaries, and Rice Operating Company (OGRID 19174), or any of its parent companies, affiliates, or subsidiaries, including internal and external communications, emails, memoranda, and summaries, that reflect on, discuss, reference, or concern such agreements.
2. Agreements of any kind, including operating agreements, between Empire New Mexico, LLC, or any of its parent companies, affiliates, or subsidiaries, and Parker Energy Support Services (OGRID 245739), or any of its parent companies, affiliates, or subsidiaries, including internal and external communications, emails, memoranda, and summaries, that reflect on, discuss, reference, or concern such agreements.
3. Agreements of any kind, including operating agreements, between Empire New Mexico, LLC, or any of its parent companies, affiliates, or subsidiaries, and OWL SWD Operating, LLC (OGRID 308339 or 308256), or any of its parent companies, affiliates, or subsidiaries, including internal and external communications, emails, memoranda, and summaries, that reflect on, discuss, reference, or concern such agreements.
4. Because water production volumes from its water supply wells cited in Empire's witness testimony and exhibits submitted in Case Nos. 23614-23617 do not match publicly reported volumes, please produce internal documents reflecting total water production volumes on a monthly basis for each Eunice Monument South Unit ("EMSU" or "Unit") water supply well operated by Empire, including internal and external communications, emails, memoranda, and

summaries, that reflect on, discuss, reference, or concern water production from Empire's water supply wells.

5. All water chemistry documents, data, reports, and analyses, including internal and external communications, emails, memoranda, and summaries, that reflect on, discuss, reference, or concern water chemistry in the San Andres and Grayburg formations within the EMSU, from before creation of the Unit to the present.

6. All water compatibility documents, data, reports, and analyses, including internal and external communications, emails, memoranda, and summaries that reflect on, discuss, reference, or concern analyses assessing the compatibility of water between the San Andres and Grayburg formations within the EMSU, from before creation of the Unit to the present.

7. Reserve reports for the EMSU, including internal and external communications, emails, memoranda, and summaries, that reflect on, discuss, reference, or concern such reserve reports.

8. All internal and external estimates of proved, probable, and possible reserves of oil, gas, and hydrocarbons within the EMSU, including external reports prepared for the Empire New Mexico, LLC, or any of its parent companies, affiliates, or subsidiaries, as well as internal and external communications, emails, memoranda, and summaries, that reflect on, discuss, reference, or concern such reserve reports.

9. All reserve reports or reserve estimates prepared to underwrite the acquisition of the EMSU, including reserve reports prepared to underwrite any loans or partnerships that financed the acquisition of the EMSU, as well as internal and external communications, emails, memoranda, and summaries, that reflect on, discuss, reference, or concern such reserve reports.

10. All plans of development for the EMSU submitted to the New Mexico State Land Office from approval of the EMSU to the present, including all internal and external communications, emails, memoranda, and summaries, that reflect on, discuss, reference, or concern such plans of development.

11. All monthly reports submitted to the Division required under Order R-22869-A, including all internal and external communications, emails, memoranda, and summaries, that reflect on, discuss, reference, or concern such monthly reports.

12. All documents, data, reports, and analyses, including internal and external communications, emails, memoranda, and summaries that reflect on, discuss, reference, or concern the alleged EMSU well failures and alleged increased well costs referred to in footnote No. 2 of Empire New Mexico LLC's Motion to Refer Cases to New Mexico Oil Conservation Commission, filed on January 3, 2024.

13. All documents, data, reports, and analyses, including internal and external communications, emails, memoranda, and summaries that reflect on, discuss, reference, or concern whether injection volumes from each of the following wells is interfering or may interfere with EMSU

operations or potential tertiary recovery of residual oil from the Grayburg or San Andres formations within the EMSU:

- a) EMSU SWD #001 (API No. 30-025-04484);
- b) N 11 SWD #001 (API No. 30-025-46577);
- c) E M E SWD #021 (API No. 30-025-21852); and
- d) P 15 SWD #001 (API No. 30-025-46579);

14. All documents, data, reports, and analyses, including internal and external communications, emails, memoranda, and summaries that reflect on, discuss, reference, or concern whether injection volumes from each of the following wells is migrating into the unitized interval of the EMSU:

- a) Pedro SWD #1 (API No. 30-025-50079);
- b) Nolan Ryan SWD #1 (API No. 30-025-45349);
- c) Ted SWD #1 (API No. 30-025-44386); and
- d) Yaz SWD #1 (API No. 30-025-46382).

15. All documents, data, reports, and analyses, including internal and external communications, emails, memoranda, and summaries that reflect on, discuss, reference, or concern whether injection volumes from each of the following wells is migrating into the unitized interval of the EMSU:

- a) Parker Energy SWD #005 (API No. 30-025-38789);
- b) E M E SWD #033M (API No. 30-025-12786); and
- c) N 7 SWD #001 (API No. 30-025-46576).

16. All documents, data, reports, and analyses, including internal and external communications, emails, memoranda, and summaries that reflect on, discuss, reference, or concern the basis for Empire's estimate that "270 million barrels or more of residual oil can be recovered, in addition to an estimated million barrels of tertiary oil recovered from the "Grayburg" by conducting a CO₂ flood in the San Andres formation within the EMSU.

17. All documents, data, reports, and analyses, including internal and external communications, emails, memoranda, and summaries that reflect on, discuss, reference, or concern the potential for CO₂ flooding in the San Andres formation within the EMSU, including such reports and communications prepared by the EMSU's previous operators.

18. All communications, emails, letters, and agreements of any kind, including draft or proposed agreements, between Empire New Mexico, LLC, or any of its parent companies, affiliates, or subsidiaries, and DASCO Cattle Company, LLC or its owner or any of its members.

19. All documents, data, reports, and analyses, including internal and external communications, emails, memoranda, and summaries relied upon by Empire or otherwise supporting the claims made by Empire in its applications in the above-captioned cases.

20. All documents, data, reports, and analyses, including internal and external communications, emails, memoranda, and summaries relied upon by Empire or otherwise supporting Empire's

anticipated case-in-chief in the September 2024 evidentiary hearing in the above-captioned cases.

21. All documents, data, reports, and analyses, including internal and external communications, emails, memoranda, and summaries Empire anticipates using, relying upon, or for which Empire will seek admission at the September 2024 evidentiary hearing in the above-captioned cases.

22. All documents, data, reports, and analyses, including internal and external communications, emails, memoranda, summaries, and materials relied upon, supplied to, provided by, created by, created for, and which Empire intends to use with the following witnesses, including Curriculum Vitaes/resumes:

- a) Jack E. Wheeler;
- b) Dr. Robert F. Lindsay;
- c) Laurence Stephen Melzer
- d) Frank J. Marek;
- e) Galen Dillewyn;
- f) Joe McShane;
- g) William West;
- h) Dr. James L. Buchwalter;
- i) Dr. Robert Trentham;

This subpoena is issued on application of the New Mexico Oil Conservation Division through its attorney Chris Moander.

Dated this _____ day of _____, 2024.

**NEW MEXICO OIL CONSERVATION
COMMISSION**

BY: _____

Date: _____