

**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

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 Vitae/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 19th day of July, 2024.

**NEW MEXICO OIL CONSERVATION
COMMISSION**

BY: 

Gerasimos Razatos, Acting Division Director

Date: July 19, 2024