

**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-1647, LEA COUNTY, NEW  
MEXICO – EME SWD #033M WELL OPERATED BY  
RICE OPERATING.**

**Case No. 24433**

**APPLICATION OF EMPIRE NEW MEXICO LLC TO  
REVOKE THE INJECTION AUTHORITY GRANTED  
UNDER ORDER NO. R-3102, LEA COUNTY, NEW  
MEXICO – EME SWD #021M WELL OPERATED BY  
RICE OPERATING.**

**Case No. 24434**

**APPLICATION OF EMPIRE NEW MEXICO LLC TO  
REVOKE THE INJECTION AUTHORITY GRANTED  
UNDER ADMINISTRATIVE ORDER NO. SWD-985-A,  
LEA COUNTY, NEW MEXICO – STATE E TRACT 27 #001  
WELL OPERATED BY RICE OPERATING.**

**Case No. 24435**

**APPLICATION OF EMPIRE NEW MEXICO LLC TO  
REVOKE THE INJECTION AUTHORITY GRANTED  
UNDER ADMINISTRATIVE ORDER NO. SWD-1754,  
LEA COUNTY, NEW MEXICO – N 11#00-1 WELL  
OPERATED BY PERMIAN LINE SERVICE.**

**Case No. 24436**

**APPLICATION OF EMPIRE NEW MEXICO LLC TO  
REVOKE THE INJECTION AUTHORITY GRANTED  
UNDER ADMINISTRATIVE ORDER NO. SWD-184,  
LEA COUNTY, NEW MEXICO – BLINEBRY DRINKARD  
SWD #018 WELL OPERATED BY RICE OPERATING  
COMPANY.**

**Case No. 24437**

**APPLICATION OF EMPIRE NEW MEXICO LLC TO  
REVOKE THE INJECTION AUTHORITY GRANTED  
UNDER ADMINISTRATIVE ORDER NO. SWD-965,  
LEA COUNTY, NEW MEXICO – BLINEBRY DRINKARD  
SWD #020 WELL OPERATED BY RICE OPERATING  
COMPANY.**

**Case No. 24438**

**APPLICATION OF EMPIRE NEW MEXICO LLC TO  
REVOKE THE INJECTION AUTHORITY GRANTED  
UNDER ADMINISTRATIVE ORDER NO. SWD-1751,  
LEA COUNTY, NEW MEXICO – N 7 #001 WELL  
OPERATED BY RICE OPERATING COMPANY.**

**Case No. 24439**

**CONDITIONAL MOTION TO VACATE THE STAY OF THE  
OIL CONSERVATION DIVISION IN ORDER NO. R-23254 FOR THE ABOVE CASES**

Respondents Rice Operating Company (“Rice”) and Permian Line Company, LLC (“Permian”), Applicant Empire New Mexico, LLC (“Empire”), and Intervenor Goodnight Midstream, LLC (“Goodnight”) (collectively, “Parties”), move the Oil Conservation Division (the “Division”) to lift the stay of these proceedings. The Parties ask that the stay be lifted so that the Division can dismiss the applications as requested in Empire’s motions to dismiss filed in these matters on June 21, 2024 and released to imaging on June 26, 2024.

Empire joins the Motion only in the event that these matters will be dismissed without prejudice. If the Division contemplates dismissal with prejudice, Empire objects to lifting the stay for all of the reasons stated in its Response to Goodnight’s Notice of Withdrawal of Opposition to Motion to Dismiss, filed October 25, 2024 and released to imaging October 25, 2024, which is fully incorporated herein. In such circumstances, Empire does not join in the instant Motion to vacate the stay and, instead, will withdraw its motions to dismiss.

In support of the Motion, the Parties state as follows:

1. On February 7, 2024, Order No. R-23048 was filed, which referred Case Nos. 23614-23617, 24018-24027, and 23775 to the Oil Conservation Commission. These cases involve Empire and Goodnight and relate to Empire’s opposition to planned saltwater disposal injections by Goodnight.

2. On April 2, 2024, Empire filed the Applications listed above, which relate to Rice's and Permian's saltwater injection authority.
3. On May 2, 2024 and May 15, 2024, Rice and Permian entered appearances and objected to the matters proceeding by affidavit.
4. On May 15, 2024, the Division entered its appearance in these cases.
5. On June 21, 2024, Empire moved to dismiss these Applications, and noted that Intervenor Goodnight was the only party that objected to dismissal.
6. On June 26, 2024, before the Division could rule on Empire's motion to dismiss these Applications, the Division entered Order No. R-23254, which stayed the proceedings in these Applications.
7. On July 8, 2024, Rice and Permian filed their Notice of Agreement with Empire New Mexico's Motion to Dismiss, emphasizing that the Division should dismiss these Applications notwithstanding the Division's order to stay and notwithstanding Goodnight's then-objection to the motion to dismiss.
8. On October 17, 2024, Goodnight filed its Notice of Withdrawal of Opposition to the Motion to Dismiss. In the Notice, Goodnight "withdraws its position to Empire New Mexico, LLC's Motion to Dismiss" these applications.
9. On October 18, 2024, Ms. Sheila Apodaca, Law Clerk to the Division, requested that the parties provide to the Division a motion and proposed order to vacate the Division's Order No. R-23254 staying these matters so that the Division may address Empire's now-unopposed motion to dismiss these Applications.

10. Thus, pursuant to the Division's request, the parties jointly move the Division to vacate Order No. R-23254 as it applies to the Applications listed above against Rice and Permian so that the Division may address Empire's now-unopposed motion to dismiss these Applications.

**CONCLUSION**

For the foregoing reasons, the Parties collectively move the Division to vacate Order No. R-23254 in relation to the stay of the above listed cases so that the Division may address Empire's now unopposed motion to dismiss these cases. However, to the extent the Division contemplates dismissal of these matters with prejudice, Empire does *not* join in the Motion and objects to lifting the stay.

Respectfully submitted,

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

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on counsel of record by electronic mail this 5<sup>th</sup> day of December, 2024.

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

/s/ Matthew M. Beck

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