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PUBLIC HEARING
STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

Pecos Hall, 1st Floor, Wendell Chino Building
1220 S. Saint Francis Drive
Santa Fe, New Mexico

TRANSCRIPT OF PROCEEDINGS
August 14, 2025

COMMISSION MEMBERS:

DR. WILLIAM AMPOMAH, Acting Chair
BAYLEN LAMKIN, Member

COUNSEL TO THE COMMISSION:

MR. ZACHARY SHANDLER, ESQ.

1 (On the record at 9:00 a.m.)

2 TRANSCRIPT OF PROCEEDINGS

3 ACTING CHAIR AMPOMAH: Good morning,
4 everybody. Welcome to the scheduled New Mexico Oil
5 Conservation Commission regular meeting on Thursday,
6 August 14, 2025.

7 Sheila, will you help us with a roll
8 call.

9 MS. APODACA: Yes. Roll call of the
10 Commission. Dr. Ampomah.

11 ACTING CHAIR AMPOMAH: Present.

12 MS. APODACA: Commissioner Baylen Lamkin.

13 COMMISSIONER LAMKIN: Present.

14 MS. APODACA: Commissioner Chang is absent
15 today, but we do have a full quorum with our two
16 commissioners.

17 ACTING CHAIR AMPOMAH: Thank you.

18 We will move to the Agenda Number 2,
19 approval of the August 14, 2025, agenda.

20 Commissioner, will there be a motion to
21 move the acceptance of the agenda for today's
22 meeting?

23 COMMISSIONER LAMKIN: So moved.

24 ACTING CHAIR AMPOMAH: And I second.

25 (2-0 vote. Motion approved.)

1 ACTING CHAIR AMPOMAH: Now we'll move to
2 Agenda Number 3, pending cases.

3 We do have Commission deliberations on
4 consolidated cases by Goodnight Midstream and Empire
5 New Mexico as follows. We do have Case
6 Numbers 24123, 23614 to 17, 23775, 24018 to 24020,
7 and 24025.

8 MR. SHANDLER: Mr. Chairman, I'll be looking
9 for a motion to go into closed session under
10 10-15-1H(3), administrative adjudicatory proceedings.

11 So, Mr. Lamkin, do you move to go into
12 closed session under the statute?

13 COMMISSIONER LAMKIN: So moved.

14 ACTING CHAIR AMPOMAH: And I second.

15 MR. SHANDLER: And it has to be a roll call
16 vote. I know there's just two of you.

17 Sheila, could you call the role.

18 MS. APODACA: Dr. Ampomah.

19 ACTING CHAIR AMPOMAH: Approved.

20 COMMISSIONER LAMKIN: Approved.

21 (2-0 vote. Motion approved.)

22 MR. SHANDLER: Okay. I think the Commission
23 is going to adjourn to a closed session, and then if
24 it makes progress, we'll return at some point today.

25

1 (Commission adjourned to closed
2 session from 9:05 a.m. to 1:30 p.m.)

3 MR. SHANDLER: Let me just walk this
4 through.

5 So, Commissioner Lamkin, can you make a
6 motion to return to open session?

7 COMMISSIONER LAMKIN: I move to return to
8 open session.

9 MR. SHANDLER: And can we get that seconded?

10 ACTING CHAIR AMPOMAH: I second.

11 (2-0 vote. Motion approved.)

12 MR. SHANDLER: And now, can you call the
13 role.

14 MS. APODACA: Yes. This is a roll of our
15 afternoon session.

16 Dr. Ampomah.

17 ACTING CHAIR AMPOMAH: Approved.

18 COMMISSIONER LAMKIN: Approved.

19 MR. SHANDLER: The next thing is, Acting
20 Chair, can you attest for the record that on the
21 matters discussed in closed session were those that
22 were listed in the motion to go into closed session?
23 Do you so attest?

24 ACTING CHAIR AMPOMAH: Yes, I do.

25 MR. SHANDLER: Okay. Thank you.

1 After deliberations, are you prepared
2 with a motion?

3 ACTING CHAIR AMPOMAH: Yes.

4 Okay. The Commission finds that there
5 was substantial evidence presented at the hearings to
6 establish the existence of ROZ in the Grayburg and
7 San Andres, especially the core analysis evidence.

8 Based on the 1984 Commission order,
9 Empire has the exclusive rights to produce the ROZ in
10 the EMSU. However, there was insufficient evidence
11 presented at the hearing to prove whether the ROZ is
12 recoverable.

13 The Commission, therefore, will provide
14 Empire the opportunity to establish a CO2 EOR pilot
15 project within a period of three years to ascertain
16 the recoverability of the ROZ and return to the
17 Commission with further data and analysis.

18 The Commission finds that Empire, at
19 present, did not prove that their correlative rights
20 in the Grayburg are impaired by Goodnight's injection
21 into the San Andres.

22 However, Empire adduced substantial
23 evidence of the possibility of future impairment of
24 correlative rights or waste.

25 Goodnight did not adduce substantial

1 evidence of the existence of a continuous barrier
2 between the Grayburg and the San Andres, and,
3 therefore, did not refute the potential for future
4 impairment or waste.

5 Based on the above summaries, the
6 Commission, 1, denies Goodnight's application to
7 drill new wells. Case Number 23614, Golden; Case
8 Number 23615, Hernandez; Case Number 23616, Hodges;
9 Case Number 23617, Sierra; Case Number 24123, Piazza.

10 Number 2, the Commission denies
11 Goodnight's application to request injection
12 increase, Case Number 23775, Dawson well.

13 Number 3, the Commission suspends
14 existing Goodnight's injection wells, Case Number
15 24018, Dawson; Case Number 24019, Banks; Case
16 Number 24020, Sosa; Case Number 24025, Ryno.

17 Number 4, all pending motions are
18 denied. The decision was unanimous.

19 The written order will follow.

20 MR. SHANDLER: Okay. So that's the motion.
21 Do we have a second?

22 COMMISSIONER LAMKIN: Second.

23 MR. SHANDLER: Okay. If the clerk could
24 call the roll.

25 MS. APODACA: Okay. We'll take a vote.

1 Dr. Ampomah.

2 ACTING CHAIR AMPOMAH: Approved.

3 MS. APODACA: Mr. Lamkin.

4 COMMISSIONER LAMKIN: Approved.

5 (2-0 vote. Motion approved.)

6 MR. SHANDLER: A copy of what was just read
7 will be provided in the back.

8 So with that, you now go to the next
9 item on your agenda.

10 ACTING CHAIR AMPOMAH: That will be pending
11 litigation.

12 MR. SHANDLER: Mr. Chair, there is new
13 pending litigation in PFAS rulemaking. Yesterday a
14 notice of appeal was filed in that case. The
15 appealing party has 30 days to file a statement of
16 the reasons for the appeal, so I don't know the deals
17 at that time. The matter will be discussed in front
18 of the full Commission at its September meeting.

19 THE COURT: Thank you.

20 Number 5 on the agenda, other business.
21 So there's no business.

22 So our next meeting is going to be
23 September 18 to 19, 2025.

24 And the meeting is thereby adjourned.
25 Thank you.

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(Proceedings adjourned at 1:37 p.m.)

1 AFFIRMATION OF COMPLETION OF TRANSCRIPT

2
3 I, Kelli Gallegos, DO HEREBY AFFIRM that on
4 August 14, 2025, a hearing of the New Mexico Oil
5 Conservation Commission was taken before me via video
6 conference.

7 I FURTHER AFFIRM that I did report in
8 stenographic shorthand the proceedings as set forth
9 herein, and the foregoing is a true and correct
10 transcript of the proceedings to the best of my
11 ability.

12 I FURTHER AFFIRM that I am neither employed
13 by nor related to any of the parties in this matter
14 and that I have no interest in the final disposition
15 of this matter.

16 

17 Kelli Gallegos

VERITEXT LEGAL SOLUTIONS

18 500 Fourth Street, NW- Suite 105

Albuquerque, New Mexico 87102

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20 Dated: September 5, 2025
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[1 - commission]

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