

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

**APPLICATION OF EMPIRE NEW MEXICO LLC
TO REVOKE THE INJECTION AUTHORITY GRANTED
UNDER ADMINISTRATIVE ORDER SWD-1750
FOR THE P 15 #001 WELL OPERATED BY
OWL SWD OPERATING, LLC,
LEA COUNTY, NEW MEXICO**

CASE NO. 24432

EMPIRE NEW MEXICO LLC'S RENEWED MOTION TO DISMISS APPLICATION

Empire New Mexico, LLC, renews its Motion to Dismiss, which was initially filed in this matter on June 21, 2024. In support of this Motion, Empire states the following.

1. Empire filed its application on April 2, 2024, seeking to revoke OWL SWD Operating, LLC's ("OWL") authorization to inject into the P 15 #001 Well (API 30-025-46579) ("OWL Application"). It is Empire's understanding that Pilot Water Solutions, LLC ("Pilot") is affiliated with OWL.

2. The OWL Application was filed contemporaneously with Empire's applications to revoke injection authority for wells operated by Rice Operating Company and Permian Line Service (collectively, "Rice") in Case Nos. 24433-24439 ("Rice Applications"). The Rice Applications were filed by different counsel to address potential law firm conflicts of interest at the time of filing.

3. On May 9, 2024, Pilot objected to the presentation of Case 24432 by affidavit, which resulted in the Division holding a status conference on May 16, 2024.

4. At the status conference, Goodnight sought leave to intervene as a party and argued that Case No. 24432 should be transferred to the Commission for inclusion in the contested hearing between Empire and Goodnight. *See* 5/16/24 Tr. at 94:23-95:4. The Division granted Goodnight's

intervention request and determined that the case should be set for a status conference on July 11, 2024.

5. The Division also held a status conference regarding the Rice Applications on May 16, 2024. The cases were heard separately from Case No. 24432 due to the above-mentioned conflict but were treated in the same manner. *See* 5/16/24 Tr. at 104:1-24.

6. On June 5, 2024, Empire filed a motion requesting that the Division continue Case No. 24432 to the July 11, 2024 hearing docket for a status conference. A similar motion was filed in Case Nos. 24433-24439.

7. On June 21, 2024, Empire filed a motion to dismiss the OWL Application to avoid complicating the ongoing Commission proceedings involving Goodnight. Pilot and Goodnight opposed the motion. Empire contemporaneously filed a similar motion to dismiss the Rice Applications, which was opposed by Goodnight and Rice.

8. On June 26, 2024, the Division issued an order staying proceedings in Case Nos. 24432-24439 pending a final decision in the Commission proceedings involving Empire and Goodnight.

9. On October 17, 2024, Goodnight filed a notice withdrawing its opposition to dismissal of the Rice Applications. It is unclear why the OWL Application was omitted from Goodnight's notice of withdrawal of opposition.

10. On December 5, 2024, Rice, Empire, and Goodnight filed a Conditional Motion to Vacate the Stay of the Oil Conservation Division in Order No. R-23254 in Case Nos. 24433-24439. The motion requested that the Division lift the stay of proceedings to enable it to grant Empire's motion to dismiss the Rice Applications. It is unclear why a similar motion was not filed regarding the OWL Application.

11. On December 9, 2024, the Division issued an order lifting the stay and dismissing the Rice Applications without prejudice.

12. The OWL Application was similarly situated to the Rice Applications and should have been similarly dismissed.

13. Accordingly, Empire requests that the Division issue an order lifting the stay of proceedings in Case No. 24432 and dismiss the OWL Application without prejudice.

14. Empire has consulted with counsel for Goodnight and Pilot. Pilot does not oppose Empire's request. Goodnight opposes the requested dismissal.

Respectfully submitted,

By: /s/ Dana S. Hardy

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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 October 9, 2025.

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