

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

**APPLICATIONS OF SELECT WATER
SOLUTIONS, LLC FOR APPROVAL OF
SALTWATER DISPOSAL WELLS,
LEA COUNTY, NEW MEXICO.**

**CASE NOS. 25547–25548,
25899 & 25900**

**SELECT WATER SOLUTIONS, LLC’S MOTION TO STRIKE PILOT WATER
SOLUTIONS SWD, LLC’S ENTRY OF APPEARANCE AND OBJECTION**

Select Water Solutions, LLC, (“Select”) moves to strike the entry of appearance and objection filed by Pilot Water Solutions SWD, LLC (“Pilot”) in Case Nos. 25547, 25548, 25899 and 25900 (collectively “Select SWD Cases”) due to Pilot’s lack of standing. Pilot is a competitor of Select that operates saltwater disposal wells more than one mile away from Select’s proposed wells and is not an affected party under the New Mexico Oil Conservation Division’s (“Division”) regulations. Accordingly, Pilot has no standing to enter an appearance in these cases and its objection should be stricken.

I. BACKGROUND

A. Select’s Pending Cases and Procedural History

On August 7, 2025, Select filed Case No. 25547, which seeks an order approving its proposed produced water disposal well, the Javelina Fed 4 SWD #1 (“Javelina SWD”), to be drilled at a location 408’ from the south line and 831’ from the east line (Unit P) of Section 4, Township 26 South, Range 35 East, Lea County, New Mexico. Also on August 7, 2025, Select filed Case No. 25548, seeking an order approving its proposed produced water disposal well, the Jackrabbit Fed SWD #1 (“Jackrabbit SWD”), to be drilled at a location 556’ from the south line and 1,968’ from the east line (Unit O) of Section 28, Township 26 South, Range 35 East, Lea

County, New Mexico. Notice of the Javelina SWD and Jackrabbit SWD applications was sent to all affected parties on August 14, 2025, and notice was published in the Hobbs News-Sun on August 22, 2025. *See* Select Case Nos. 25547 & 25548, Ex. F (Jan. 6, 2026). Due to objections submitted by certain affected parties, the Javelina SWD and Jackrabbit SWD cases were set for a contested hearing on January 13, 2026. Select was able to resolve the objections, which were withdrawn. Due to withdrawal of the objections, the Division cancelled the January 13th hearing docket and re-set the cases for hearing by affidavit on February 5, 2026.

On August 8, 2025, Select initially filed an application seeking approval of its Coyote Fed 14 SWD #1 (“Coyote SWD”), to be drilled at a location 2,631’ from the north line and 901’ from the east line (Unit H) of Section 14, Township 26 South, Range 35 East, Lea County, New Mexico. Following discussions with several affected parties, Select dismissed its original application and refiled Case No. 25899 on January 6, 2026. Notice was timely sent to the affected parties. *See* Self-Affirmed Statement of Robert Huizenga (Exhibit 1), at ¶ 10.

Select also originally filed an application seeking approval of its Roadrunner Fed 26 SWD #1 (“Roadrunner SWD”) seeking approval of a proposed produced water disposal well, to be drilled at a location 2,561’ from the south line and 2,086’ from the east line (Unit J) of Section 26, Township 26 South, Range 35 East, Lea County, New Mexico, in August 2025. Like the Coyote SWD application, following discussions with several affected parties, Select dismissed its original application and refiled Case No. 25900 on January 6, 2026. Notice for the Roadrunner SWD was initially sent to all affected parties on August 14, 2025, and published in the Hobbs News-Sun on August 22, 2025. Following refiling of the Roadrunner SWD application, notice was sent to all affected parties on January 7, 2026 and published on January 15, 2026. *See* Select Case No. 25900, Ex. F (Jan. 29, 2026).

Due to extended negotiations with affected parties, Select's Javelina SWD and Jackrabbit SWD cases have been pending for almost six months, and Select's original Coyote SWD and Roadrunner SWD cases were also filed nearly six months ago. Select and its customers need the disposal capacity provided by these proposed wells, and Pilot has only now decided to attempt to enter an appearance and object. This, paired with the fact that Pilot is not an affected party, is grounds for striking its entry of appearance and objection.

B. Pilot's Operations and Interests

Pilot does not operate any active saltwater disposal wells within the half-mile Area of Review ("AOR") for any of Select's proposed SWD wells at issue in these cases. *See* Exhibits A and B to the Self-Affirmed Statement of Robert Huizenga (Exhibit 1). Further, Pilot does not operate any oil and gas wells, and does not own any working interest, overriding royalty interest, or royalty interest, within one-mile of any of the proposed Select SWD wells. *See id.* Pilot has no ownership or operational footprint in the vicinity of the proposed disposal wells that would give rise to any protectable interest under the Division's standing requirements.

Because Pilot does not operate any SWD wells within the AOR and holds no ownership or operating interests within one mile of the proposed facilities, Pilot falls outside the AOR in every one of the Select applications at issue. Accordingly, Pilot is not an affected person or entity as contemplated by the Division's rules governing objections to SWD applications. Indeed, its objections appear to be based solely on its status as a market competitor, which does not grant standing and cannot serve as a good-faith basis for its objection.

II. ARGUMENT

A. Legal standard

Under Division rules, only “an operator or producer or other person with standing may file an application with the division for an adjudicatory hearing.” 19.15.4.8(A) NMAC. Although the Rule does not define “standing,” the Commission has previously embraced the standing analysis applicable in civil court cases. *See, e.g.,* Commission Order No. R-10987-A(2), ¶¶ 13, 22-24. Pilot must meet the following elements to establish standing: (1) injury in fact, (2) causation, and (3) redressability. *See, e.g., ACLU of New Mexico v. Santillanes*, 546 F.3d 1318, 1317 (10th Cir. 2008). To establish an “injury in fact”, a complainant must demonstrate that an “invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical” occurred. *Id.*

Affected parties for the purposes of injection permits are parties “within any tract wholly or partially contained within one-half mile of the well.” *See* 19.15.26.8.B(2) NMAC; *see also* Order No. R-12811, *In re Application of Gandy Corp.*, Case No. 13962 (N.M. Oil Conservation Div. Sept. 24, 2007). Here, there is no invasion of any legally protected interests because Pilot does not operate any wells, or own any interest, within the “half mile cutoff requirement.” *See* Order No. R-12811 at 3. In fact, Pilot does not operate any active wells within one-mile of Select’s proposed SWDs. There is simply no basis for Pilot’s objection and allowing its intervention would waste resources of the parties and the Division.

B. Pilot is not an affected party and cannot establish standing.

Pilot’s attempt to enter an appearance and object to Select’s SWD Cases should be stricken because Pilot is not an affected party. Pilot’s entry of appearance in these cases is almost identical to that of DKD, LLC (“DKD”) in Case No. 13962. Similar to this case, DKD was a competitor of

the applicant and entered an appearance five months after the application was filed with the Division. *See* Order No. R-12811 at 3, ¶ 12. Further, DKD's nearest injection well was located over a mile from the applicant's proposed well and therefore much further than the half-mile cutoff required for DKD to be considered an "affected party" pursuant to the Division rules. *Id.* For these reasons, the Division denied DKD intervention. *Id.*, ¶¶ 9–12.

Pilot, Select's competitor, lacks standing to object to these cases. The AOR for the Select SWD Wells shows that no Pilot wells fall within the one-half-mile cutoff. *See* Exhibit 1 at ¶¶ 7-9. Numerous parties entered an appearance, and where applicable, objected in the Select SWD Cases. Despite repeated and adequate notice, Pilot did not enter an appearance until approximately one week before hearing in three of the four cases.

Under the "injury in fact" requirement, a party must show that it is "imminently threatened with injury" or that it faces "a real risk of future injury." *See ACLU*, 2008, NMSC-045, ¶ 11. Pilot has not alleged, and cannot allege, any concrete risk, harm, or operational impairment to its wells, facilities, or correlative rights. There are no claimed concerns of location, migration, interference with injection operations, or any other technical or environmental effect that would give rise to standing under the Division's rules. Absent an alleged injury or potential adverse impact, Pilot's objection amounts to a competitor's disagreement with the application, which is insufficient to establish standing.

Just like Case No. 13962, Pilot's objection fails at the threshold because it is grounded solely in competitive interests, not in any legally cognizable claim due to neighboring wells within the AOR. Allowing a competitor to object on this basis would undermine Division precedent and the long-standing half-mile rule for affected parties. *See* 19.15.26.8.B(2) NMAC; Order No. R-12811. If competitive status alone was sufficient to support intervention, virtually any operator

could intervene in any proceeding, effectively eviscerating the Division's standing requirements and transforming technical permitting proceedings into competitive disputes.

III. CONCLUSION

Because Pilot is neither an affected party nor able to articulate any specific risk or harm within the AOR for Select's proposed wells, its attempt to intervene and object should be dismissed for lack of standing. Accordingly, Select respectfully requests that the Division strike Pilot's objection from the record and permit Select to proceed with its applications without Pilot's participation. Counsel for Pilot has been contacted and opposes this Motion.

Respectfully submitted,

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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 February 2, 2026.

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SELF-AFFIRMED STATEMENT OF ROBERT HUIZENGA

1. I am employed by Select Water Solutions, LLC, (“Select”) (OGRID No. 289068) as Vice President, Technical Advisory and Special Projects. I am over 18 years of age, have personal knowledge of the matters addressed herein, and am competent to provide this Self-Affirmed Statement.

2. I am familiar with Select’s applications in these cases and the objection filed by Pilot Water Solutions SWD, LLC (“Pilot”).

3. In Case No. 25547, Select seeks an order approving its proposed produce water disposal well, the Javelina Fed 4 SWD #1 (“Javelina SWD”), to be drilled at a location 408’ from the south line and 831’ from the east line (Unit P) of Section 4, Township 26 South, Range 35 East, Lea County, New Mexico. Select filed its application for the Javelina SWD on August 7, 2025.

4. In Case No. 25548, Select seeks an order approving its proposed produced water disposal well, the Jackrabbit Fed SWD #1 (“Jackrabbit SWD”), to be drilled at a location 556’ from the south line and 1,968’ from the east line (Unit O) of Section 28, Township 26 South, Range 35 East, Lea County, New Mexico. Select filed its application for the Jackrabbit SWD on August 7, 2025.

5. In Case No. 25899, Select seeks an order approving its proposed produced water disposal well, Coyote Fed 14 SWD #1 (“Coyote SWD”), to be drilled at a location 2,631’ from the

EXHIBIT 1

north line and 901' from the east line (Unit H) of Section 14, Township 26 South, Range 35 East, Lea County, New Mexico. Select originally filed its application for the Coyote SWD in Case No. 25545 on August 8, 2025. After working with various parties, Select dismissed the original application and refiled its application on January 6, 2026.

6. In Case No. 25900, Select seeks an order approving its proposed produced water disposal well, the Roadrunner Fed 26 SWD #1 ("Roadrunner SWD"), to be drilled at a location 2,561' from the south line and 2,086' from the east line (Unit J) of Section 26, Township 26 South, Range 35 East, Lea County, New Mexico. Select originally filed its application for the Roadrunner SWD in Case No. 25545 on August 7, 2025. After working with various parties, Select dismissed the original application and refiled for case 25900 on January 6, 2026.

7. **Exhibit A** is an Area of Review map that shows all four of Select's proposed SWD well locations along with wells located within a half-mile and one-mile of each proposed SWD.

8. **Exhibit B** is an Area of Review map that provides a closer view of the wells located within a half-mile and one-mile of the Roadrunner SWD and Jackrabbit SWD wells.

9. As shown on both maps, Pilot does not operate any SWDs within the half-mile AOR for each Select SWD well and does not operate any wells, or own an interest within, one-mile of the Select SWDs.

10. Select provided notice of its hearing applications to the affected parties, as required by the Oil Conservation Division rules.

11. Select has conducted a diligent search of all county public records, including phone directories and computer databases, as well as internet searches, to locate the interest owners and offset operators.

12. It is my opinion that Select undertook a good faith effort to locate and identify the correct parties and valid addresses required for notice within the well's area of review. There were no unlocatable parties.

13. Pilot is not an affected party entitled to notice of any of Select's applications.

14. The attached exhibits were either prepared by me or under my supervision, or were compiled from company business records.

15. I understand that this Self-Affirmed Statement will be used as written testimony in this case. I affirm that my testimony above is true and correct and is made under penalty of perjury under the laws of the State of New Mexico. My testimony is made as of the date handwritten next to my signature below.

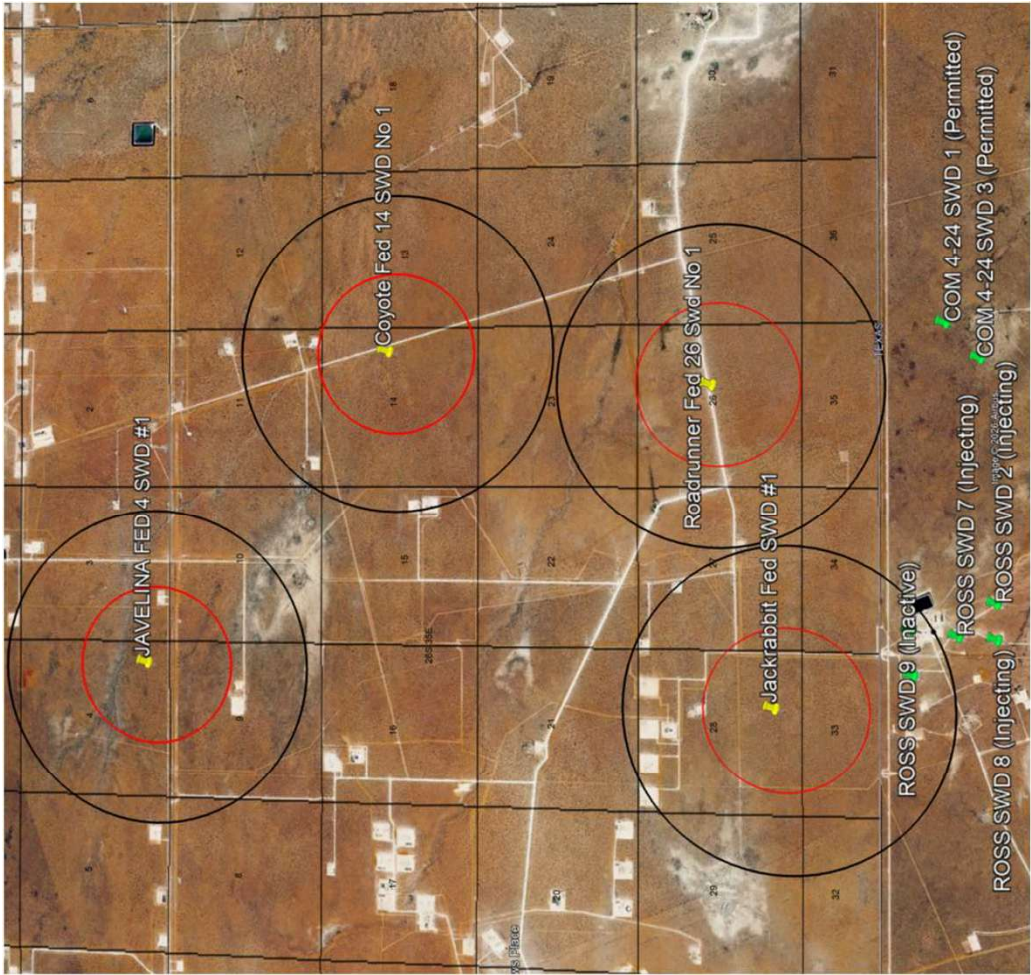


Robert Huizenga



Date

Overview of all Locations



Red Circle = 0.5 mile radius
Black Circle = 1 mile radius

Zoom-in on Jackrabbit and Roadrunner

Red Circle = 0.5 mile radius
Black Circle = 1 mile radius
Nearest Injector to Jackrabbit ~ 1.1 miles
Nearest Injector to Roadrunner ~ 2 miles

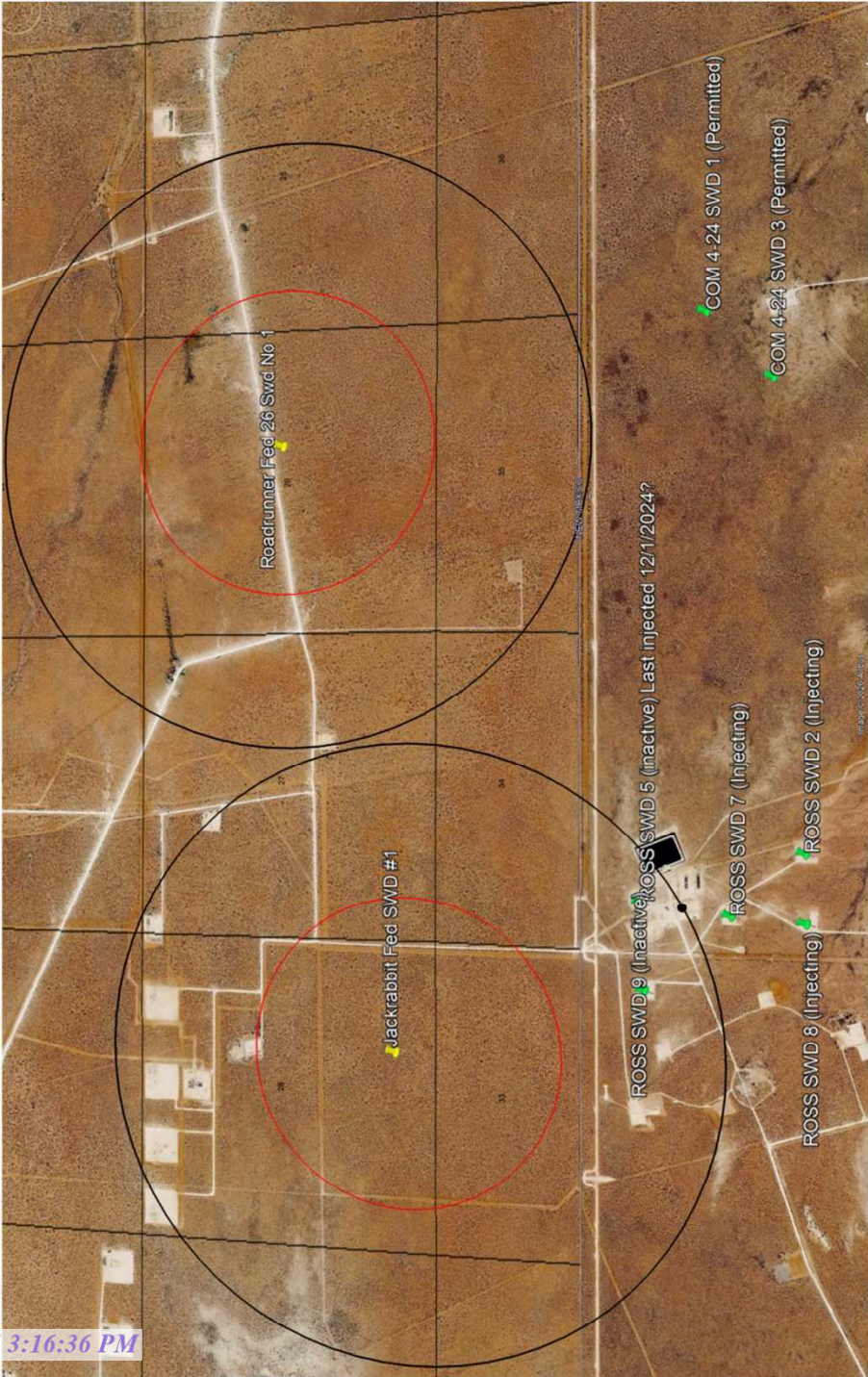


EXHIBIT B