

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

**IN THE MATTER OF THE APPLICATION OF
SELECT WATER SOLUTIONS, LLC
FOR APPROVAL OF A SALTWATER DISPOSAL WELL
LEA COUNTY, NEW MEXICO**

Case No. 25547

**ORDER GRANTING SELECT WATER SOLUTIONS, LLC'S
MOTION TO STRIKE DESERT RAM SOUTH RANCH, INC.'S
ENTRY OF APPEARANCE, NOTICE OF INTERVENTION,
AND OBJECTION TO PROCEEDINGS BY AFFIDAVIT**

THIS MATTER comes before the Hearing Examiner on Select Water Solutions, LLC's ("Select") Motion to Strike the Entry of Appearance, Notice of Intervention, and Objection filed by Desert Ram South Ranch, Inc. ("Desert Ram"). The Hearing Examiner, having reviewed the Motion, Desert Ram's filings, the administrative record, the Oil and Gas Act, and the applicable Oil Conservation Division ("Division") regulations, and being otherwise sufficiently advised, makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Select filed an Application in Case No. 25547 seeking approval of a saltwater disposal ("SWD") well in Lea County, New Mexico.
2. Notice of the Application was provided in accordance with Division rules to all persons designated as affected persons under 19.15.26.8 NMAC.
3. Desert Ram entered an appearance and sought to intervene asserting an objection to the matter proceeding by affidavit.
4. Desert Ram is a surface lessee of lands located approximately two miles from the proposed SWD well.
5. Desert Ram does not own, lease, or operate the mineral estate underlying the proposed SWD well or any tract within the one-half mile Area of Review applicable to the Application.

6. Desert Ram does not operate any oil, gas, or saltwater disposal wells within the Area of Review established by Division rules.
7. Desert Ram does not allege ownership or operation of any groundwater wells located within the Area of Review for the proposed SWD well.
8. Desert Ram asserts generalized concerns regarding shallow injection, potential groundwater impairment, surface uplift, and possible communication with historic or unidentified wells.
9. Desert Ram has not identified any site-specific hydrogeologic data, mapped groundwater flow paths, injection interval-to-aquifer connectivity, wellbore locations, or other technical evidence demonstrating that the proposed SWD well presents a concrete or imminent risk to Desert Ram's surface or groundwater interests.
10. Desert Ram did not receive direct notice of the Application because it does not meet the definition of an affected person under Division rules.
11. The Division routinely evaluates groundwater protection, injection depth, confining zones, and well integrity as part of its technical review of SWD applications.
12. The Division has previously declined to allow intervention by parties whose asserted interests are remote, speculative, or untethered to a legally protected interest within the applicable Area of Review.

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the subject matter and the parties pursuant to the New Mexico Oil and Gas Act, NMSA 1978, §§ 70-2-1 et seq.
2. Under 19.15.26.7 and 19.15.26.8 NMAC, affected persons entitled to notice and participation in saltwater disposal proceedings are limited to operators, lessees, or mineral interest owners on tracts located within one-half mile of the proposed well.
3. Desert Ram does not qualify as an affected person under 19.15.26 NMAC and therefore has no right to the status of "Party" based on the Division's notice provisions.
4. To establish standing in a Division adjudicatory proceeding, a proposed Party must demonstrate a concrete and particularized injury to a legally protected interest that is actual or imminent, not conjectural or hypothetical.

5. Generalized concerns regarding groundwater impairment or surface effects, without site-specific evidence demonstrating a plausible causal connection to the proposed injection operations, are insufficient to establish standing.
6. Ownership or leasehold of surface lands outside the Area of Review, without a demonstrated nexus between the proposed SWD well and a specific, legally protected surface or groundwater interest, does not confer standing.
7. Although the Division has statutory authority to protect public health, the environment, and freshwater resources, that authority does not eliminate or supersede the standing and intervention requirements set forth in the Division's rules.
8. Pursuant to 19.15.4.11(C) NMAC, the Division may, in its discretion, allow intervention by a person whose participation will *contribute substantially* to the prevention of waste or the protection of public health, the environment, or correlative rights.
9. Desert Ram has not demonstrated that its participation would contribute substantially to the Division's statutory duties, as its objections do not present technical, regulatory, or factual issues beyond those already addressed through the Division's permitting and review process.
10. Allowing intervention based solely on speculative surface or groundwater concerns, untethered to a direct interest within the Area of Review or supported by site-specific evidence, would undermine the Division's established standing framework and expand intervention beyond that contemplated by the rules.

IT IS THEREFORE ORDERED that:

1. Select Water Solutions, LLC's Motion to Strike Desert Ram South Ranch, Inc.'s Entry of Appearance, Notice of Intervention, and Objection is GRANTED.
2. Desert Ram South Ranch, Inc.'s filings are hereby STRICKEN from the record in Case No. 25547.
3. Desert Ram South Ranch, Inc. shall not be deemed a party to this proceeding.
4. This matter shall proceed without further participation by Desert Ram South Ranch, Inc.

Hearing Examiner
Oil Conservation Division