

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

**APPLICATIONS OF GOODNIGHT
MIDSTREAM PERMIAN, LLC FOR
APPROVAL OF SALTWATER DISPOSAL
WELLS LEA COUNTY, NEW MEXICO.**

CASE NOS. 23614-23617

**APPLICATION OF GOODNIGHT MIDSTREAM
PERMIAN LLC TO AMEND ORDER NO. R-
22026/SWD-2403 TO INCREASE THE
APPROVED INJECTION RATE
IN ITS ANDRE DAWSON SWD #1,
LEA COUNTY, NEW MEXICO.**

CASE NO. 23775

**APPLICATIONS OF EMPIRE NEW MEXICO
LLC TO REVOKE INJECTION AUTHORITY,
LEA COUNTY, NEW MEXICO.**

CASE NOS. 24018-24020, 24025

**APPLICATION OF GOODNIGHT MIDSTREAM
PERMIAN, LLC FOR APPROVAL OF A
SALTWATER DISPOSAL WELL, LEA
COUNTY, NEW MEXICO.**

DIVISION CASE NO. 24123

**GOODNIGHT MIDSTREAM PERMIAN, LLC’S NOTICE OF SUPPORT FOR OCD’S
MOTION TO VACATE AND CONTINUE JUNE 11, 2026 STATUS CONFERENCE**

Goodnight Midstream Permian, LLC (“Goodnight”) respectfully submits this notice supporting the Oil Conservation Division’s (“OCD”) Motion to Vacate and Continue the June 11, 2026, Status Conference. For the following additional reasons, the OCD’s Motion should be granted and the status conference vacated and rescheduled, if at all, for July 16, 2026.

1. Lead Counsel for Goodnight also is unavailable on June 11, 2026 and, despite diligent efforts, has been unable to identify a date prior to the Commission’s regularly scheduled July 16, 2026 meeting when all parties and the Commission are available to address the matter.

2. The matter for set for potential action—Empire’s Motion to Require Modification of the OCD’s Implementation Decision [sic]—is now moot because Empire subsequently filed on April 29, 2026, a C-103 administrative request for authorization to approve a “CO₂ Huff-n-Puff” within the Unitized Interval of the EMSU. OCD has yet to take any action on that administrative submission, which is still pending before the OCD.

3. Moreover, Empire’s specific request for approval of a CO₂ Huff-n-Puff project was not addressed in Empire’s Motion, not previously presented to the OCD for review or consideration, and not considered in OCD’s implementation direction that Empire is attempting to challenge.

4. Having a hearing and argument on Empire’s Motion—which seeks an advisory opinion from the Commission—would be a waste of the Commission’s resources and the parties’ time now that there is a specific proposed project now pending before OCD for review and approval where OCD has not yet made a decision on Empire’s administrative request.

5. With no OCD decision on Empire’s proposed project, there is nothing ripe for the Commission to review. Any ruling by the Commission on Empire’s Motion would be advisory and improper because there is no concrete, specific matter in dispute—just abstractions without facts against which to apply principles of law. *See, e.g., United States v. Muhtorov*, 20 F.4th 558, 608 (10th Cir. 2021) (explaining the basis for and the advisory opinion doctrine).

6. In addition, Empire’s challenge to OCD’s guidance is not properly before the Commission where there has not been a hearing before a Division Examiner or the Division Director has not directed that the matter be heard by the Commission. *See* 19.15.4.20 NMAC.

7. Accordingly, there is no urgency for the Commission to hear Empire’s Motion; indeed, it should not be heard at all.

8. For the reasons stated above, and in OCD's Motion, the status conference set for June 11, 2026, should be vacated and reset for a possible hearing, if at all, on July 16, 2026.

Respectfully submitted,

HOLLAND & HART LLP

By: /s/ Adam G. Rankin

Adam G. Rankin
Nathan R. Jurgensen
Paula M. Vance
Post Office Box 2208
Santa Fe, NM 87504
505-988-4421
505-983-6043 Facsimile
agrarkin@hollandhart.com
nrjurgensen@hollandhart.com
pmvance@hollandhart.com

**ATTORNEYS FOR GOODNIGHT MIDSTREAM
PERMIAN, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2026, I served a copy of the foregoing document to the following counsel of record via Electronic Mail to:

Dana S. Hardy
Jaclyn M. McLean
HARDY MCLEAN LLC
125 Lincoln Ave., Suite 223
Santa Fe, NM 87505
(505) 230-4410
dhardy@hardymclean.com
jmclean@hardymclean.com

Sharon T. Shaheen
SHAHEEN LAW NM LLC
422 Medico Lane, Suite A
Santa Fe, NM 87505
(505) 469-1521
sharon@shaheenlaw.com

Corey F. Wehmeyer
SANTOYO WEHMEYER P.C.
IBC Highway 281 N. Centre Bldg.
12400 San Pedro Avenue, Suite 300
San Antonio, Texas 78216
cwehmeyer@swenergylaw.com

Attorneys for Empire New Mexico, LLC

Miguel A. Suazo
BEATTY & WOZNIAK, P.C.
500 Don Gaspar Ave.
Santa Fe, NM 87505
Tel: (505) 946-2090
msuazo@bwenergylaw.com

Attorneys for Pilot Water Solutions SWD, LLC

Jesse Tremaine
Chris Moander
Assistant General Counsels
New Mexico Energy, Minerals, and
Natural Resources Department
1220 South St. Francis Drive
Santa Fe, New Mexico 87505
(505) 741-1231
(505) 231-9312
jessek.tremaine@emnrd.nm.gov
chris.moander@emnrd.nm.gov

Attorneys for New Mexico Oil Conservation Division

Matthew M. Beck
PEIFER, HANSON, MULLINS & BAKER,
P.A.
P.O. Box 25245
Albuquerque, NM 87125-5245
Tel: (505) 247-4800
mbeck@peiferlaw.com

Attorneys for Rice Operating Company and Permian Line Service, LLC

/s/Adam G. Rankin

Adam G. Rankin