

**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 “CO<sub>2</sub> 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 CO<sub>2</sub> 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,

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**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:

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