

**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 DESERT RAM SOUTH RANCH, INC.'S ENTRY OF
APPEARANCE AND NOTICE OF INTERVENTION & OBJECTION**

Select Water Solutions, LLC, (“Select”) moves to strike the entry of appearance and notice of intervention and objection filed by Desert Ram South Ranch Inc. (“Desert Ram”) in Case Nos. 25547, 25548, 25899 and 25900 (collectively “Select SWD Cases”). Desert Ram is a surface owner or lessee that does not own any interest within one mile of Select’s proposed wells and is not an affected party under the New Mexico Oil Conservation Division’s (“Division”) regulations. Desert Ram lacks standing, and its intervention will not “contribute substantially to the prevention of waste, protection of correlative rights or protection of public health or the environment.” NMAC 19.15.4.11(C) NMAC. Accordingly, Desert Ram’s intervention and 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 Select was able to resolve the objections, which were withdrawn.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 Reed Davis (Exhibit 1), at ¶ 11.

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 Desert Ram has only now decided to attempt to enter an appearance and object. This, paired with the fact that Desert Ram is not an affected party, is grounds for striking its entry of appearance and objection.

B. Desert Ram's Operations and Interests

Desert Ram does not own or operate any saltwater disposal wells, oil and gas wells, or water wells, and does not hold any surface interest, within one mile of Select's proposed wells. *See* Self-Affirmed Statement of Reed Davis (Exhibit 1) at ¶¶ 9-10. Desert Ram claims only that it is a "lessee of surface lands within two (2) miles of the proposed saltwater disposal well and maintains freshwater wells on the surface estate, which are critical to Desert Ram's ongoing ranching and agricultural operations." *See* Desert Ram's Entry of Appearance Notice of Intervention & Objection to Proceeding by Affidavit ("EOA and Objection"), at 2. Desert Ram does not have any ownership interest or operational footprint within the half-mile AOR for the proposed disposal wells – or even within one-mile of the proposed wells – that would give rise to any protectable interest under the Division's standing requirements.

Desert Ram admits that it does not operate any wells within the AOR and holds no ownership or operating interests within a half-mile of the proposed facilities. Therefore, any interest that Desert Ram holds falls outside the AOR in every one of the Select applications at issue. Accordingly, Desert Ram is not an affected person or entity as contemplated by the Division's rules governing objections to SWD applications. Desert Ram's unsubstantiated allegations that injection wells two miles away from freshwater wells "may create risks," *see* EOA

and Objection at 2, do not provide grounds for standing and cannot serve as a good-faith basis for its objection. Desert Ram's vague allegations also demonstrate that its participation will not contribute substantially to the prevention of waste, protection of correlative rights or protection of public health or the environment.

II. ARGUMENT

A. Legal standard

The Division's rules provide that the "division examiner or the commission chairman may strike a notice of intervention on a party's motion if the intervenor fails to show that the intervenor has standing, unless the intervenor shows that intervenor's participation will contribute substantially to the prevention of waste, protection of correlative rights or protection of public health or the environment." 19.15.4.11(C) 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. Desert Ram 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.*

In relation to injection permits, Affected Parties are those who hold an interest "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). Further, the Commission has held that surface-related concerns are not a valid basis for intervention when such concerns are to be "addressed by proceedings and

rules governing the actual drilling, recompletion, operating, and production of oil and gas wells, and the disposition of oil field wastes.” Commission Order No. R-10987-A(2), ¶ 23-24. Here, there is no invasion of any legally protected interest because Desert Ram does not operate any wells, or own any interest, within the “half mile cutoff requirement.” *See* Order No. R-12811 at 3. In fact, Desert Ram does not hold any interest within one-mile of Select’s proposed SWDs and only claims to be a lessee of surface acreage two miles away. *See* EOA and Objection at 2. Thus, Desert Ram lacks standing to object to Select’s applications.

Desert Ram’s intervention should also be stricken because its participation will not contribute substantially to the prevention of waste, protection of correlative rights or protection of public health or the environment. There is simply no basis for Desert Ram’s objection and allowing its intervention would waste resources of the parties and the Division.

B. Desert Ram is not an affected party and cannot establish standing.

Desert Ram’s attempt to intervene and object to Select’s SWD Cases should be stricken because Desert Ram is not an affected party and lacks standing. Desert Ram seeks to intervene in these cases on the grounds that it “maintains freshwater wells” within two miles of the proposed SWDs and “is concerned that shallow high-volume injection may create risks of surface uplift, groundwater impairment, and communication with older vertical wells and historic boreholes on or near the property....” *See* EOA and Objection at 2. Desert Ram’s potential “surface-related injuries” do not “provide a legal basis for standing as a party to the proceedings” and do not “provide a sufficient basis for permissive intervention on the subject matter of the hearing.” *See Application of Hilcorp Energy Company*, Order No. R-10987-A(2), at 3, 5 (Dec. 4, 2018).

In Case No. 16403, surface owners attempted to intervene in Hilcorp’s application to amend the Well Density Requirements for the Blanco-Mesaverde Pool to increase well density.

See Order No. R-10987-A(2). The surface owners argued that their intervention should be permitted due to “risks to property, groundwater, the public health and the environment....” *Id.* at 3. Hilcorp moved to strike the intervention, and the Commission found that the parties did not establish any basis to intervene in the proceeding because “[t]he potential injuries alleged...are outside the zone of interest protected by statutes and rules at issue.” *Id.* at 5. Further, the Commission found that the “potential injuries and harm alleged...are limited to surface-related issues that are not at issue in [the] proceeding. The fears and concerns raised...are addressed by proceedings and rules governing the actual drilling, recompletion, operation, and production of oil and gas wells, and the disposition of oil field wastes.” *Id.*

Similar to the surface-related concerns raised in Case No. 16403, Desert Ram’s claims fall outside the “zone of interests” protected by the statutes and rules that apply to Select’s SWD applications. 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.* Desert Ram’s alleged surface and pore space concerns do not pertain to any interest within the AOR for the Select SWDs and therefore do not involve any concrete risk, harm, or operational impairment to Desert Ram’s wells, facilities, or correlative rights. Desert Ram fails to specify where in relation to Select’s proposed wells its surface interest is located and instead references a generalized two-mile radius. Desert Ram’s vague allegations – which are not supported by an affidavit – do not give rise to a protectible interest.

In addition, Desert Ram’s concern “that shallow high-volume injection may create risks of surface uplift, groundwater impairment, and communication with older vertical wells and historic boreholes on or near the property, including the potential for loss of integrity or uncontrolled releases” *see EOA and Objection at 2,* is dispelled by Select’s hydrologic investigation. Select

performed a thorough hydraulic investigation for each of the proposed SWDs and determined there is no potential connection between the proposed injection zones and the deepest underground source of drinking water within one mile of each proposed SWD. *See Exhibit 1 at ¶ 16.* Certainly, there would be no connection or potential for communication between underground sources of drinking water and the injection zones two miles away. Therefore, there is no “imminently threatening injury” or “real risk of future injury” alleged by Desert Ram sufficient to establish standing.

Allowing a surface lessee 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 surface-related concerns outside the AOR were sufficient to support intervention, virtually any surface owner could intervene in any proceeding, effectively eviscerating the Division’s standing requirements and transforming technical permitting proceedings into drawn out application processes.

C. Desert Ram’s participation will not contribute substantially to the prevention of waste, protection of correlative rights or protection of public health or the environment.

As discussed above, Desert Ram only provides unsworn, generalized allegations regarding purported concerns about “surface uplift, groundwater impairment, and communication with older vertical wells and historic boreholes on or near the property, including the potential for loss of integrity or uncontrolled releases.” Desert Ram fails to identify any groundwater wells or vertical wells that it claims could be impacted, fails to provide the depths of its referenced water wells, fails to provide the locations of any “historic boreholes on or near the property,” fails to identify the property it references, and fails to provide any basis for its apparent claim that injection into the Delaware Mountain Group two miles away could have any impact on those items. Desert

Ram's participation based on its vague and unsupported concerns will not contribute substantially to the prevention of waste, protection of correlative rights or protection of public health or the environment. Accordingly, Desert Ram should not be permitted to intervene.

III. CONCLUSION

Desert Ram is neither an affected party nor able to articulate any specific risk or harm within the AOR for Select's proposed wells, and its participation will not contribute substantially to the prevention of waste, protection of correlative rights, or protection of public health or the environment. Accordingly, Select respectfully requests that the Division strike Desert Ram's intervention and permit Select to proceed with its applications without Desert Ram's participation. Counsel for Desert Ram was contacted regarding this motion and opposes the relief sought.

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 4, 2026.

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SELF-AFFIRMED STATEMENT OF REED DAVIS

1. I am employed by ALL Consulting, LLC (“ALL Consulting”) as a geophysicist. ALL Consulting has been retained by Select Water Solutions, LLC, (“Select”) (OGRID No. 289068) to assist in the preparation of the above-referenced applications for approval of Saltwater Disposal Wells. 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 Desert Ram South Ranch Inc. (“Desert Ram”).

3. In Case No. 25547, Select 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. Select submitted its application for approval of 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 submitted its application for approval of the Jackrabbit SWD on August 7, 2025.

Exhibit 1

5. In Case No. 25899, Select seeks an order approving its proposed produced water disposal well, the 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. Select originally submitted its application for approval of the Coyote SWD in Case No. 25545 on August 8, 2025. After working with various parties, Select dismissed the original application and refiled for case 25899 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 submitted its application for approval of the Roadrunner SWD in Case No. 25545 on August 7, 2025. After working with various parties, Select dismissed the original application and refiled its application on January 6, 2026 (Case No. 25900).

7. Area of review (“AOR”) maps and corresponding tables were provided as attachments to the C-108s for the Javelina SWD, the Jackrabbit SWD, the Coyote SWD, and the Roadrunner SWD. *See* Exhibits for Case No. 25900 at 20-28 (filed 1/29/26); Exhibits for Case No. 25547 at 21-30 (filed 1/6/26); Exhibits for Case No. 25548 at 21-29 (filed 1/6/26); Application for Case No. 25899 at 15-24 (filed 1/6/26).

8. The AOR maps and corresponding tables include: wells located within two miles; wells located within one mile; operators and lessees within one mile; mineral lessees and owners within two miles; and surface ownership.

9. As shown on the AOR maps and corresponding tables, Desert Ram does not operate any wells 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 SWD Cases.

10. Also as shown on the AOR maps and corresponding tables, Desert Ram does not operate any wells or own any interest within one-mile of the proposed Select SWDs.

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

12. 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.

13. 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.

14. Select reviewed data from the New Mexico Office of the State Engineer to determine if there were any freshwater wells located within 1-mile of the proposed SWD locations. Water well maps were included as Attachment 6 to the C-108s. *See Exhibits for Case No. 25900 at 38-39; Exhibits for Case No. 25547 at 39-41; Exhibits for Case No. 25548 at 39-40; Application for Case No. 25899 at 34-35.*

15. Desert Ram does not maintain any freshwater wells within 1-mile of the proposed SWD locations. *See id.*

16. Select also performed a thorough hydrologic investigation related to its proposed SWDs. The investigation was conducted to determine if there were any potential connections between the proposed injection zones in the Bell Canyon and Cherry Canyon formations and the

deepest underground source of drinking water. The assessment and analysis concluded that there is no evidence of faults that would allow for communication between the underground source of drinking water and the Bell Canyon and Cherry Canyon injection zones. *See* Exhibits for Case No. 25900 at 41; Exhibits for Case No. 25547 at 43; Exhibits for Case No. 25548 at 42; Application for Case No. 25899 at 37.

17. Desert Ram is not an affected party entitled to notice.

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

19. 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 next to my signature below.



Reed Davis

February 4, 2026

Date