

**STATE OF NEW MEXICO  
BEFORE THE WATER QUALITY CONTROL COMMISSION**

IN THE MATTER OF PROPOSED NEW  
RULE 20.6.8 NMAC –  
*Ground and Surface Water Protection –  
Supplemental Requirements  
For Reuse of Treated Produced Water*

No. WQCC 25-34 (R)

Water Access Treatment & Reuse Alliance,  
Petitioner.

**JOINT MOTION TO DISPOSE OF THE WATR ALLIANCE PETITION OUTRIGHT**

New Energy Economy, the Center for Biological Diversity, Mario Atencio, and Daniel Tso, (“Movants”), pursuant to 20.1.6.207F NMAC, respectfully move the Water Quality Control Commission (“WQCC” or Commission”) to summarily dispose of the Petition for Rulemaking and Statement of Reasons (“Petition”) submitted under the name of Water Access Treatment and Reuse Alliance (“Petitioners” or “WATR Alliance”). Because this is a dispositive motion, it must be heard by the Commission itself. 20.1.6.207(F). In the interests of judicial economy, movants request that the Commission consider this Motion at its next regular meeting, scheduled for August 12, 2025. Below, Movants set forth the reasons why the Commission should dismiss WATR Alliance’s petition outright.

**I. INTRODUCTION**

New Mexico’s oil and gas industry, through the “WATR Alliance,” is attempting an egregious sleight-of-hand: disappointed with an agency proceeding, the industry has appealed an agency’s decision *and*, before the ink is dry on the decision or the notice of appeal, have filed a new petition seeking the same relief they sought before, but requesting it under a different name,

pushing this Commission to go along with their maneuver and take up the industry's proposed regulation all over again.

The industry is attempting this end-run around this Commission that recently, in WQCC 23-84 (R), conducted a thorough, time-consuming and costly adversarial evidentiary hearing regarding the same subject matter, in which the same industry players participated through New Mexico Oil and Gas Association ("NMOGA") and the New Mexico Produced Water Research Consortium ("NMPWRC"). Now, because they don't like the result in the previous regulatory proceeding, WATR Alliance's and NMOGA/NMPWRC's members are trying for a second bite at the apple, going back to the agency under a different name, pretending to be new applicants, and demanding that the agency revisit its decision after the time for reconsideration has passed and after they have already appealed the agency's decision.

Movants could not find a decision by any agency or any court anywhere that even implicitly permits such an extraordinary maneuver. WATR's attempt to relitigate the rulemaking hearing where the WQCC explicitly declined to allow discharges of treated produced water is precisely the type of situation that the doctrines of res judicata and collateral estoppel preclude. Collateral estoppel and res judicata, are "grounded upon enforcement of judicial economy and designed to bar relitigation of ultimate facts or issues actually and necessarily decided in a prior suit in which the decision is final." *Reeves v. Wimberly* 1988-NMCA-038 ¶ 8, 107 N.M. 231; *see also Edwards v. First Fed. Sav. & Loan Ass'n.*, 1985-NMCA-015 ¶ 14, 102 N.M. 396 ("Collateral estoppel, like the related doctrine of res judicata, has the dual purpose of protecting litigants from the burden of relitigating an identical issue with the same party or his privy and of promoting judicial economy by preventing needless litigation.") (citing *Parklane Hosiery Co. v. Shore*, 439 U.S. 322 (1979)). These principles especially apply here, because

those dissatisfied with the outcome of a rulemaking cannot be allowed to file new petitions for rulemaking and exhaust the resources of parties who in a prior proceeding successfully litigated the same issues outlined in the new petition. Instead, the proper recourse for parties dissatisfied with the outcome of a rulemaking proceeding is to appeal the final rule pursuant to 20.1.6.400 NMAC. NMOGA appealed the final rule in WQCC 23-84 (R), and the same industry actors cannot relitigate the outcome of that proceeding under a different name.

Additionally, WATR Alliance has failed to identify any evidence in the previous case or any of the Commission’s factual findings that are false or incorrect. It has claimed to have “new evidence,”<sup>1</sup> but has given no hint of what this evidence is. As explained below, taking up the WATR Alliance’s petition would violate the purposes of the doctrines of collateral estoppel and res judicata, in no small part because the two sets of petitioners (NMOGA/NMPWRC and the WATR Alliance) are in privity with each other. This new petition is transparent, impermissible gamesmanship and the Commission would be mistaken to accommodate it.

On the basis of the foregoing and the more specific points addressed below, Movants respectfully request that the Commission reject the petition outright.

## **II. SUMMARY OF REASONS WHY THE WQCC SHOULD IMMEDIATELY DIMISS THE PETITION OUTRIGHT**

1. The WATR Alliance’s petition addresses the same issues that the Commission addressed exhaustively in WQCC Case No. 23-84 (R) (“the previous case”), in which NMOGA, whose principal members include Chevron, Occidental and

---

<sup>1</sup> Argument by attorneys, but not proffered in the Petition. *State v. Hall* 2013-NMSC-001, ¶28, 294 P. 3d 1235 (“It is not our practice to rely on assertions of counsel unaccompanied by support in the record. The mere assertions and arguments of counsel are not evidence.” Citing, *Muse v. Muse*, 2009-NMCA-003, ¶ 51, 145 N.M. 451, 200 P.3d 104.) The WATR Alliance has failed to specify *any* scientific evidence that it relies on that would warrant a new hearing. *United States v. Baker*, No. CV 09-20068, 2011 WL 13142576, at \*4 (W.D. Tenn. Dec. 1, 2011), *aff’d*, 562 F. App’x 447 (6th Cir. 2014) (“Courts that have addressed motions for reconsideration based on newly discovered evidence require defendants to identify, with particularity, the evidence to be offered and justify why that evidence was not provided earlier.”)

ConocoPhillips, spearheaded the effort to allow discharge and reuse of produced water and has appealed the Commission's refusal to do so. The WATR Alliance's directing Board members are also Chevron, Occidental and ConocoPhillips. Through NMOGA and NMPWRC, those companies, along with affiliated individuals, experts and entities participated in the prior rulemaking and, if they had chosen to do so, could also have participated through the WATR Alliance. NMOGA and WATR are legally in privity with each other, as explained below at Point IV.A. *Bounds v. Hamlett*, 2011-NMCA-078, ¶ 30, 150 N.M. 389 (observing that in determining privity “[a] court must determine whether a party is so identified in interest with another that the party represents the same legal right” (internal quotation marks and citation omitted)).

2. Thus, as explained below, because the Commission would be precluded from entertaining a new produced water petition filed by NMOGA while its appeal is pending, it is precluded from addressing one filed by the WATR Alliance seeking to revisit the Commission's produced water regulatory decision. Nothing alleged in the WATR Alliance's petition can reasonably be seen as “new evidence” or a change in the law that would justify a departure from this principle. Simply put, the parties to the earlier proceeding, and those in privity with them, cannot relitigate the same issues the Commission just decided. The “Commission [is] under no obligation to hold a hearing on a question of policy that was fully debated and considered during the rulemaking and clearly answered by the Rule.” *Sw. Pub. Serv. Co. v. N.M. Pub. Regul. Comm'n*, Nos. S-1-SC-39432, S-1-SC-39558, S-1-SC-39611, S-1-SC-39678, 2025 N.M. LEXIS 3, at ¶ 72 (Jan. 16, 2025). If the Commission would decline to hear

a new case filed by NMOGA while its appeal is pending, it must decline WATR's, since WATR and NMOGA are in privity.

3. Even if the WATR Alliance had no connection with NMOGA and had completely different interests, such as environmental protection, the principles underlying regulatory jurisprudence would preclude the Commission from taking up produced water regulation on the heels of just having adopted a produced water regulation after extensive, adversary regulatory proceedings, especially without any new scientific evidence or showing of error. *Cf. Lewis v. Rio Grande Sun*, 2009 N.M. App. Unpub. LEXIS 208, at \*2 (Ct. App. Mar. 31, 2009) (affirming denial of reconsideration where motion “simply disagreed with the court’s ruling without offering any new evidence or relevant argument.”); *Spring Valley Water Co., Inc.*, 30 N.Y.P.S.C. 1831 (Oct. 3, 1990) (“[A]n administrative agency may review its previous decisions *where there is an error of law or a manifest error of fact in the record of the earlier administrative proceeding.*”) (Emphasis added).
4. The deadline for moving to reconsider the prior proceeding passed on June 23, 2025, and it cannot be revived by seeking reconsideration by an entity with a different name bringing a new petition.
5. NMOGA has filed a notice of appeal of WQCC 23-84 (R), Case No. A-1-CA-42732.
6. Restarting and reconvening the past rulemaking proceeding immediately after it has been concluded would cause a colossal waste of agency resources and impose an enormous burden on the parties who developed the record in the prior proceeding at great expense and effort. This is particularly the case since all parties in the prior proceeding, including the members of WATR Alliance, had a full, fair and even

exhaustive opportunity to participate and there is no demonstrated change in the factual and evidentiary underpinnings of the Commission’s decision. In the prior proceeding, the evidence was undisputed that produced water represents a toxic radioactive threat to people and their environment. The WATR Alliance’s unsupported claim that it has “new evidence” does not disrupt this evidentiary foundation and the lack of actual new evidence is fatal to the petition.

7. Movants request that this case be summarily dismissed or, in the alternative, stayed until NMOGA’s appeal is resolved. Given the legal bars to WATR Alliance’s petition, as set forth herein, if the Commission proceeds to reconsider its rulemaking regarding the reuse of produced water, Movants intend to seek relief in the courts.

### **III. FACTUAL AND PROCEDURAL BACKGROUND**

1. On December 27, 2023, the New Mexico Environment Department (“NMED” or “Department”) filed a Petition for Rulemaking on and Statement of Reasons in WQCC-23-84 (R).
2. On March 20, 2024, the Department filed its First Amended Petition for Rulemaking and statement of reasons.
3. On April 15, 2024, the Department filed its Notice of Intent to Present Direct Technical Testimony and 175 Exhibits, consisting of more than 4500 pages; NMED Exhibit 175 was the Department’s Second Amended Petition for Rulemaking and Statement of Reasons.
4. Movants intervened in the case and devoted over 18 months to the underlying rulemaking proceeding before the WQCC, including:

- a. Cross-examination of more than 15 expert witnesses;
  - b. Submission of motions and comprehensive written briefs;
  - c. Presentation of expert witnesses testifying for more than at least cumulative 16 hours;
  - d. Volumes of scientific reports and documented media corroboration that was unrefuted;
  - e. Public education and media outreach that resulted in over 100 public comments statewide, delivered in person and via WebEx.
5. It became apparent over the course of this Commission hearing that produced water from New Mexico has not been fully characterized and there is no scientific basis to support the assertion it can be safely treated, discharged or reused off the oilfield. Expert after expert testified to the fact that oil and gas wastewater had not been fully characterized, was not fully understood, that testing methodologies for many of its 1400+ potential contaminants had not been developed, and that treatment technologies had not been adequately tested, especially not at scale. From this mountain of evidence, the Commission rightly concluded that discharge or industrial-scale reuse were not compatible with its statutory duty to protect human health and the environment.<sup>2</sup> There is nothing alleged in the WATR Alliance Petition that undercuts the Commission’s conclusions in these regards.
6. On May 24, 2025, the WQCC issued its “Order and Statement of Reasons” adopting 20.6.8 NMAC, “Ground and Surface Water Protection – Supplemental Requirements for Water Reuse.”

---

<sup>2</sup> NMSA § 74-6-4.

7. The Commission understood that new science could potentially require updated regulations in the future. For this reason, it set a 2030 sunset date for the rule, finding five years to be a reasonable deadline to reassess the safety and feasibility of reuse of oil and gas wastewater.<sup>3</sup> This five-year timeline was based on industry representations and the New Mexico Environment Department’s estimate of the time needed to develop “appropriate and relevant standards.”<sup>4</sup>
8. On June 20, 2025, only days after this Commission ruled in WQCC 23-84 (R), the Water Access Treatment and Reuse Alliance (“WATR Alliance”), whose legal representative had attended the hearings, filed the within Petition for Rulemaking and Statement of Reasons with the WQCC, raising the same issues that the Commission had just addressed and decided in WQCC 23-84 (R). WATR Alliance filed their petition for rulemaking before the final rule in WQCC 23-84 (R) was even published in the New Mexico Register.
9. On June 23, 2025, New Mexico Oil and Gas Association filed its notice of appeal, A-1-CA-42732, regarding *In the Matter of Proposed New Rule 20.6.8 NMAC – Ground and Surface Water Protection – Supplemental Requirements for Water Reuse*, No. WQCC 23 - 84 (R).
10. The next day, the final rule in WQCC 23-84 (R) was published in Volume XXXVI, Issue 12 of the New Mexico Register on June 24, 2025.
11. The WATR Alliance Petition seeks to persuade the Commission to reverse the rule it just adopted that prohibits the discharge of radioactive, toxic produced water unless rigorous scientific treatment standards are first established, i.e., reversing the very

---

<sup>3</sup> WQCC Order, Finding 25.

<sup>4</sup> *Id.*

ruling that NMOGA, whose members are represented in the majority of WATR Alliance's leadership, had appealed.

12. WATR Alliance fails to identify any science that substantiates a need to revisit the well-supported rule adopted by the WQCC, which the oil and gas industry, via NMOGA, is presently appealing.
13. The WQCC decision now under appeal adopts a science-based approach that authorizes permitted pilot projects with strict scientific protocols to protect public health and welfare, explicitly **rejecting speculative standards or premature discharge authorization**.
14. NMOGA, which stands in privity with WATR Alliance and represents its interests, has availed itself of a proper procedure to challenge the WQCC decision and is not entitled to extra-procedural reconsideration. That is, NMOGA:
  - a. **Appealed the final rule** within the time allowed by law;
  - b. **Did not file a motion for reconsideration** within the time allowed; and
  - c. Cannot now seek reconsideration of the final rule outside proper procedures, through a proxy organization, and without identifying any shortcoming of the initial hearing.
15. Despite this, the WQCC has sent the WATR Alliance Petition to a Hearing Officer to proceed with a new hearing to amend 20.6.8 NMAC that seeks to nullify the final rule that took effect on July 11, 2025. This decision will allow WATR to relitigate the fact findings and decisions that are now before the New Mexico Court of Appeals. While Movants previously filed an objection to that petition, Movants here formally move this Commission to dismiss the Petition.

#### IV. ARGUMENT

The doctrines of res judicata and collateral estoppel bar relitigation of issues decided in WQCC 23-84 (R), and the WATR Alliance Petition must be rejected. Res judicata bars relitigation of the same claim between the same parties or their privies when the first litigation resulted in a final judgment on the merits, as this one has. *Deflon v. Sawyers*, 2006-NMSC—025, Para 2, 139 N.M. 637 (“Res judicata bars relitigation of the same claim between the same parties or their privies when the first litigation resulted in a final judgment on the merits.”) Collateral estoppel precludes litigation of the same issues by the same parties decided in a prior proceeding. *See Callison v. Naylor*, 1989-NMCA-055, ¶ 6, 108 N.M. 674. (Collateral estoppel “prevent[s] the endless relitigation of the same issues.”); *Flippin Materials Co. v. United States*, 312 F.2d 408, 417 (Ct. Cl. 1963) (Opining that “the same individuals and entities involved in the earlier case (though acting under a different name), are collaterally estopped by the prior judgment.”).

The key question is whether the two proceedings serve the same purposes and decide the same issues. In *Gila Resource Information Project v. WQCC (“GRIP”)*, 2015-NMCA-076, ¶¶ 43-44, the Court of Appeals declined to apply collateral estoppel to a rulemaking “in the context of this appeal” where the challenged rulemaking would not result in relitigation of the issues decided in prior adjudicatory proceedings. The Court explained that “the purpose of rule-making proceedings that ultimately resulted in the Commission’s adoption of the Regulations at issue [] was entirely different from the purpose of the Commission’s [adjudicatory] proceedings,” and noted that core issues “were not in fact re-litigated” in the rulemaking proceedings. *Id.* ¶ 43 (internal quotations omitted). Therefore, whether the preclusion doctrines of collateral estoppel and res judicata apply is not dependent on the type of proceeding involved, but instead on the purpose of the proceeding and whether it will result in a duplication of litigation. Where, as here,

a subsequent rulemaking would duplicate a prior rulemaking in purpose, substance and parties, application of collateral estoppel is wholly appropriate.

In order for the court to apply collateral estoppel, or “issue preclusion,” the moving party must show that:

(1) the party to be estopped was a party [or privy] to the prior proceeding, (2) the cause of action in the case presently before the court is different from the cause of action in the prior adjudication, (3) the issue was actually litigated in the prior adjudication, and (4) the issue was necessarily determined in the prior litigation.

*Rex, Inc. v. Manufactured Hous. Comm. of State of N.M., Manufactured Hous. Div.*, 1995-NMSC-023, ¶ 11, 119 N.M. 500, 504, 892 P.2d 947, 951.

Similarly, res judicata requires that:

(1) the parties must be the same [or in privity], (2) the cause of action must be the same, (3) there must have been a final decision in the first suit, and (4) the first decision must have been on the merits.

*Tunis v. Country Club Estates Homeowners Ass’n*, 2014-NMCA-025, ¶ 20. See also, *Taylor v. Sturgell*, 128 S. Ct. 2161, 2166, 553 US 880 (2008). (“*Stare decisis* will allow courts to dispose of repetitive suits ... and even when *stare decisis* is not dispositive, the human inclination not to waste money should discourage suits based on claims or issues already decided.”)

The facts that give rise to this motion are of the exact nature that the doctrine of collateral estoppel and res judicata are meant to address. The parties to the prior rulemaking are the same or in privity to the parties in this matter. The amendments to 20.6.8 NMAC concerning the reuse of produced water were thoroughly litigated over a period of 18 months the prior case. The Commission’s “Order and Statement of Reasons” adopting 20.6.8 NMAC, “Ground and Surface Water Protection – Supplemental Requirements for Water Reuse,” is final and was entered into the record on May 24, 2025.

As our Supreme Court explained in *Rex, Inc. v. Manufactured Hous. Comm. of State of N.M.*, 1995-NMSC-023, ¶ 12, 119 N.M. 500, 892 P.2d 947, collateral estoppel applies to proceedings where the “evidence and argument [are] substantially similar in form and scope” to a parallel proceeding. As explained in *GRIP*, collateral estoppel should apply when the purposes of the prior and current proceedings are the same and duplicative litigation would result. *GRIP*, 2015-NMCA-076, ¶ 43. That is the case here. Petitioners seek to relitigate the treatment, reuse, and discharge produced water and offer no new evidence for their position. Where, as here, industry actors in one proceeding are in privity with parties to a second proceeding, and they are unsatisfied with the result of the first rulemaking, their recourse is to appeal the result of the first proceeding. NMOGA has done that, and their appeal is pending. With no new evidence, the WQCC has nothing to consider in a new rulemaking hearing, because the evidence and arguments in the two proceedings are “substantially similar in form and scope[.]” *Rex, Inc.*, 1995-NMSC-023, ¶ 12.

**A. The WATR Alliance is in privity with parties to the prior rulemaking proceeding.**

In WQCC rulemakings, any person filing a notice of intent to present technical testimony was recognized as a “Party”. 20.1.6.7 NMAC. NMOGA and the New Mexico Produced Water Research Consortium (“NMPWRC”) were parties to WQCC 23-84 (R).

While WATR Alliance may be a new entity, some of the alliance members are the exact persons who participated in WQCC 23-84 (R) either via expert technical testimony or public comment, and others are members of NMOGA and/or the NMPWRC or both — and are in privity with NMOGA, the NMPWRC, or Select Water Solutions, another party in WQCC 23-84 (R). Our Supreme Court states that whether parties are in privity for purposes of collateral estoppel and res judicata must be analyzed on a case-by-case basis and “[p]rivity requires, at a

minimum, a substantial identity between the issues in controversy and showing that the parties in the two actions are really and substantially in interest the same.” *Deflon v. Sawyers*, 2006-NMSC-025, ¶ 4, 137 P. 3d 577.<sup>5</sup> Here, the majority of WATR Alliance members either directly litigated the prior proceeding or were represented by NMOGA, the NMPWRC, or Select Water Solutions.<sup>6</sup> Thus, WATR Alliance is “substantially in interest the same” as the industry parties that litigated the prior proceeding.

Additionally, when the same funders are involved, as here, where overlapping oil and gas interests are footing the bill to address their produced wastewater disposal crisis,<sup>7</sup> relitigation is particularly disfavored. *See, e.g., Alpert’s Newspaper Deliver, Inc. v. The New York Times Co.*, 876 F.2d 266, 270 (2d Cir. 1989) (privity existed for *res judicata* purposes where “mastermind” and funder of both litigations was the same, even though not named in either action). A new

---

<sup>5</sup> See also, *Rex, Inc. v. Manufactured Hous. Comm. of State of N.M., Manufactured Hous. Div.*, 1995-NMSC-023, ¶ 18, *supra*. (“The concept of privity with respect to issue preclusion has been defined as “that relationship between two parties which is sufficiently close so as to bind them both to an initial determination, at which only one of them was present.”

<sup>6</sup> The remaining members could have participated in the 18-month proceedings but decided to forego their opportunity to litigate WQCC 23-84 (R). *See Lynch v. Merrell-Nat’l Lab’ys Div. of Richardson-Merrell, Inc.*, 646 F. Supp. 856, 860 (D.Mass. 1986), *aff’d*, 830 F.2d 1190 (1st Cir. 1987) (“Other circuits have invoked the doctrine of collateral estoppel when, as in this case, a plaintiff has elected as a matter of litigation strategy to forego an opportunity to intervene in an action.”)

<sup>7</sup> The oil and gas industry is desperately seeking a solution to the oceans of toxic waste it is producing; According to the WATR Alliance Petition at 2, the oil and gas industry generated 2,527,086,698 barrels (325,725 acre-feet) of produced water in New Mexico in 2024.

The oil and gas industry is running out of cheap disposal methods, because their current method, salt water injection wells is causing earthquakes and blowouts. *See*, “Investigation of Oil Well Blowouts Triggered by Wastewater Injection in the Permian Basin, USA,” 22 July 2024,

<https://agupubs.onlinelibrary.wiley.com/doi/full/10.1029/2024GL109435>; “As New Mexico shakes, state cancels dozens of planned wastewater injection sites,” 12 September 2024,

<https://sourcnm.com/2024/09/12/as-new-mexico-shakes-state-cancels-dozens-of-planned-wastewater-injection-sites/>.

According to Laura Capper, oil and gas industry consultant, “New Mexico needs to find new uses [for produced water] quickly or risk oil production itself.”

Hedden, Adrian. “Shaky Ground: The link between the Permian Basin’s fossil fuel industry and earthquakes.” *KRWG*, 14 July 2023,

<https://www.krwg.org/krwg-news/2023-07-14/shaky-ground-the-link-between-the-permian-basins-fossil-fuel-industry-and-earthquakes>.

name, or a recently constituted organization, will not circumvent the preclusion doctrines.<sup>8</sup> *See Martucci v. Vitale*, No. CIV.A. 14-6311, 2015 WL 3465899, at \*5 (D.N.J. May 29, 2015) (“New Jersey courts are more likely to find ‘privity’ when a party to the first litigation attempts an end-run around the entire controversy doctrine by either bringing suit under a different name or naming related entities as defendants.”) (internal quotes and citations omitted).

## 1. Who is the WATR Alliance?

According to the *Petition for Rulemaking and Statement of Reasons* (“Petition”), WQCC 25-34, at 3, ¶ 4, the WATR Alliance calls itself a “diverse coalition” but its “team” is listed as follows on the WATR Alliance website:<sup>9</sup>

Jennifer Bradfute, President  
Matthias Sayer, Vice-President  
Kathy Ytuarte, Office Manager.

Jennifer Bradfute and Matthias Sayer are the attorneys for the WATR Alliance and are longtime oil and gas legal consultants with Bradfute Sayer Legal Consulting.<sup>10</sup> Kathy Ytuarte is the Office Manager for Bradfute Sayer Legal Consulting. Jennifer Bradfute and Matthias Sayer, who have aggressively lobbied<sup>11</sup> for produced water reuse in New Mexico for years, are listed as the primary contacts.

Ms. Bradfute, who previously worked for ExxonMobil and Marathon Oil, both members of NMOGA, helped draft the 2019 Produced Water Act and represented the oil and gas industry

---

<sup>8</sup> *See also VitalGo, Inc. v. Kreg Therapeutics, Inc.*, No. 16-CV-5577, 2017 WL 1163741, at \*8 (N.D. Ill. Mar. 29, 2017) ([U]ltimately rejecting this argument because the two allegedly separate defendants were just “different names for the same thing.”)

<sup>9</sup> <https://watralliance.org/about/>

<sup>10</sup> <https://www.bradfutelaw.com/about>

<sup>11</sup> For instance, in 2019, Ms. Bradfute spearheaded industry efforts to draft, negotiate, and successfully pass the New Mexico Produced Water Act — landmark legislation that secured bipartisan support and triggered substantial infrastructure investment in the state. In 2025, Mr. Sayer was the “expert” for [HB 311](#). HB 311 tried to accomplish what Petitioners seek to accomplish with this Petition, the discharge of treated produced water. HB 311 failed to pass in the 2025 Legislature.

on Governor Lujan Grisham’s Water Policy and Infrastructure Task Force.<sup>12</sup> Mr. Sayer is a former Senior Vice President at NGL Energy Partners, a company deeply embedded in the fracking industry and a sponsor of the New Mexico Produced Water Research Consortium, a party in WQCC 23-84 (R).<sup>13</sup> Together, they run the WATR Alliance—another industry attempt to greenwash toxic waste as a water solution.

The Board of Directors of the WATR Alliance include Chevron, Occidental and Conoco Phillips,<sup>14</sup> who are all active members of NMOGA and who were represented by NMOGA in the WQCC 23-84 (R) rulemaking, a primary participant.<sup>15</sup> On June 23, 2025, NMOGA appealed the WQCC 23-84 (R) rule to the appellate court, Case No. A-1-CA-42732. According to NMOGA’s, Department of the Treasury Internal Revenue Service Form 990, from 2023, excerpted and highlighted for convenience, attached and incorporated herein as Exhibit A, Matthias Sayer is part of NMOGA’s Executive Committee, as is Thomas Janiszewski, Vice President, Land & Regulatory at Occidental Petroleum Corp.<sup>16</sup> A list of NMOGA Board members include Chevron,

---

<sup>12</sup> <https://nmwater.org/nmwater/about> (Jennifer Bradfute serves on task force as senior counsel for Marathon Oil Company).

<sup>13</sup> <https://nmpwrc.nmsu.edu/sponsorship/index.html>

<sup>14</sup> <https://watralliance.org/about/>. As shown below, the Board also includes Jason Sandel, former chair of NMOGA’s Board of Directors, and John D’Antonio, who gave testimony for NMOGA at the prior proceeding.

<sup>15</sup> See Exhibit A, NMOGA, Form 990, 2023 and *compare with* <https://archive.ph/tkuoE> (Scott Neal is General Manager of Asset Development at Chevron and served on NMOGA’s executive committee in 2023) and <https://www.linkedin.com/in/gabrielle-gerholt-638740ba/> (Gabrielle Gerholt was Manager of Government Affairs & Regulatory – NM for ConocoPhillips and served on NMOGA’s executive committee in 2023); *see also* [https://www.nmoga.org/supporter\\_newsletter\\_2\\_12\\_25](https://www.nmoga.org/supporter_newsletter_2_12_25) (“NMOGA extends a huge thank you to Bret Lanier for being a fantastic judge and to our NMOGA member companies Chevron, Civitas Resources, and ExxonMobil for proudly representing the oil and gas industry as co-sponsors of the event.”);

<https://www.oxy.com/siteassets/documents/investors/2023-trade-associations.pdf> (listing NMOGA as a trade association that Occidental pays annual dues over \$50,000); [https://www.nmoga.org/tags/industry\\_profile#:~:text=%E2%80%9CLEaving%20education%20created%20an%20amazing,for%20NMOGA's%20tribal%20affairs%20committee](https://www.nmoga.org/tags/industry_profile#:~:text=%E2%80%9CLEaving%20education%20created%20an%20amazing,for%20NMOGA's%20tribal%20affairs%20committee). (“Louie Salazar works as Director of External Affairs for ConocoPhillips. ... Salazar serves as co-chair for NMOGA’s communications and public affairs committee and previously served as co-chair for NMOGA’s tribal affairs committee.”).

<sup>16</sup> See Exhibit B, NMOGA Board of Directors; See also, <https://www.linkedin.com/in/thomas-janiszewski-ab113213/>.

Occidental Petroleum Corp. and Conoco Phillips. *See Exhibit B*, attached and incorporated herein.

Chevron is a sponsor of the New Mexico Produced Water Research Consortium<sup>17</sup> and Occidental Petroleum<sup>18</sup> and Conoco Phillips<sup>19</sup> are members and funders of the New Mexico Produced Water Research Consortium (“NMPWRC”). The NMPWRC was also a party in the WQCC 23-84 rulemaking. Infinity Water Solutions, listed as a member of the Board of Directors of the WATR Alliance,<sup>20</sup> is also a member of the New Mexico Produced Water Research Consortium and NMOGA Exhibit 133 in WQCC 23-84 lists Infinity Water Solutions’ field test of produced water as part of “NMPWRC Information Sharing Plan.”<sup>21</sup> Upon information and belief, B3 Insights and Veolia, also members of the Board of directors of the WATR Alliance,<sup>22</sup> partner with and may be member funders of the NMPWRC. Mr. Michael Hightower, Director of the New Mexico Produced Water Research Consortium provided written testimony and exhibits and testified under oath for the NMPWRC. Ms. Bradfute also attended the WQCC 23-84 (R) rulemaking.

John D’Antonio, of American West Water Advisors, also listed as a member of the Board of directors of the WATR Alliance,<sup>23</sup> provided direct written technical testimony (NMOGA

---

<sup>17</sup> <https://nmpwrc.nmsu.edu/sponsorship/index.html>.

<sup>18</sup> <https://www.oxy.com/siteassets/documents/publications/2024-sustainability-report-web.pdf> at 90 (“Oxy actively participates with local water resource consortia in New Mexico and Texas to collaborate on water recycling and desalination technologies, provide constructive input in the regulatory development process, and proactively engage with regulators and local community members to expand recycling opportunities and beneficial uses for surplus produced water. In 2023, Oxy’s Water Strategy and Technical Group worked closely with New Mexico and Texas Produced Water Consortia on multiple topics including leading and participating in Technical Committees.”)

<sup>19</sup> <https://newsroom.nmsu.edu/news/conocophillips-funds-nmsu-research-to-help-secure-water-resources-for-future-generations/s/6eb7493c-5b13-42f8-aced-d2587d211e86>.

<sup>20</sup> <https://watralliance.org/about/>.

<sup>21</sup> <https://www.env.nm.gov/wp-content/uploads/sites/13/2024/05/133-136.pdf>.

<sup>22</sup> <https://watralliance.org/about/>.

<sup>23</sup> <https://watralliance.org/about/>.

Exhibit 2) and rebuttal written technical testimony (NMOGA Exhibit 9) and testified orally on August 6, 2025 and August 13, 2025 in WQCC 23-84 (R) as an expert for NMOGA.

Jason Sandel, Basin Disposal & Recycling, was the chairman of the Board of NMOGA,<sup>24</sup> went with Jennifer Bradfute, Governor Lujan Grisham and Secretary Kenney to Australia,<sup>25</sup> and is also listed as a member of the Board of directors of the WATR Alliance.<sup>26</sup>

Mayor Stephen Aldridge, of the City of Jal, gave public comment in in WQCC 23-84 (R) and also sits on the Board for the WATR Alliance.<sup>27</sup>

In sum, of the 16 persons on WATR's management team or board of directors, seven<sup>28</sup> have substantial ties to or are members of NMOGA and seven<sup>29</sup> have substantial ties to NMPWRC. Only six do not have ties to either organization, and one of those six provided public comment at the prior proceeding.

NMOGA presented five expert witnesses who provided written and oral testimony, submitted 208 Exhibits that consisted of more than five thousands pages and which were all admitted into evidence. NMOGA made opening argument and was also involved in multiple rounds of extensive legal briefing including closing argument.

The relationships between NMOGA, NMPWRC and the WATR Alliance:

---

<sup>24</sup> <https://usea.org/profile/jason-sandel>.

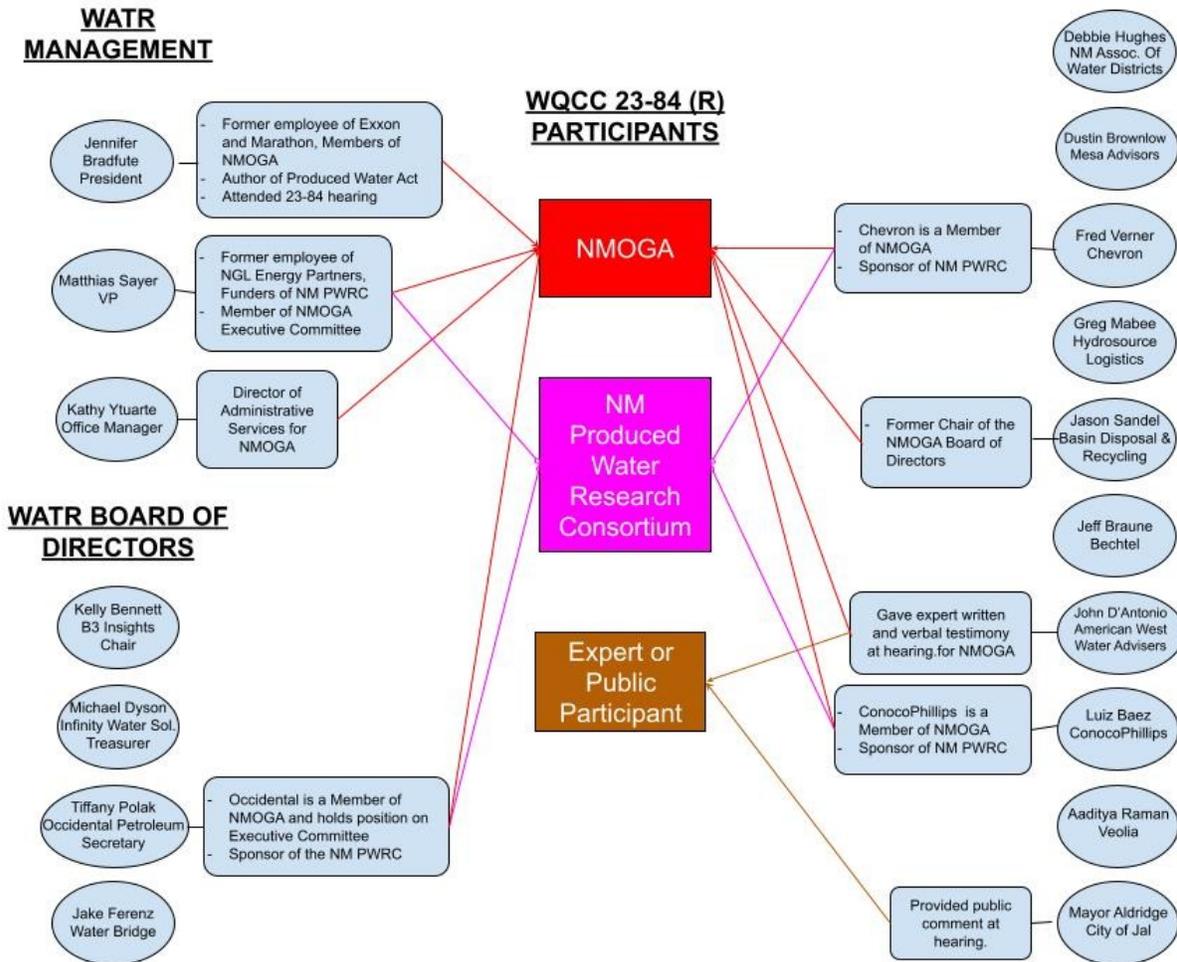
<sup>25</sup> <https://www.kunm.org/local-news/2023-11-06/new-mexicos-wild-hydrogen-days>;  
<https://thecandlepublishing.com/governor-michelle-lujan-grishams-clean-hydrogen-hub-initiatives-dirty-little-secrets/>

<sup>26</sup> <https://watralliance.org/about/>.

<sup>27</sup> <https://watralliance.org/about/>.

<sup>28</sup> Jennifer Bradfute, Matthias Sayer, Kathy Yuarte, Tiffany Polak, Fred Verner, Jason Sandel, John D'Antonio, and Luiz Baez.

<sup>29</sup> Matthias Sayer, Kelly Bennett, Michael Dyson, Tiffany Polak, Fred Verner, Luiz Baez, and Aaditya Raman.



**B. The issues raised by the current petition were decided on the merits in the prior proceeding.**

Here, the WATR Alliance has failed to identify any evidence in the prior proceeding, or any of the Commission’s factual findings supporting the regulation it adopted, as incorrect or misleading. The WATR Alliance claims to have new evidence but fails to say what it is, when or how it was discovered and why whatever it is should form a basis for reconsideration. Of course, the Legislature has given the WQCC the power to make rules concerning produced water, NMSA 1978 §74-6-4 P, and to amend those rules from time to time as the public interest requires. However, the WATR Alliance Petition does not provide any evidence to justify what could only be characterized as a request for rehearing. There is no evidence, not one cite to any

new peer-reviewed scientific report to overcome the WQCC’s scientifically-based decision to adopt 20.6.8 NMAC.

**1. NMOGA’s expert testified that “treated” produced water discharge is not yet scientifically or economically viable.**

In the WQCC 23-84 rulemaking, NMOGA Expert, Rick McCurdy testified that the data is not yet available to allow discharge to surface and groundwater:

Q. (WELC Counsel, Ms. Fox) So let me see if I get your testimony correct and you can tell me if I don’t. It was my understanding from your testimony yesterday that you believe that these studies demonstrate that treated produced water can be safely discharged to surface and groundwater in New Mexico; is that correct or is that an overstatement?

A. (Mr. McCurdy) I believe that would be an overstatement. My personal belief is yes, we can get to that status, but **I do not have the data to back up that belief as just yet.**

Q. The research is more in the preliminary stage of being able to make that conclusion, the research that you provided?

A. I believe, perhaps some of the papers that I reference in here would indicate that we were moving in that direction and we’re in the preliminary stage. I do believe we’re getting near the finish line now. ... I would like to be able to say there were no unknowns in the water. When? Will it be a year from now, will it be two years from now, I can’t say, but I think we’re getting near that point.<sup>30</sup>

(Emphasis supplied.)

**2. Mr. Michael Hightower, (former) Director of the New Mexico Produced Water Research Consortium, concurred with Mr. McCurdy that regulators do not have the requisite scientific evidence to establish standards for the discharge of produced water.**

In the WQCC 23-84 rulemaking, the following cross-examination took place:

Q. (NMED Counsel, Mr. Knight) And I think we’ve established that the Consortium has at this point not provided NMED with the data that would be necessary for us to develop standards for the discharge of produced water. Would you agree?

A. (Mr. Hightower) I would agree. I would agree.”<sup>31</sup>

...

---

<sup>30</sup> WQCC 23-84, TR., 8/9/2024, (McCurdy), at 50-51.

<sup>31</sup> WQCC 23-84, TR., 5/17/2024, (Hightower) at 294.

A. (Mr. Hightower) So what -- what I'm suggesting is that leave that open, that we're getting data, we're getting more data in, you know, the next six months, that -- that we're close enough that to leave this option open that treated produced water could be -- have a closer opportunity to being -- having standards identified for it in the next year-and-a-half to two years[.] ... I agree. I don't say we have enough information or standards today[.]<sup>32</sup>

**3. New Mexico Environment Department's five scientific experts testified that there is no science that demonstrates "treated" produced water can be safely discharged.**

The WATR Alliance Petition is in direct contradiction with the expert testimony of all NMED's scientific experts.

NMED's expert, Lei Hu, PhD., articulated the dangers of Permian Basin produced water:

[C]omprehensive characterization of Permian Basin-produced water is scant; there is limited data or information regarding the presence of NORM in Permian Basin -produced water: Radium-226 and 228, uranium-234 and 238, thorium-228 and 230, Polonium. Results show total radium, radium-226 and radium-228 has a mean level of 469.3 picocuries per liter. The concentrations of radioactive material is almost 100 times the water supply criterion in the State's standards for interstate and intrastate surface waters codified at 20.6.4 NMAC. B-T-E-X, which includes benzene, toluene and xylene has been detected in abundance in Permian Basin produced water. When the concentration is beyond the safe limits determined by science, exposure to radiation, BTEX and VOCs will pose a risk to human health.<sup>33</sup>

NMED's testimony was that the science has not reached a point at which protective regulations could feasibly be developed because without a complete characterization of Permian Basin produced water no standards can be set.<sup>34</sup>

---

<sup>32</sup> *Id.*, at 295-6.

<sup>33</sup> WQCC 23-84, TR., 5/16/2024, (Hu), at 250-253.

<sup>34</sup> WQCC 23-84, TR., 5/16/2024, (Fullam), at 119-121. (At 120: There are no standards.) (At 84-85, Kamat: there are unknown chemicals in treated produced water that we may not have standards for. ... we don't have a complete characterization of produced water, to perform a complete antidegradation analysis based on the water quality standards.) WQCC 23-84, TR., 5/16/2024, (Fullam), at 197. (Dodd: "We don't know the degree of risk that produced water, whether treated or untreated, poses to health, welfare and the environments? Ms. Fullam: That would be correct.")

Every NMED expert witness testified in favor of no discharge because there is no credible scientific proof<sup>35</sup> that discharge will not pose a threat to public health and the environment.<sup>36</sup>

**4. The WQCC decision to set the WATR Alliance Petition for hearing conflicts with the testimony of NMOGA's, NMPWRC's, and NMED's expert witnesses, and the state of the science.**

New Mexico Environment Secretary James Kenney stated publicly that his department lacks the staffing and resources for this new rulemaking, nevertheless he sanctioned its advancement. All New Mexico Environment Department staff experts acknowledged the scientific and practical limitations of permitting discharge under oath during cross examination during the evidentiary hearing last year, yet the Department's head, Secretary Kenney, (who was present as a Commissioner for the very first time for the vote to allow the WATR Alliance Petition to move forward) did not object to re-opening rulemaking just days before the more protective rule was set to take effect; Secretary Kenney refused to take an official position on behalf of the NMED regarding the WATR Alliance's patently defective new rule or whether

---

<sup>35</sup> According to the leading scientists studying Permian Basin produced water, the peer-reviewed laboratory results establish only that New Mexico has taken the very "first step" to assessing the toxicity and risk to human health and the environment: **"to properly assess risk, having an *a priori* understanding of the ecotoxicity effects of PW [produced water] to different organisms is necessary for both risk management and in helping to define the most toxic components and necessary treatment strategies prior to PW [produced water] discharge and reuse."** WQCC 23-84, Xu, P., Zhang, Y., Jiang, W., Hu, L., and Xu, X., 2022. *Characterization of Produced Water in the Permian Basin for Potential Beneficial Use*, Available at: <https://tinyurl.com/yc57swkx>.

<sup>36</sup> WQCC 23-84, NMED Bates Labeled Exhibits, NMED Exhibit 2, Written Direct Testimony Fullam, at 43 ("Because effective treatment methodologies are inherently dependent on the source water characteristics, unlike with domestic wastewaters, the types of methodologies to attain a consistent effluent quality for treated produced water are highly variable and site-specific. ... The Department does not have the data necessary to fully evaluate the characterization of raw produced water, appropriate treatment methodologies, potential effluent quality, safe handling practices, or safe disposal practices of the waste streams."); NMED Exhibit 3, Written Direct Testimony Herman, at 85 ("the Department has not been provided with the necessary research and data and therefore has not considered the possibility of a discharge permitting process associated with treated produced water."); NMED Bates Labeled Exhibits, NMED Exhibit 4, Written Direct Testimony Murphy, at 111-112 ("The limited availability of produced water quality data and the even more sparse information on treated produced water increases the uncertainty to a level that presently makes development of regulations for the discharge of treated produced water infeasible. **Without defensible, scientific evidence that produced water treatment is reliably safe and treatment technologies are effective at removing all known and unknown constituents, the Department is left with only one option which is to develop and propose a regulation that is restrictive and does not allow for the discharge of treated produced water in any manner. Until such time as there is meaningful, scientific proof that a use, application, or discharge will not pose a threat to the public, the restrictive nature of the proposed regulation is the only method of oversight that is supported by the Department.**" (Emphasis supplied.)

NMED would present expert testimony at the rulemaking. There appears to be a conflict between the Governor's and Secretary Kenney's wishes to authorize reuse and the rank and file expert scientists in the Environment Department.

In the prior proceeding, the Commission considered and declined to authorize the discharge of treated produced water, due to the absence of a scientific basis to support discharge. WQCC Order, e.g. Findings 19-22, 81. Here, the WATR Alliance asks the Commission to authorize discharges of treated produced water that the Commission just rejected, and the WATR Alliance has failed to specify *any* scientific evidence that would warrant a new hearing. Therefore, there are no new issues for the Commission to decide. The issues and facts are the same as the prior proceeding, and the preclusive doctrines of res judicata and collateral estoppel apply.

**C. The purposes of the prior and current proceedings are the same, and they fit the purpose of the preclusion doctrines.**

As stated above, the preclusion doctrines of res judicata and collateral estoppel exist to prevent the endless relitigation of issues that have already been decided. With no new issues to decide, the same parties should not have to relitigate WQCC 23-84 (R). Doing so would only serve to exhaust the resources of parties who have already successfully litigated these issues. Movants New Energy Economy, the Center for Biological Diversity, Mario Atencio, and Daniel Tso, were also Parties to WQCC 23-84. All expended significant resources and time over the 18-month process that included eleven days of hearing and two days of Commission deliberations. New Energy Economy, a small non-profit had two attorneys working throughout the hearing, cross-examined more than a dozen witnesses, had three expert witnesses who were cross-examined for approximately 2.5 days time and spent more than \$100,000 on the case, not

including the salary of its Executive Director. New Energy Economy drafted a proposed rule, which was used as a basis for the final rule, Part 8, in Title 20, Chapter 6 – Ground and Surface Water Protection—Supplemental Requirements for Water Reuse.

New Energy Economy, WildEarth Guardians, Samuel Sage, Daniel Tso and Mario Atencio successfully put forth the position that any use of produce water off the oilfield requires a permit process pursuant to NMSA 1978 70-13-4 D. The Water Quality Act provides that permits are subject to conditions of approval or denial, and that proper notice must be given to the public and governmental entities “whose water may be affected” by the issuance, renewal or modification of a permit.<sup>37</sup> The Water Quality Act further provides that there must be opportunity for a public hearing on permit applications.<sup>38</sup> They averred further that the Notice of Intent (NOI) process included in NMED’s proposed rule did not satisfy the permit requirement in the Produced Water Act and the Water Quality Act and did not adhere to permit requirements outlined in the Water Quality Act and under New Mexico Supreme Court rulings. The rule ultimately adopted by the Commission on May 24, 2025, correctly requires a permit for all pilot projects. 20.6.8.400 C. NMAC.

Additionally, the same parties took the position that because the NMED has testified that it cannot issue a discharge permit without scientific standards, and the department can’t develop those standards without credible scientific data and because that evidence does not yet exist, as is required by statute<sup>39</sup> and legal precedent,<sup>40</sup> a rule that permits issuance of a discharge of “treated”

---

<sup>37</sup> NMSA 1978, § 74-6-5(E) and (F).

<sup>38</sup> NMSA 1978, § 74-6-5(G).

<sup>39</sup> Water Quality Act, NMSA 1978, §§ 74-6-4(D) (E) and (K).

<sup>40</sup> *N.M. Mining Assn. v. Water Quality Control Comm’n*, 2007-NMCA-084, ¶ 12, 142 N.M. 200, 205 (citing *Bokum Res. Corp. v. N.M. Water Quality Control Comm’n*, 93 N.M. 546, 553, 603 P.2d 285, 292 (1979)).

produced water is contrary to law and would also result in plain error. This position was also adopted by the Commission in its final rule. 20.6.8.400 A. NMAC.

Last, WildEarth Guardians also argued successfully that because treated produced water does not enjoy the same exemption from the hazardous waste act, as does oil and gas, for instance, persons implementing pilot projects must quantify and characterize how liquid and solid waste will be disposed of in a manner that is protective of human health and the environment. 20.6.8.400 C (3). NMAC.

New Mexicans were outspoken against produced water reuse and more than 100 persons provided public comment to that effect; there were also numerous opinion editorials in newspapers of wide circulation that printed statements in opposition to produced water reuse and discharge.<sup>41</sup> Legislators weighed in as well, giving in person public comment and more than two dozen wrote a letter to the Commission on official letterhead decrying the discharge and reuse of produced water off the oilfield. From all corners of the state, New Mexicans contributed financially to New Energy Economy to wage their battle against oil and gas fracking waste being “treated” and then discharged across the state for a range of industrial, agricultural, and commercial uses.

After the rule-making hearing was complete, WQCC had significant statutory discretion to weigh the evidence presented at the rule-making hearings. WQCC must adopt water quality standards for surface and ground waters of the state that are “**based on credible scientific data and other evidence appropriate under the Water Quality Act.**” NMSA 1978, § 74-6-4(D) (2009).

---

<sup>41</sup> See, for instance, an Op-Ed written by New Mexico State Land Commissioner, Stephanie Garcia Richard, “Water rule needs reuse safeguards,” on May 12, 2024, [https://www.santafenewmexican.com/opinion/my\\_view/water-rule-needs-reuse-safeguards/article\\_4e6be78a-0f10-11ef-9018-eb2430965409.html](https://www.santafenewmexican.com/opinion/my_view/water-rule-needs-reuse-safeguards/article_4e6be78a-0f10-11ef-9018-eb2430965409.html)

As parties presenting technical testimony in WQCC 23-84, New Energy Economy, the Center for Biological Diversity, WildEarth Guardians, and Amigos Bravos/Sierra Club, not only assumed roles that required additional responsibilities and preparation, but also presented the very kind of evidence that directly informed the administrative agency decisions on whether to adopt 20.6.8 NMAC, “Ground and Surface Water Protection – Supplemental Requirements for Water Reuse”.

The resulting injury to the Movants herein is self-evident: they stand to lose everything as, of course, does the public and the environment. Having made significant and *successful* investments of time and financial resources to secure adoption of Part 8, these groups stand to see their gains erased while they are forced to fight now on two fronts: the appellate court and a relitigation before the WQCC. *New Energy Economy v. Vanzi*, 2012-NMSC-005, ¶ 27, 274 P.3d 53.

**D. The WATR Alliance’s Petition is deficient on its face — there is no scientific evidence alleged in support of it or undergirds its promulgation.**

The petition is utterly deficient. There is no reference to science in the WATR Alliance Petition. This in and of itself was the crux of WQCC 23-84, when the Commission found that there was no scientific evidence in which to base “treated” produced water discharge and reuse.<sup>42</sup> Without any specification of the treatment methods and the capacity to remove all organic,

---

<sup>42</sup> WQCC 23-84, Statement of Reasons, at 5, ¶21, (“At the present time, there is insufficient scientific support for the proposition that any discharges of treated or untreated produced water would be protective of ground or surface water.”); at 15, ¶ 80 (“The PWA, [Produced Water Act] NMSA 1978, § 70-13-4(D), states that a permit from the Environment Department must be obtained for uses regulated by the Water Quality Control Commission before using untreated or treated produced water, or any byproduct of the produced water. This requirement must be read in harmony with the WQA [Water Quality Act], which requires such regulations to be adopted to prevent or abate water pollution and to which the regulations may specify a standard, based on credible scientific data and other evidence including the degree of injury to or interference with health, welfare, environment and property, and federal water quality requirements.); at 22, ¶ 118 (“Additional credible scientific data must be provided in a format the Department can use to develop regulations for the discharge of treated produced water in a manner that protects ground and surface water quality.”)

inorganic, and radioactive materials from oil produced water, and without toxicological standards, the rule is inadequate and cannot be used for discharging and reusing oil produced water in New Mexico.<sup>43</sup> The WATR Alliance Petition skirts an obligation to comply with the rule, which could amount not only to technical violations, but far more importantly, a foreseeable act of pollution, contamination, pollution and injury — all likely to cause irreparable harm.<sup>44</sup> Nor are the essential elements inferable from what is offered in the petition.<sup>45</sup>

The essential elements of a Petition are a prerequisite to the granting of the relief sought; the following shortcomings are determinative:

1. Pages 29-46, Appendix 1: This Appendix must be complete with numeric values for the upper and lower bounds of the matrix to determine the character and degree of injury to or interference with health, welfare, environment and property.<sup>46</sup> These

---

<sup>43</sup> WQCC 23-84, Rebuttal technical testimony and exhibits of Dr. Avner Vengosh, May 6, 2024, and his oral testimony on August 7, 2024.

<sup>44</sup> New Energy Economy expert Norm Gaume, PE., testified about the lack of any “treatment” standards and the resulting irreparable harm that would be caused, if discharge was authorized:

The Water Quality Act requires that we cannot short circuit scientific research and data that meets the standards of science by allowing disposal by reuse[.] ... Despite NMED’s and NMOGA’s admission that fluid oil and gas waste contains radioactivity, PFAS, carcinogenic chemicals, and other extremely and highly toxic compounds[.] [Y]ou’ve heard the evidence, there is no known treatment at scale that addresses this level of combinations of dangerous toxicity. ...

You, Water Quality Control Commission members are the protectors, the regulators. You stand in between public health and safety of New Mexico and protection of the environment and the oil and gas burgeoning waste problem. The oceans of waste oil and gas is creating, four million barrels a day, is their problem. You cannot allow them to dispose of it by spreading this toxic stuff all over New Mexico, without the science to say it’s safe. And it’s not.

It is my professional opinion that [the possibility of discharge of treated produced water to groundwater] could cause irreparable harm to New Mexican’s public health, safety, and welfare, including potentially fatal radiation exposures to treatment plant workers and the risk of public exposure to highly toxic fracking additives and carcinogenic oil and gas compounds that the Environment department’s technical experts testified about.

WQCC 23-84, TR., 8/5/2024, (Gaume), at 137-143.

<sup>45</sup> *Birdo v. Rodriguez*, 1972-NMSC-062, ¶10, 501 P. 2d 195, 197.

<sup>46</sup> NMSA 1978, § 74-6-4E (1).

numeric values are required before the WATR Alliance Petition can be considered regulatory. Without the numeric definition for each possible water contaminate the proposed appendix has no value and cannot be used to show how an operator could come into compliance.

2. Page 1 (unnumbered): “The proposed amendments and additions to Part 8 propose to regulate the discharge or other use of treated produced water....” How could these proposed amendments be considered complete and finished and scientifically-based if the toxicological standards of the final product are not quantified with specificity? It cannot.
3. Page 3: “5. The purpose of the proposed amendments to Part 8 are to regulate the discharge and use of treated produced water via permit and thus regulate the movement of contaminants into groundwater or surface waters of the state.” The proposed amendments to Part 8 would authorize the use of treated produced water, without any toxicological standards, be discharged into groundwater or surface waters of the state; this involves enormous risk of injury to human health and the environment by allowing toxic radioactive fluid, which is not fit for human consumption, to contaminate surface soils and cause a hazardous condition for future land use. Again, this indicates the incomplete and unfinished nature of these rule amendments.

Because there is no objective scientific evidence presented by the WATR Petitioners that treated produced water can be safely discharged and reused and the Rule lacks the toxicological standards necessary to institute regulatory action the application is deficient on its face and

would lead to the contamination of land and water and pose a risk to New Mexicans, animals, fish and wildlife contrary to the Water Quality Act.

## **V. Position of the Parties**

NEE sought the position of the parties and can state: The WATR Alliance, Select Water Solutions, Inc., Oxy USA, Inc., and Nick Maxwell oppose the Motion. WildEarth Guardians supports the motion. Bruce Wetherbee does not oppose. No other party responded.

## **VI. Conclusion**

The preclusion doctrines of res judicata and collateral estoppel preclude the current rulemaking proceeding. The parties are the same or are in privity with those from WQCC 23-84 (R). There are no new issues to decide in this proceeding that were not considered in the prior proceeding and the prior proceeding resulted in a final order. WATR members had a full and fair opportunity to litigate the prior proceeding, and those that did not actually litigate it chose not to intervene.

Significant administrative resources have been spent on the successful resolution of how produced water should be used off the oil field, and the Commission's decision is clear: no discharge and no reuse is allowed, but permitted pilot projects may be authorized under strict conditions that protect human health and the environment. This is consistent with the law and with science. Rejecting the WATR Alliance Petition is the only option consistent with law; to decide otherwise would be contrary to the preclusion doctrines and the public interest. To decide otherwise would set a dangerous precedent that undermines the public participation process and the public interest: that corporate interests with sufficient money can relitigate an issue by proxy

until they reach their desired outcome, while smaller organizations and the public are inevitably drained of their limited financial resources and bandwidth. Because Movants do not have the same financial resources and an army of lawyers as the oil and gas industry, Movants should not be forced to relitigate issues they devoted significant time and resources to over the last 18 months during the prior proceeding.

WHEREFORE, Movants respectfully request that this Commission grant their motion and deny the current petition for rulemaking in WQCC 25-34 (R).

Respectfully submitted this 24th day of July, 2025,

NEW ENERGY ECONOMY

By: /s/ Mariel Nanasi  
Mariel Nanasi  
Attorney for New Energy Economy  
422 Old Santa Fe Trail  
Santa Fe, NM 87501  
[MNanasi@NewEnergyEconomy.org](mailto:MNanasi@NewEnergyEconomy.org)  
505.469.4060.

THE CENTER FOR BIOLOGICAL DIVERSITY

By: /s/ Gail Evans  
Colin Cox  
Gail Evans  
Center for Biological Diversity  
1025 ½ Lomas NW  
Albuquerque, NM 87102  
Phone: (832) 316-0580  
Email: [ccox@biologicaldiversity.org](mailto:ccox@biologicaldiversity.org)  
Email: [gevans@biologicaldiversity.org](mailto:gevans@biologicaldiversity.org)

Daniel Tso  
detso49@gmail.com

Mario Atencio  
mpatencio@gmail.com

**STATE OF NEW MEXICO  
BEFORE THE WATER QUALITY CONTROL COMMISSION**

IN THE MATTER OF PROPOSED NEW  
RULE 20.6.8 NMAC –  
*Ground and Surface Water Protection –  
Supplemental Requirements  
For Reuse of Treated Produced Water*

No. WQCC 25-34 (R)

**Certificate of Service**

I hereby certify that on July 24, 2025, a copy of the foregoing Motion was emailed to the persons listed below.

Pamela Jones  
Commission Administrator  
Water Quality Control Commission  
1190 Saint Francis Drive, Suite S2102  
Santa Fe, New Mexico 87505  
Pamela.jones@state.nm.us

Felicia Orth  
Hearing Officer  
Water Quality Control Commission  
1190 Saint Francis Drive, Suite S2102  
Santa Fe, New Mexico 87505  
Felicia.l.orth@gmail.com

Eduardo Ugarte II  
Assistant Attorney General  
Office of the New Mexico Attorney General  
P.O. Box 1508  
Santa Fe, New Mexico 87504  
EUgarte@nmdoj.gov  
nmontoya@nmdoj.gov

Andrew Knight  
Assistant General Counsel  
Office of General Counsel  
New Mexico Environment Department  
1190 St. Francis Drive  
Santa Fe, New Mexico 87505  
Andrew.Knight@env.nm.gov

Nicolas Maxwell  
P.O. Box 1064  
Hobbs, New Mexico 88241  
inspector@sunshineaudit.com

Jeffrey J. Wechsler  
Louis W. Rose  
Kari E. Olson  
Sharon T. Shaheen  
P.O. Box 2307  
Santa Fe, New Mexico 87504  
(505) 982-3873  
jwechsler@montand.com  
lrose@montand.com  
kolson@montand.com  
sshaheen@montand.com  
*Attorneys for New Mexico Oil and Gas  
Association*

Tannis Fox  
Western Environmental Law Center  
409 East Palace Avenue, #2  
Santa Fe, New Mexico 87501  
505.629.0732  
fox@westernlaw.org  
*Attorney for Amigos Bravos and Sierra Club*

Jolene L. McCaleb  
Elizabeth Newlin Taylor  
Taylor and McCaleb, P.A.  
P.O. Box 2540  
Corrales, NM 87048-2540  
(505) 888-6600  
(505) 888-6640 (facsimile)  
jmccaleb@taylormccaleb.com  
etaylor@taylormccaleb.com  
*Attorneys for Select Water Solutions, Inc.*

Bradfute Sayer Consulting & Legal Services  
Jennifer Bradfute  
Matthias Sayer  
(505) 264-8740  
jennifer@bradfutelaw.com  
matthias@bradfutelaw.com  
*Attorneys for WATR Alliance*

HOLLAND AND HART, LLP  
Adam Rankin  
Cris Mulcahy  
Lila Jones  
110 N. Guadalupe, Suite 1  
Santa Fe, NM 87501  
(505) 988-4421  
AGRRankin@hollandhart.com  
CAMulcahy@hollandhart.com  
LCJones@hollandhart.com  
*Attorneys for OXY USA, Inc.*  
Luis Lopez  
New Mexico Environment Dept.  
luis.lopez@env.nm.gov

Samuel Sage  
samuel.sage@dine-care.org

Bruce Wetherbee  
The Candle  
editor@thecandlepublishing.com

Form **990**  
Department of the Treasury  
Internal Revenue Service

# Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)  
Do not enter social security numbers on this form as it may be made public.  
Go to [www.irs.gov/Form990](http://www.irs.gov/Form990) for instructions and the latest information.

OMB No. 1545-0047  
**2023**  
Open to Public Inspection

**A** For the 2023 calendar year, or tax year beginning 01-01-2023, and ending 12-31-2023

**B** Check if applicable:  
 Address change  
 Name change  
 Initial return  
 Final return/terminated  
 Amended return  
 Application  
 Pending

**C** Name of organization  
**NEW MEXICO OIL & GAS ASSOCIATION**

Doing business as

Number and street (or P.O. box if mail is not delivered to street address) Room/suite  
PO BOX 1864

City or town, state or province, country, and ZIP or foreign postal code  
SANTA FE, NM 87504

**D** Employer identification number  
85-0056996

**E** Telephone number  
(505) 982-2568

**G** Gross receipts \$ 3,567,757

**F** Name and address of principal officer:  
MISSI CURRIER  
PO BOX 1864  
SANTA FE, NM 87504

**H(a)** Is this a group return for subordinates?  Yes  No  
**H(b)** Are all subordinates included?  Yes  No  
If "No," attach a list. See instructions.  
**H(c)** Group exemption number

**I** Tax-exempt status:  501(c)(3)  501(c) ( 6 ) (insert no.)  4947(a)(1) or  527

**J** Website: [WWW.NMOGA.ORG](http://WWW.NMOGA.ORG)

**K** Form of organization:  Corporation  Trust  Association  Other

**L** Year of formation: 1929

**M** State of legal domicile: NM

## Part I Summary

**1** Briefly describe the organization's mission or most significant activities:  
TO PROMOTE THE SAFE AND RESPONSIBLE DEVELOPMENT OF OIL AND GAS RESOURCES IN NEW MEXICO THROUGH ADVOCACY, COLLABORATION, AND EDUCATION.

**2** Check this box  if the organization discontinued its operations or disposed of more than 25% of its

**3** Number of voting members of the governing body (Part VI, line 1a) . . . . .

**4** Number of independent voting members of the governing body (Part VI, line 1b) . . . . .

**5** Total number of individuals employed in calendar year 2023 (Part V, line 2a) . . . . .

**6** Total number of volunteers (estimate if necessary) . . . . .

**7a** Total unrelated business revenue from Part VIII, column (C), line 12 . . . . .  
Net unrelated business taxable income from Form 990-T, Part I, line 11 . . . . .

**Exhibit A**

	Prior Year	Current Year
<b>8</b> Contributions and grants (Part VIII, line 1h) . . . . .	2,693,099	2,630,255
<b>9</b> Program service revenue (Part VIII, line 2g) . . . . .	744,063	831,945
<b>10</b> Investment income (Part VIII, column (A), lines 3, 4, and 7d) . . . . .	0	105,557
<b>11</b> Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	0	0
<b>12</b> Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	3,437,162	3,567,757

<b>13</b> Grants and similar amounts paid (Part IX, column (A), lines 1-3) . . . . .	0	0
<b>14</b> Benefits paid to or for members (Part IX, column (A), line 4) . . . . .	0	0
<b>15</b> Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)	1,186,609	1,030,844
<b>16a</b> Professional fundraising fees (Part IX, column (A), line 11e) . . . . .	0	0
<b>b</b> Total fundraising expenses (Part IX, column (D), line 25) 0		
<b>17</b> Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e) . . . . .	1,564,023	1,654,838
<b>18</b> Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)	2,750,632	2,685,682
<b>19</b> Revenue less expenses. Subtract line 18 from line 12 . . . . .	686,530	882,075

	Beginning of Current Year	End of Year
<b>20</b> Total assets (Part X, line 16) . . . . .	4,326,361	6,801,977
<b>21</b> Total liabilities (Part X, line 26) . . . . .	841,325	2,357,243
<b>22</b> Net assets or fund balances. Subtract line 21 from line 20 . . . . .	3,485,036	4,444,734

## Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

**Sign Here** Signature of officer: MISSI CURRIER, PRESIDENT AND CEO Date: 2024-10-07  
Type or print name and title

**Paid Preparer Use Only** Print/Type preparer's name: WHITLEY PENN LLP Preparer's signature: Date: Check  if self-employed PTIN: P01614538  
Firm's name: WHITLEY PENN LLP Firm's EIN: 75-2393478  
Firm's address: 7100 E TEXAS HIGHWAY 191 STE 400, ODESSA, TX 79765 Phone no.: (432) 362-3800

**Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors**

Check if Schedule O contains a response or note to any line in this Part VII

**Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees**

**1a** Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
- List all of the organization's **current** key employees, if any. See the instructions for definition of "key employee."
- List the organization's five **current** highest compensated employees (other than an officer, director, trustee or key employee) who received reportable compensation (box 5 of Form W-2, box 6 of Form 1099-MISC, and/or box 1 of Form 1099-NEC) of more than \$100,000 from the organization and any related organizations.
- List all of the organization's **former** officers, key employees, or highest compensated employees who received more than \$100,000 of reportable compensation from the organization and any related organizations.
- List all of the organization's **former directors or trustees** that received, in the capacity as a former director or trustee of the organization, more than \$10,000 of reportable compensation from the organization and any related organizations.

See the instructions for the order in which to list the persons above.

Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

(A) Name and title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC/1099-NEC)	(E) Reportable compensation from related organizations (W-2/1099-MISC/1099-NEC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
(1) MISSI CURRIER PRESIDENT AND CEO (PARTIAL YEAR)	40.00	X		X				118,750	0	1,108
(2) JOE VIGIL DIRECTOR OF COMMUNICATIONS	40.00	X						169,650	0	4,860
(3) ABENICIO E BALDONADO DIRECTOR OF COMMUNITY ENGAGEMENT	40.00	X						100,440	0	7,092
(4) DOUGLAS R ACKERMAN PRESIDENT AND CEO (PARTIAL YEAR)	40.00	X		X				191,000	0	1,102
(5) MARCELLUS DAVIS MEMBERSHIP ENGAGEMENT COORDINATOR	40.00	X						2,042	0	0
(6) DAVID DEL MAURO MARKETING DIRECTOR	40.00	X						70,000	0	4,096
(7) MEGAN MAESTAS GOVERNMENT AFFAIRS DIRECTOR	40.00	X						123,750	0	4,500
(8) ASHLEY WAGNER VP GOVERNMENT AFFAIRS	40.00	X						8,667	0	0
(9) ALEX CAMPBELL CHAIRMAN (PARTIAL YEAR)	0.60	X		X				0	0	0
(10) BETTY READ-YOUNG CHAIRMAN (PARTIAL YEAR), EXEC COMMITTEE (FULL YEAR)	0.60	X		X				0	0	0
(11) BRET FOX SECRETARY	0.60	X		X				0	0	0
(12) JUSTIN FURNACE VICE CHAIRMAN	0.60	X		X				0	0	0
(13) RICK CANNON TREASURER	0.60	X		X				0	0	0
(14) ALLEN FORE EXEC COMMITTEE	0.60	X						0	0	0
(15) AUDREY ROBERTSON EXEC COMMITTEE	0.60	X						0	0	0
(16) BUTCH MATHEWS EXEC COMMITTEE	0.60	X						0	0	0
(17) CHRIS FLING EXEC COMMITTEE	0.60	X						0	0	0

**Part VII Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees** (continued)

(A) Name and title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC/1099-NEC)	(E) Reportable compensation from related organizations (W-2/1099-MISC/1099-NEC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
(18) CLIFF BRUNSON EXEC COMMITTEE	0.60	X						0	0	0
(19) CLINT WALKER EXEC COMMITTEE	0.60	X						0	0	0
(20) DEREK ALBRO EXEC COMMITTEE	0.60	X						0	0	0
(21) GABRIELLE GERHOLT EXEC COMMITTEE	0.60	X						0	0	0
(22) JAMES PINCHBACK EXEC COMMITTEE	0.60	X						0	0	0
(23) JOHN ALEXANDER EXEC COMMITTEE	0.60	X						0	0	0
(24) JOSH JEMENTE EXEC COMMITTEE	0.60	X						0	0	0
(25) KEN WAITS EXEC COMMITTEE	0.60	X						0	0	0
(26) MATTHIAS SAYER EXEC COMMITTEE	0.60	X						0	0	0
(27) SCOTT NEAL EXEC COMMITTEE	0.60	X						0	0	0
(28) STEPHEN FLAHERTY EXEC COMMITTEE	0.60	X						0	0	0
(29) TOM HELLMAN EXEC COMMITTEE	0.60	X						0	0	0
(30) TOM JANISZEWSKI EXEC COMMITTEE	0.60	X						0	0	0
(31) VAN SINGLETON EXEC COMMITTEE	0.60	X						0	0	0
(32) VINCENT DICOSIMO EXEC COMMITTEE	0.60	X						0	0	0
<b>1b Sub-Total</b>										
<b>c Total from continuation sheets to Part VII, Section A</b>										
<b>d Total (add lines 1b and 1c)</b>								784,299	0	22,758

**2** Total number of individuals (including but not limited to those listed above) who received more than \$100,000 of reportable compensation from the organization 5

	Yes	No
<b>3</b> Did the organization list any <b>former</b> officer, director or trustee, key employee, or highest compensated employee on line 1a? <i>If "Yes," complete Schedule J for such individual</i>		No
<b>4</b> For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than \$150,000? <i>If "Yes," complete Schedule J for such individual</i>	Yes	
<b>5</b> Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? <i>If "Yes," complete Schedule J for such person</i>		No

**Section B. Independent Contractors**

**1** Complete this table for your five highest compensated independent contractors that received more than \$100,000 of compensation from the organization. Report compensation for the calendar year ending with or within the organization's tax year.

(A) Name and business address	(B) Description of services	(C) Compensation
JOHN SMITHERMAN 3612 BRIARHAVEN ROAD FORT WORTH, TX 76109	CONSULTING	173,200

**2** Total number of independent contractors (including but not limited to those listed above) who received more than \$100,000 of compensation from the organization 1

# NMOGA

NEW MEXICO OIL AND GAS ASSOCIATION

Exhibit B

2017 - 2018 Board of Directors

**Chairman**

Ken Waits  
Mewbourne Oil Co.

**Vice Chairman**

Derek Albro  
Devon Energy Corp.

**Chairwoman-Elect**

Claire Manatt Chase  
Mack Energy Corp

**Treasurer**

Eric Dillé  
EOG Resources

**Secretary**

Scott Kidwell  
Concho Resources

John Alexander  
Dugan Production Corp.

Roger Alexander  
Cimarex Energy Co.

Blake Barfield  
HollyFrontier

Joe Cardenas  
Exxon/XTO Energy

Bret Fox  
DCP Midstream

Justin Furnace  
Hilcorp Energy Co.

Leland Gould  
Andeavor Corp.

Curtis Gurley  
Aztec Well Servicing, Co.

Thomas Janiszewski  
Occidental Petroleum Corp.

Kyle Kerr  
BP America

David McKay  
Chevron, U.S.A., Inc.

Jay Paul McWilliams  
Logos Resources, LLC

Raye Miller  
Regeneration Energy Corp.

Chad Odegard  
WPX Energy

Nick Olds  
ConocoPhillips

Betty Read Young  
Read & Stevens

John Smitherman  
BESCO Operating, L.P.

Mark Veteto  
Me-Tex Oil & Gas, Inc.

Clint Walker  
CUDD Energy Services

Callie Zazzi  
EnerVest Ltd.

Cliff Brunson, Past Chairman  
BBC International, Inc

Ryan Flynn, Executive Director

Attached is the NMOGA's membership application and committee selection form.

The purpose of the New Mexico Oil & Gas Association is to provide a collective forum through which the oil and gas industry can interface with the New Mexico political system and the public in general. The Association provides a means whereby members may work together effectively to stimulate business and avoid discriminatory, unfair, or unnecessary regulation or legislation harmful to the conduct of the oil and gas business in New Mexico.

The Association expects to provide its members with comprehensive and helpful information on subjects relating to the industry which it encompasses. This includes, but is not limited to, the leasing of properties, exploration, development, drilling, production, natural gas, transportation, refining, and marketing of oil and gas within the state of New Mexico. The Association extends its work by compiling pertinent data and instituting appropriate public and government affairs programs.

The minimum 2018 dues are \$1,000 for small oil or gas producers, service companies, \$2,000 minimum for refiners and processors, pipeline transporters, and \$1,700 for affiliate members (attorneys, accountants, banks, consultants).

We invite you to become a member of NMOGA. Simply complete and return the enclosed membership forms with your payment. If you have further questions, don't hesitate to contact us.



2017 - 2018 Board of Directors

**Chairman**  
Ken Waits  
Mewbourne Oil Co.

**Vice Chairman**  
Derek Albro  
Devon Energy Corp.

**Chairwoman-Elect**  
Claire Manatt Chase  
Mack Energy Corp

**Treasurer**  
Eric Dillé  
EOG Resources

**Secretary**  
Scott Kidwell  
Concho Resources

John Alexander  
Dugan Production Corp.

Roger Alexander  
Cimarex Energy Co.

Blake Barfield  
HollyFrontier

Joe Cardenas  
Exxon/XTO Energy

Bret Fox  
DCP Midstream

Justin Furnace  
Hilcorp Energy Co.

Leland Gould  
Andeavor Corp.

Curtis Gurley  
Aztec Well Servicing, Co.

Thomas Janiszewski  
Occidental Petroleum Corp.

Kyle Kerr  
BP America

David McKay  
Chevron, U.S.A., Inc.

Jay Paul McWilliams  
Logos Resources, LLC

Raye Miller  
Regeneration Energy Corp.

Chad Odegard  
WPX Energy

Nick Olds  
ConocoPhillips

Betty Read Young  
Read & Stevens

John Smitherman  
BESCO Operating, L.P.

Mark Veteto  
Me-Tex Oil & Gas, Inc.

Clint Walker  
CUDD Energy Services

Callie Zazzi  
EnerVest Ltd.

Cliff Brunson, Past Chairman  
BBC International, Inc

Ryan Flynn, Executive Director

\_\_\_\_\_  
Date

### MEMBERSHIP APPLICATION

Please furnish the following information and return the MEMBERSHIP APPLICATION to the Association office together with the COMMITTEE FORM and your check for 2018 dues. If you have any questions, please do not hesitate to contact us at (505) 982-2568.

\_\_\_\_\_  
Name of Company

\_\_\_\_\_  
Individual representing above company

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Telephone Number and E-Mail Address

\_\_\_\_\_  
Type of petroleum-related business conducted in New Mexico

\_\_\_\_\_  
Signature of Applicant or Agent

**Internal Use:**

Approved - voting member \_\_\_\_\_

Approved - affiliate member \_\_\_\_\_

Approved - associate member \_\_\_\_\_

New Mexico Oil & Gas Association  
P. O. Box 1864 Santa Fe, NM 87504-1864 · 123 W. Booth St., Santa Fe, NM 87505  
Phone 505 982-2568 FAX 505 986-1094  
www.nmoga.org

---

GENERAL, COMMITTEE, AND LEGISLATIVE MAILINGS

The work of the Association is accomplished to a great extent through various committees. Only through the concerted, voluntary, expert efforts of committee members are we able to competently pursue the increasing variety of regulatory and legislative issues and arrive at an industry position.

Please indicate below the committee or committees in which you are interested. Do not hesitate to indicate more than one committee and return this form with your membership application. This will not obligate you to actively participate. However, you will receive reports and notices of that committee's activities.

Environmental Affairs

Communications/Public Affairs

General Taxes

Indian Affairs

Legal Affairs

NW Public Lands

Regulatory Practices

Legislative Report (weekly summary during legislative sessions)

SE Public Lands

State Legislative Affairs

If you would like to add another individual in your company to the mailing list complete below.

PLEASE ADD THE FOLLOWING INDIVIDUAL TO THE MAILING LIST:

---

Name/Company

---

Address

---

City, State, Zip

---

Phone Number, E-Mail