

Hon. William F. Lang, Chair
State Ethics Commission
800 Bradbury Dr., SE, Suite 215
Albuquerque, N.M. 87106

Via Email: Ethics.Commission@sec.nm.gov

To: Chairman and Commissioners,

From:
Mariel Nanasi, New Energy Economy
Samuel Sage
Daniel Tso

American Friends Service Committee – New Mexico
Citizens for Fair Rates and the Environment
Climate Change Leadership Institute
Common Ground Rising
Concerned Citizens for Nuclear Safety
Earth Care
Honor Our Pueblo Existence (H.O.P.E.)
Indivisible Albuquerque
Interfaith Worker Justice
Los Jardines Institute
New Mexico Social Justice Equity Institute
Physicians for Social Responsibility
Renewable Taos
Rio Arriba Concerned Citizens
Tewa Women United
Youth United for Climate Crisis Action

Date: June 10, 2024

We are writing to make a formal complaint against Krista McWilliams, a member of the Water Quality Control Commission (“WQCC”) for her personal and professional conflicts of interest and her failure as a Commissioner to file financial disclosures required under law. Joint Complainants, more fully described below, are calling for a full investigation into apparent “real and potential conflicts of interest,” pursuant to New Mexico’s Governmental Conduct Act, NMSA 1978, § 10-16-1 *et seq.*, the Financial Disclosure Act, NMSA 1978, §10-16A-1 *et seq.*, and the Water Quality Act, NMSA 1978 § 74-6-3(B).

We ask you to use your authority under the State Ethics Commission Act, NMSA 1978, Section 10-16G-1 *et seq.*, to investigate the activities of Krista McWilliams, who as described below and in the attached, has conflicts of interest arising from her and her husband’s interests and affiliations with [LOGOS Energy, LLC.](#), (also known as LOGOS Resources II and LOGOS Operating, LLC) (“LOGOS”), and investigate Ms. Williams for potential violations of the Governmental Conduct Act, Financial Disclosure Act, Water Quality Act, and other applicable statutes within your enforcement jurisdiction consistent with NMSA 1978, Section 10-16G-9.

I. Background

1. On or about December 27, 2023 the Water Protection Division of the New Mexico Environment Department (“Department”) filed a Petition, Case No. WQCC 23 - 84 (R), with the WQCC to adopt a new part within Title 20, Chapter 6 of the New Mexico Administrative Code (“NMAC”). The proposed Part 8 is entitled “Ground and Surface Water Protection – Supplemental Requirements for Water Reuse,” and proposes to supplement the existing Ground and Surface Water Protection Regulations found at 20.6.2 NMAC. (“Reuse Rule”)

2. The Reuse Rule applies to all persons intending to reuse produced wastewater in their operations outside of the oil fields.¹

3. For every barrel of oil produced in New Mexico, four to six barrels of “fluid oil and gas waste”, redefined by the oil and gas industry as “produced water” are produced; while the waste contains “water,” it is highly contaminated. Produced water is highly saline and contains a toxic soup of suspended particles, dissolved mineral salts, organic compounds (e.g., volatile and semi-volatile organic compounds (VOCs and SVOCs), petroleum hydrocarbons, organic acids, and oils), naturally- occurring radioactive material (NORM), other inorganic constituents (e.g., sulfide and ammonia), and chemical additives which endanger human health and the environment.

4. “Reuse” is defined in the Reuse Rule, in relevant part, as originating from produced water sources, that has undergone a level of treatment appropriate for an application

¹ *First Amended Petition, Statement of Reasons*, p. 3, ¶4; <https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/03/2024-03-20-WQCC-23-84-First-Amended-Petition-pj.pdf>

such as agriculture, irrigation, potable water supplies, aquifer recharge, industrial processes, or environmental restoration.²

5. Krista McWilliams is a member of the Water Quality Control Commission.³ Despite being appointed on April 14, 2023 (retroactive to January 1, 2023),⁴ Commissioner McWilliams has not filed a financial disclosure statement with the Secretary of State since the appointment.

6. On January 9, 2024, a meeting of the WQCC was held. Among the official business, a vote was held to proceed on the Department's proposed Reuse Rule.⁵ In accordance with the approved vote, Bruce Thomson, as Commission Chair of the WQCC, issued an Order Designating a Hearing Officer and ordered the Hearing Officer to issue a scheduling order setting the date, time, and location of a hearing.⁶

7. On April 16, 2024, independent party Nicholas Maxwell filed into the record a *Maxwell's Motion to Disqualify and Memorandum Brief in Support*, moving to disqualify WQCC members for failing to disclose their financial interests; among those members Mr. Maxwell listed was Krista McWilliams.⁷ Mr. Maxwell relied on, among other authorities, the Governmental Conduct Act, the Financial Disclosure Act, and the Water Quality Act. There were numerous filings in response.

8. On May 10, 2024, New Energy Economy, the Center for Biological Diversity, and WildEarth Guardians filed into the record, *Motion to Cure Jurisdictional Infirmity in Order to Avoid Undue Delay*, moving to cancel the hearing, "dismiss this case, [] each commissioner file the financial disclosures required under NMSA 1978, § 74-6-3(B), and that NMED, in

² *Second Amended Petition*, proposed 20.6.8.7(R)(4); <https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/05/Second-Amended-Proposed-Reuse-Rule-2024-05-06-Txt-of-Current-Prpsd-Rule.pdf> ("appropriate" treatment is not defined.) See, Exhibit A, attached and incorporated herein.

³ <https://www.env.nm.gov/opf/water-quality-control-commission/>

⁴ https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2023/04/23-041923-Ltr-to-K.-McWilliams_Redacted.pdf

⁵ <https://www.youtube.com/watch?v=XGtu7p9Jcw>.

⁶ <https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/01/2024-01-30-WQCC-23-84-Order-Appointing-HO-pj.pdf>

⁷ <https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/04/2024-04-16-WQCC-23-84-Maxwell-Motion-to-Disqualify-pj.pdf>, at 2.

consultation with stakeholders, reissue a proposed rule and petition for hearing.”⁸ Joint Movants specifically listed Ms. McWilliams’ failure to financial disclosure statement.⁹

9. On May 13, 2024, Krista McWilliams was present for the commencement of the hearing. At the beginning of the proceedings, the WQCC Chair asked each Commissioner to state whether he or she had “any real or perceived conflict of interest”.¹⁰ Ms. McWilliams stated the following: “*Krista McWilliams, I have no conflicts of interests, professional or otherwise.*”¹¹

10. The first part of the hearing on the Reuse Rule took place on May 13-17, 2024. The hearing was unable to be completed within the allotted time and is scheduled to resume on August 5, 2024.

11. New Mexico Oil & Gas Association (“NMOGA”) is an intervening party in Case No. WQCC 23 - 84 (R). NMOGA is represented by attorneys from the Montgomery & Andrews law firm.¹²

II. Relevant Facts at Issue

12. The WQCC Commissioner in question is Krista McWilliams, who is currently the “[Vice President of Operations Engineering](#)” for Logos Energy. Her husband Jay Paul McWilliams is the [Chief Executive Officer](#) of [Logos Energy](#) (“LOGOS”).

13. LOGOS controls approximately 165,000 net acres and 550 oil and gas wells, which produce approximately 40 million cubic feet of natural gas equivalent per day, making LOGOS one of the largest operators in the San Juan Basin.¹³

14. LOGOS operates four saltwater disposal wells (aka produced water disposal wells).¹⁴ In 2023, they used these four wells to dispose of 2,112,279 barrels (over 88 million gallons) of produced water. LOGOS’ need to dispose of millions of barrels of produced water every year will be directly impacted by the WQCC’s ruling on the reuse rule.

⁸ <https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/05/2024-05-10-WQCC-23-84-2024-5-10-Motion-to-Cure-Jurisdictional-Infirmity-with-Exhibits-pj.pdf>, at 1.

⁹ *Id.*, at 4.

¹⁰ <https://www.youtube.com/watch?v=zMI-xVFj324>, at 8:40.

¹¹ *Id.*, at 9:53.

¹² <https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/02/2024-02-12-WQCC-23-84-NMOGA-EOA-pj.pdf>

¹³ <https://web.archive.org/web/20221203124729/https://www.daily-times.com/story/money/industries/oil-gas/2017/04/22/logos-resources-drilling-into-future/100302034/>

¹⁴ Well 30-039-27055: 1,113,157 barrels, Well 30-039-30812: 604,718 barrels, Well 30-045-26970: 166,239 barrels, and Well 30-045-34426: 228,165 barrels. See Exhibit B, attached and incorporated herein.

15. “LOGOS is a privately held natural gas and oil company.”¹⁵

16. “[LOGOS is an oil and gas acquisitions, development, and exploitation company focused on the San Juan Basin.](#)”¹⁶

17. LOGOS is a member of NMOGA, and is an active participant in NMOGA member advocacy.¹⁷

18. From 2017 to 2021, Jay Paul McWilliams, Commissioner McWilliams’s husband,¹⁸ was on NMOGA’s Board.¹⁹ NMOGA is a party in the rulemaking at issue.

19. WQCC Commissioner McWilliams is [on the Board](#) and is “[an active member of the Four Corners Economic Development Center Board](#)” of which [NMOGA is a prominent member.](#)²⁰

20. Montgomery & Andrews, P.A. has represented LOGOS,²¹ the firm owned and operated by Jay Paul McWilliams and Krista McWilliams, and is the same legal firm that represents NMOGA, in Case No. WQCC 23-84(R). Both Montgomery & Andrews, P.A. and NMOGA also actively engage in lobbying on oil and gas and energy issues before the New Mexico Legislature.²²

21. According to Exhibit D, LOGOS operates the Rosa Recycling and Containment Facility, a six-acre surface area lined pit that has the capacity for 600,000 barrels of produced water.²³

22. LOGOS testified that the “purpose” for the Rosa Recycling and Containment Facility is “to minimize any freshwater usage.”²⁴ This is precisely the reason given for the Reuse Rule provided for by NMED, NMOGA, and the New Mexico Produced Water Research

¹⁵ <https://www.logosenergyllc.com/>

¹⁶ https://www.nmt.edu/academics/petreng/advisory_board.php; See, profile of Jay Paul McWilliams.

¹⁷ https://www.nmoga.org/logos_resources_ji_announces_record-breaking_production_from_two_horizontal_mancos_shale_wells; and

https://www.nmoga.org/listicle_oil_and_gas_companies_supporting_new_mexico_communities

¹⁸ <https://web.archive.org/web/20221203124729/https://www.daily-times.com/story/money/industries/oil-gas/2017/04/22/logos-resources-drilling-into-future/100302034/>

¹⁹ See, Group Exhibit C; and https://www.fuelingusjobs.com/library/public/Letters/09_24_19-President-Trump-Refineries.pdf

²⁰ <https://www.4cornersed.com/membership/our-members/p/item/22994/new-mexico-oil-&-gas-association>

²¹ See, Exhibit D.

²² https://montand.com/practice_areas/oil-and-gas/; <https://www.dropbox.com/scl/fi/oileuhpr4fn70bt197fn5/NMO-GA-lobbiest-Balzano.pdf?rlkey=0ouf5dl9z4gv78s50ovxr7vxn&dl=0>

and <https://www.dropbox.com/scl/fi/v0wv876z8gjwy4iqizud4/NMO-GA-lobbiest-Howard.pdf?rlkey=iobdkm9tii2wsbepehmpjgkcg&dl=0>

²³ See, Exhibit D at 6.

²⁴ See, Exhibit D at 6, 15-16.

Consortium (“Consortium”),²⁵ another party to the No. WQCC 23-84(R) case.²⁶ Have these entities been sharing talking points?

23. LOGOS testified that the Rosa Recycling and Containment Facility had 11 leaks that they were working to repair.²⁷ As a result of the “breach” chlorides and a high number of total dissolved solids were detected.²⁸

24. LOGOS testified that the Rosa Recycling and Containment Facility would help the company realize its “significant [financial] development potential and would want to get into virtually a continuous drilling program[.]”²⁹ Also, later in the testimony, LOGOS testified specifically about the commercial benefit of the Rosa produced water containment Facility,

²⁵https://cloud.env.nm.gov/resources/_translator.php/HKA~sl~mnAhFiTd2yWeBAjalqR+PaKNAPF7cV5CrouZmQGSMalxtnEITWCy3k4G9M1+I3qqXcSrzd4Yb5QcSGYXpHTsh9MkcxjGH~sl~KHdbulmetrdwvdeawd8Q==.pdf (At NMED Exhibit 037, Bates stamp number 001170: “Overall, there have been calls to increase the use of alternative water sources such as brackish water or recycling produced water, minimizing the strain on local freshwater resources. [] The BLM encourages the use of recycled water in hydraulic fracturing techniques, and in 2019, the State of New Mexico passed the Produced Water Act, which encourages oil and gas producers to reuse produced water for oil and gas extraction when possible rather than rely on freshwater sources.” At NMED Exhibit 051, Bates stamp number 001627, NMED Cabinet Secretary writes: “During the first phase of our work to implement the Produced Water Act, the Department is assessing how to draft rules concerning the treatment of produced water for the protection of the environment and public health. Such rules will assist in preserving precious freshwater resources while offering opportunities to add water to the environment for agricultural, conservation, and cultural purposes.” At NMED Exhibit 139, Bates stamp number 0013858, New Mexico State University prepared a February 21, 2024 report for NMED: “New Mexico is considering alternate pathways for produced water management and reuse that address: • Growing challenges of current PW underground disposal practices that have been linked to environmental issues such as earthquakes and are not sustainable in the long-term. • Water scarcity and groundwater depletion, which are forecast to increase due to climate change. • Providing additional water supplies to enable continued and expanded economic development. • Reducing the use of freshwater for industrial and commercial applications and conserving limited freshwater resources to support communities, including as drinking water.”

<https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/04/2024-04-15-WQCC-23-84-NMOGA-Notice-of-Intent-pj-1.pdf> (At NMOGA Bates stamp number 000051-52: “while produced water can be treated to be used as a source for green hydrogen production, this provides an additional water source to attract new industry to New Mexico but does not help alleviate existing and future freshwater demands within the State. Using treated produced water to replace some amount of current freshwater usage does. Lastly, if produced water can ultimately be treated to an ultrapure quality.” At NMOGA Bates stamp number 000086: “Provide technical support and advice to customers in the fields of chemicals (primarily those used in completion, production and workover activities), and conservation as related to the treatment and reuse of produced water to offset freshwater usage.)

<https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/04/2024-04-15-WQCC-23-84-NMPWRC-Testimony-and-Exhibit-pj-1.pdf> (At 26: “Identify all potential reuse applications that you would support for the use of treated produced water to conserve the use of New Mexico’s freshwater supplies, if the water is treated and regulated to standards that prove it to be safe to use and protect human health and the environment?”)

²⁶ <https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/04/2024-04-15-WQCC-23-84-NMPWRC-Testimony-and-Exhibit-pj-1.pdf>

²⁷ See, Exhibit D at 13.

²⁸ Id at 24.

²⁹ Id at 15.

including “the total capital of the well could be saved ... [a]nd improved project economics is going to support the production of further hydrocarbon resources.”³⁰

25. Before working at LOGOS, Ms. McWilliams worked at ConocoPhillips.³¹ Prior to joining Logos, she “founded Diamond Derrick Consulting, a Farmington, NM-based provider of high-quality oil and gas project and data management services. Since forming Diamond Derrick in 2008, Krista and her team have provided support for local and national clients including ConocoPhillips, LINN Energy, Pioneer Resources and Logos Resources.”³²

26. According to Exhibit D, John Bruner, a senior vice president with LOGOS Resources,³³ also previously worked at ConocoPhillips.³⁴ ConocoPhillips is a member of NMOGA.³⁵ Per a press release found on the New Mexico Produced Water Research Consortium’s website³⁶: “ConocoPhillips seek[s] to develop cost-effective and scalable solutions of treating produced water for non-consumptive agricultural, alternative power generation and other industrial and commercial applications.” ConocoPhillips is also a member of the New Mexico Produced Water Research Consortium,³⁷ a party in the No. WQCC 23-84(R) case.

27. A LOGOS PowerPoint given to the Legislature, available at:

<https://www.nmlegis.gov/handouts/WNR%20080723%20Item%2010%20LOGOS.pdf>

admits that risk to the Company includes:

- a) regulatory or legislative actions on LOGOS or the oil and gas exploration and production industry;³⁸
- b) new restrictions impacting LOGOS’s development activities, *including restrictions on water sourcing and/or disposal, restrictions on LOGOS’s water business*;³⁹ and
- c) risks associated with the ownership and operations of LOGOS’s water and compression services.⁴⁰

³⁰ Id at 16.

³¹ <https://www.logosenergyllc.com/teams/krista-mcwilliams/>

³² <https://www.linkedin.com/in/krista-mcwilliams-38a6a69/>

³³ See, Exhibit D at 3.

³⁴ Id at 4.

³⁵ https://www.nmoga.org/lots_to_love_about_louie; and

https://www.nmoga.org/conocophillips_donates_100_000_to_support_new_mexico_wildfire_relief_efforts; and https://www.nmoga.org/top_new_mexico_oil_and_natural_gas_producers_partner_to_slash_methane_emissions

³⁶ “Aris Water Solutions, Inc. announced today that ExxonMobil has joined Aris’s previously announced strategic agreement with Chevron U.S.A. Inc. and ConocoPhillips Company to develop and pilot technologies and processes to treat produced water for potential beneficial reuse opportunities. (02/27/23)” found at:

<https://nmpwrc.nmsu.edu/news-events/press-release.html>

³⁷ <https://static.conocophillips.com/files/resources/conocophillips-2021-sustainability-report.pdf> at 97.

³⁸ See, Exhibit E, excerpt of PowerPoint presentation at pdf page 2 of 6. Highlight added.

³⁹ Id. Highlight added.

⁴⁰ Id. Highlight added.

(Emphasis supplied.)

28. In fact, the U.S. Environmental Protection Agency (EPA) has [issued penalties](#) against LOGOS which it identified back in 2020.⁴¹

29. According to the Oil Conservation Division’s website there have been a number a number of spills and discharges of produced water (and crude oil and other materials, including condensate) by LOGOS. Exhibit F, contains important and highly relevant information, including:

- a) Over 625 barrels of produced water discharged – which is the equivalent of 26,250 gallons of produced water contaminating the land;
- b) At least 15 of the produced water discharges were “major”, meaning that 25 barrels or more contaminated the land or water;
- c) The data is incomplete because even though the “severity” of the spill was characterized as “major” certain cells in the spreadsheet remain empty: the “volume released” and “volume lost” columns indicate zero amount;
- d) The “spill cause” is quite often explained away due to “equipment failure”;
- e) One “spill cause” resulted from “normal operations”;
- f) At least three incidents contaminated a waterway, and two of the three were caused by “human error” and involved 120 barrels of toxic produced water; and
- g) Five of the spills were referred, not by LOGOS itself, but by an Oil Conservation Division Representative.

30. Commissioner McWilliams is on the board of the Independent Petroleum Association of New Mexico (“IPA NM”).⁴² Among the issues of concern to IPA NM is “produced water,” and when one goes to that website page the instruction is that it is only accessible via “MEMBER ONLY CONTENT”.⁴³ The same applies to the “spill rule.”⁴⁴ Does Ms. McWilliams’ IPA NM board participation violate the WQCC rules against *ex parte* communication?

31. The IPA NM booklet⁴⁵ also shows Krista McWilliams name on pg. 10 under 2023 Board Members. It states on p. 3, “we advance and preserve the interests of independent oil and

⁴¹ <https://www.epa.gov/newsreleases/epa-announces-nearly-700000-settlements-clean-air-act-violations-companies-san-juan>

⁴² <https://ipanm.org/board-of-directors/> (2023-2024 Elected Board Members); <https://www.dropbox.com/scl/fi/hy3wyzhdaexj8ylmw8jk5/McWilliams-Director-Ind-Petro-Assoc.pdf?rlkey=wrzjqcn3c978d3rrk4uky8q21&dl=0>

⁴³ <https://ipanm.org/member-only-content/>

⁴⁴ Id.

⁴⁵ <https://ipanm.org/wp-content/uploads/2022/10/IPANM-Booklet-2023-READABLE-FINAL-for-WEB.pdf>

gas producers.” And, under the heading, “Rulemaking Hearings – IPA NM insists on specific representation for independents during rulemaking. We push hard to ensure new rules will not impact the bottom-line of our members.”

32. Further, like NMOGA, IPA NM actively lobbies on oil and gas and energy issues before the New Mexico Legislature.⁴⁶

33. Remarkably, Attorney Jeffrey Wechsler, with Montgomery & Andrews, P.A., represents IPA NM, the Board on which Commissioner McWilliams sits, in a pending NM lawsuit D-101-CV-202301038. As stated above Attorney Jeffrey Wechsler, with Montgomery & Andrews, P.A. represents NMOGA in *this* case before the Water Quality Control Commission.⁴⁷ “The IPANM Board unanimously voted to move to intervene in *Atencio v. State of New Mexico*, No. D-101-CV-2023-01038 to protect the interests of IPANM and its members.”⁴⁸ So, Mr. Wechsler’s client is IPA NM in a pending case and Mr. Wechsler is appearing before his client, Commissioner McWilliams in *this* case. The issue of produced water is also an issue in Case No. D-101-CV-2023-01038.

- a) Mr. Wechsler, on behalf of IPA NM argued successfully that IPANM’s Interests could not be adequately by the State of New Mexico; yet in the WQCC case Commissioner McWilliams is acting on behalf of the State.⁴⁹
- b) IPA NM members oppose the characterization of produced water as hazardous waste and aver that if the State treated produced water as hazardous waste it would “place substantial additional regulatory burdens on AEC [Armstrong Energy

⁴⁶<https://www.dropbox.com/scl/fi/hy3wyzhdaexj8ylmw8jk5/McWilliams-Director-Ind-Petro-Assoc.pdf?rlkey=wrzjqen3c978d3rrk4uky8q2l&dl=0>

⁴⁷ <https://nmpoliticalreport.com/news/district-court-judge-allows-industry-groups-to-intervene-in-oil-and-gas-lawsuit/> (“But Jeff Wechsler, an attorney representing IPANM, argued that the IPANM should be allowed to intervene because the outcomes will lead to a complete overhaul of the existing regulatory framework and that will have a direct impact on the association. He gave the example of the plaintiffs’ request that produced water—a byproduct of oil and gas production—be treated as hazardous waste. Wechsler said that would upend existing industry practices for disposing of produced water.”)

⁴⁸ See Exhibit G, *Independent Petroleum Association of New Mexico’s Motion to Intervene*, D-101-CV-202301038, Exhibit B at 3, ¶ 10.

⁴⁹ *Id.* at 8-10.

Corporation, a member of IPANM], and would render many wells immediately uneconomical.”⁵⁰

- c) In 2022, just one of IPA NM members, AEC, produced approximately 25.6 million gallons of produced water.⁵¹
- d) “The costs of treating produced water as hazardous waste alone would preclude profitable operations.”⁵²
- e) “...IPANM admits that some produced water has a high saline content and may include naturally occurring radioactive materials and that frack fluid and other constituents may return to the surface with produced water. IPANM denies that produced water is harmful to health when oil and gas operations are properly conducted in accordance with existing law.”⁵³ IPANM’s denial that produced water doesn’t pose a great risk to the environment or cause health problems is in direct contradiction to the testimony of NMED in the WQCC case.
- f) “... IPANM admits that produced water may contain VOCs or mid-weight organic compounds. IPANM denies that produced water poses a great risk to the environment or causes health problems when oil and gas operations are properly conducted in accordance with existing law.” Again, IPANM’s denial that produced water doesn’t pose a great risk to the environment or cause health problems is inapposite to the testimony of NMED in the WQCC case.⁵⁴
- g) “...IPANM admits that injection of produced water in certain deep formations has been linked to increased seismic activity[.]”⁵⁵

III. Applicable Law

34. The New Mexico Constitution creates the State Ethics Commission as an independent state agency and establishes how the Commissioners will be appointed. The Constitution also empowers the Commission to “initiate, receive, investigate and adjudicate complaints alleging violations of, and issue advisory opinions concerning, standards of ethical conduct and other standards of conduct and reporting requirements, as may be provided by law.” Under Article V, Section 17 of the New Mexico Constitution, the Commission has jurisdiction

⁵⁰ Id. at Exhibit C at 4-5, ¶¶ 15-16.

⁵¹ Id.

⁵² Id. at Exhibit F at 5, ¶23.

⁵³ See Exhibit H, IPANM’s Reply in Support of Motion to Intervene, D-101-CV-202301038, Exhibit G at 33, ¶ 255.

⁵⁴ Id., at Exhibit G at 34, ¶ 257.

⁵⁵ Id., at Exhibit G at 35, ¶ 263.

over “state officers and employees of the executive and legislative branches of government, candidates and other participants in elections, lobbyists or government contractors or seekers of government contracts and have such other jurisdiction as provided by law.” Article V, Section 17 also grants to the Commission the power to investigate potential violations of the statutes under its jurisdiction, providing that the Commission “may require the attendance of witnesses or the production of records and other evidence relevant to an investigation by subpoena as provided by law.” Last, Article V, Section 17 provides that the Commission “shall have such other powers and duties and administer or enforce such other acts as further provided by law.”

35. New Mexico’s Governmental Conduct Act, NMSA 1978 Sections 10-16-1 through 10-16-18, provides for ethical principles of public service and states that public officers shall treat “the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests.”⁵⁶ This duty means that public officers “shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service.”⁵⁷ Furthermore, public officials must use “full disclosure of real or potential conflicts of interest” as a “guiding principle for determining appropriate conduct” and must take “reasonable efforts [] to avoid undue influence and abuse of office in public service.”⁵⁸

36. The Financial Disclosure Act was enacted in 1993 as part of a broad set of statutory enactments and amendments related to governmental ethics. See Laws 1993, Chapter 46, §§ 39-45; see also *id.* §§ 1-60. The Financial Disclosure Act, §10-16A-4 further underscores the twin purposes of public service. See NMSA 1978, § 10-16-3. First, as stated above, financial disclosure requirements provide state officials and employees with a formal means of disclosing “real and potential conflicts of interest” NMSA 1978, § 10-16-3(C) (1993). Second, financial disclosure requirements provide the public with a means to check that a public officer is using “the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests.” NMSA 1978, § 10-16-3(A) (1993, as amended 2011).⁵⁹

⁵⁶ NMSA 10-16-3(A)

⁵⁷ NMSA 10-16-3(B)

⁵⁸ NMSA 10-16-3(C)

⁵⁹ See 2021 Op. Ethics Comm’n No. 2021-10, <https://www.nmonesource.com/nmos/secap/en/item/18187/index.do>.

37. Water Quality Control Commissioners are required, upon the acceptance of the member's appointment and prior to the performance of any of the members' duties, to file a financial disclosure statement with the New Mexico Secretary of State under the Water Quality Act. NMSA 1978 § 74-6-3(B). This subsection requires commissioners to submit a financial disclosure statement "prior to the performance of any of the member's duties." The full text of Section 74-6-3(B) states:

B. A member of the commission shall not receive, or shall not have received during the previous two years, a significant portion of the member's income directly or indirectly from permit holders or applicants for a permit. A member of the commission shall, upon the acceptance of the member's appointment and prior to the performance of any of the member's duties, file a statement of disclosure with the secretary of state disclosing any amount of money or other valuable consideration, and its source, the value of which is in excess of ten percent of the member's gross personal income in each of the preceding two years, that the member received directly or indirectly from permit holders or applicants for permits required under the Water Quality Act. A member of the commission shall not participate in the consideration of an appeal if the subject of the appeal is an application filed or a permit held by an entity that either employs the commission member or from which the commission member received more than ten percent of the member's gross personal income in either of the preceding two years.

(emphasis added). Until the financial disclosure statement is filed with the Secretary of State, a WQCC member is not permitted to perform any of the member's duties. Thus, actions taken after a WQCC member's appointment but prior to filing a financial disclosure with the Secretary of State are unlawful and void. Furthermore, the mere participation in the rulemaking by a conflicted member may taint the non-conflicted members by her participation and advocacy for her own interest rather than the public interest due to the conflict.

38. Section 20.1.6 et seq. of the New Mexico Administrative Code governs the procedures to be followed by the WQCC, and by participants before the commission, in connection with all rulemaking hearings before the commission. In particular, provisions for recusal, **20.1.6.102 NMAC** are stated as follows:

RECUSAL: No commission member shall participate in any action in which his or her impartiality or fairness may reasonably be questioned, and the member shall recuse himself or herself in any such action by giving notice to the commission and the general public by announcing this recusal on the record. In making a decision to recuse himself or herself,

the commission member may rely upon the Governmental Conduct Act, Sections 10-16-1 through 10-16-18 NMSA 1978, the Financial Disclosures Act, Sections 10-16A-1 through 10-16A-8 NMSA 1978, or any other relevant authority.

39. Administrative bodies acting as decision-makers in quasi-judicial processes are held to the same ethical standards comparable to those that apply to a court exercising the same function. *See, e.g., High Ridge Hinkle Joint Venture v. City of Albuquerque*, 1994-NMCA-139, ¶ 40, 119 N.M. 29, 888 P.2d 475. As described in *High Ridge Hinkle Joint Venture*, 1994-NMCA-139 at ¶ 40:

In general, a judge should be disqualified from deciding a matter ‘if an objective observer would entertain reasonable questions about the judge's impartiality.’ *Liteky v. United States*, 510 U.S. 540, 114 S.Ct. 1147, 1162, 127 L.Ed.2d 474 (1994) (Kennedy, J., concurring). The test is an objective one, ‘so that what matters is not the reality of bias or prejudice but its appearance.’ *Id.* 114 S.Ct. at 1154 (majority opinion). ‘[J]ustice should not only be done, but should manifestly and undoubtedly be seen to be done.’ *Id.* 114 S.Ct. at 1162 (Kennedy, J., concurring) (quoting *Ex parte McCarthy* [1924] 1 K.B. 256, 259 (1923)).

40. The parties before quasi-judicial bodies are therefore entitled to “an opportunity to be heard, to an opportunity to present and rebut evidence, to a tribunal which is impartial in the matter — i.e., having had no pre-hearing or ex parte contacts concerning the question at issue — and to a record made and adequate findings executed.” *Albuquerque Commons P’ship*, 2008-NMSC-025 at ¶ 34 (internal quotation marks and citations omitted). *See also* Rule 21-206 NMRA at committee commentary ¶ 1 (“The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.”).

41. Like judicial processes, quasi-judicial processes are subject to rules and regulations prohibiting the adjudicatory body and its members from engaging in unfair or biased conduct, which includes the *appearance* of bias in favor of one party over another. *See generally* Rule 21-102 NMRA (“A judge shall act at all times in a manner that promotes public confidence in the independent, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety.”). Courts have recognized that the appearance and practice of neutrality (which requires avoidance of the *ex parte* communications) is fundamental to fairness

and due process. *See, e.g., In re Naranjo*, 2013-NMSC-026, ¶ 15, 303 P.3d 849 (holding a judge who engaged in *ex parte* communications with another judge presiding over the case of a relative committed willful misconduct); *In re Rael*, No. S-1-SC-33,633, N.M. Sup. Ct. Oct. 3, 2012 (non-precedential) (holding a judge engaging in *ex parte* proceedings and taking action in the case based off the *ex parte* proceeding committed willful misconduct).

42. These statutes and rules aim to prevent any undue influence, bias, or the perception thereof, by ensuring that all parties have an equal opportunity to present their case and be heard by an impartial tribunal in accordance with due process protections. *See* U.S. Const. Amends. V, XIV. *See generally, Albuquerque Commons P’ship v. Albuquerque City Council*, 2009-NMCA-065, ¶ 32, 146 N.M. 568, 212 P.3d 1122 (“It is well established that ‘a fair trial in a fair tribunal is a basic requirement of due process.’” (quoting *Withrow v. Larkin*, 421 U.S. 35, 46 (1975))); *NM Bd. of Veterinary Med. v. Riegger*, 2007-NMSC-044, ¶ 27, 142 N.M. 248, 164 P.3d 947 (“Procedural due process requires a fair and impartial hearing before a trier of fact who is disinterested and free from any form of bias or predisposition regarding the outcome of the case. ‘The inquiry is not whether the Board members are actually biased or prejudiced, but whether, in the natural course of events, there is an indication of a possible temptation to an average [person] sitting as a judge to try the case with bias for or against any issue presented to him [or her].’ Furthermore, these due process protections apply to administrative proceedings.” (internal citations omitted)).

43. When administrative agencies adjudicate or make binding determinations, especially ones that will have enormous short and long-term impact on human health and the environment, “[t]he rigidity of the requirement that the trier be impartial and unconcerned in the result applies more strictly to an administrative adjudication where many of the customary safeguards affiliated with court proceedings have, in the interest of expedition and a supposed administrative efficiency, been relaxed.” *Reid v. N.M. Bd. Of Exam’rs of Optometry*, 1979-NMSC-005, ¶8, 92 N.M. 414, 416, 589 P.2d 198, 200. Our Supreme Court stated,

At a minimum, a fair and impartial tribunal requires that the trier of fact be disinterested and free from any form of bias or predisposition regarding the outcome of the case. *See Tumey v. Ohio*, 273 U.S. 510, 47 S.Ct. 437, 71 L.Ed. 749 (1927); *National Labor Relations Board v. Phelps*, 136 F.2d 562 (5th Cir.1943). In addition, our system of justice requires that the appearance of complete fairness be present. *See Wall v. American Optometric Association, Inc.*, 379 F. Supp. 175 (N.D.Ga. 1974), *aff’d*, 419 U.S. 888, 95 S.Ct. 166, 42 L.Ed.2d 134 (1974). The inquiry is not whether the Board members are actually biased or prejudiced, but whether, in the natural course of events, there is an

indication of a possible temptation to an average man sitting as a judge to try the case with bias for or against any issue presented to him. *See generally Gibson v. Berryhill*, 411 U.S. 564, 93 S.Ct. 1689, 36 L.Ed.2d 488 (1974).

These principles apply to administrative proceedings as well as to trials.

44. Here, applying an objective standard, it is clear that as a WQCC Commissioner who has an actual appearance of bias Ms. McWilliams should not preside over any proceedings in this matter. *See, e.g.*, Rule 21-211 NMRA (“A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned....”); NM JUDICIAL ETHICS HANDBOOK at 6-720 (recusal when impartiality may be reasonably questioned in the mind of a person with knowledge of the circumstances).

45. Despite these duties, the facts outlined herein demonstrate likely violations of these laws, statutes and rules, and Ms. McWilliams’ obligations to uphold public trust placed upon her by the people of New Mexico.

IV. Highly technical and complicated matters must be free from conflict of interest or monetary gain

46. Commissioner McWilliams is currently serving as a decisionmaker in this rulemaking proceeding, which poses a direct conflict of interest (or at the very least an apparent conflict of interest) to the business she and her husband own and operate. The outcome of this rulemaking, will substantially, favorably or unfavorably, directly impact her business and financial interests and that of her husband, and the organizations of which their business is a member, including the New Mexico Oil & Gas Association (“NMOGA”). NMOGA is a party in this case and is represented by the same law firm that her business has also employed. Further, her business has been caught releasing produced water illegally and repeatedly⁶⁰ on the oil field, which is the primary issue of contention in this case – whether *any* treated or untreated produced water should be released *off* the oil fields. Thus, there is significant question as to her ability to put public service above her fiduciary duty and personal bias toward her company and its associations.

⁶⁰ *See*, LOGOS spills and discharges according to OCD, attached and incorporated herein as Exhibit F.

47. The fact that the same law firm is representing NMOGA, IPANM and Commissioner McWilliams' business, LOGOS, would imply a common interest or alignment of interest between NMOGA and Commissioner McWilliams and her business, LOGOS. To that extent, the attorneys representing NMOGA and Commissioner McWilliams' business, LOGOS, at least indirectly represent Commissioner McWilliams' financial interests in the rulemaking. Thus, she is both the regulator and regulated with regard to her financial interests; and the same attorneys directly or indirectly represent both Commissioner McWilliams financial interests and other interests in the oil and gas industry with which she is aligned, before the Commission.

48. According to 20.1.6.6 NMAC, the WQCC must "assure that commission hearings are conducted in a fair and equitable manner."

49. The Proposed Reuse Rule is a "Regulatory change," meaning that its adoption will change regulation to authorize the reuse of treated produced water off the oil field, and this change will directly and substantially impact Commissioner McWilliams financial interests.⁶¹

50. The issues and evidence presented herein warrant a full and independent investigation as to whether Ms. McWilliams has a conflict of interest in her role as Vice President of Engineering with LOGOS and Engineering and Operations Manager of LOGOS, and wife of the Chief Executive Officer of LOGOS, and her and her husband's association with NMOGA, a party in this case.

51. Complainants acknowledge that they don't have evidence of unlawful *ex parte* communications, however, it strains credulity to think that since January 9, 2024 Ms. McWilliams has not spoken with any interested parties, including her husband, or anyone else at LOGOS or NMOGA about the ramifications of the proposed Reuse Rule. Or that given her fiduciary duties as a Board member of IPA NM and the Four Corners Economic Development Center she hasn't discussed the consequences, favorably or unfavorably, of the proposed Reuse Rule in Case No. WQCC 23-84(R). Given that near impossibility, and improbability, Ms. McWilliams would have already violated the WQCC rule against *ex parte* communications. "At no time after the commission's determination to hold a public hearing on a petition and before the issuance of the commission's written decision under this part, shall the department, or any

⁶¹ 20.1.6.7 S NMAC; Exhibit A, *Second Amended Petition*, proposed 20.6.8.400 B&C.

other party, interested participant or their representatives discuss *ex parte* the merits of the proceeding with any commission member or the hearing officer.”⁶²

52. **Conflicts of Interest/Favored Treatment:** A Conflict of Interest exists when the employee (or organization) has some personal kinship, friendship, financial or political interest that may cause the employee (or organization) to place personal and/or organizational interests above the duty of public service.⁶³ Acts related to the purposeful misstatement or omission of financial position may be considered. Acts that fraudulently influence, manipulate, or mislead the public, regulators, decision-makers, and others who rely on the accuracy and completeness of reporting may be considered.⁶⁴

53. New Energy Economy, Daniel Tso and Samuel Sage are parties in Case No. WQCC 23-84 (R) and represent thousands of members in New Mexico who are deeply concerned about the rulemaking and its ramifications on public health and the environment, and whether the public will be afforded a fair hearing by unbiased and impartial Commissioners.

54. All other joint Complainants, Organizations and their respective authorized spokespersons, listed below, and their many tens of thousands of constituents, reside all over New Mexico, from Taos to Silver City from Santa Clara Pueblo to McKinley County and beyond, represent anti-nuclear, renewable-energy advocates, food justice, Indigenous, youth, water protection, health, religious, energy democracy, civil rights, social justice, climate-adaptation, and groups that focus on cultural uplift via honoring the sacred, and all are deeply concerned about the health, environment, and economy of New Mexico. Joint Complainants have come together to support this petition based on these three demands:

- **Don't poison our water. Protect it.** Prohibit the discharge, reuse, and disposal of all produced water, treated or untreated, outside the oil field.
- **Hold industry accountable for its toxic waste problem.** Designate hazardous waste from oil and gas production as hazardous waste.
- **Address the root cause of the toxic fracking waste problem.** Begin the responsible phase-out of oil and gas production.

⁶² 20.1.6.103 NMAC.

⁶³ <https://www.saonm.org/auditing/special-audits-and-investigations/issues-we-handle/>

⁶⁴ Id.

55. Via the press⁶⁵ and social media outlets⁶⁶ the public has already begun to enunciate its skepticism and distrust of the rulemaking process. WQCC Commissioner McWilliams was one of the Commissioners mentioned in a blog post questioning the ethical qualifications of other WQCC Commissioners because of the hefty raises received immediately preceding the filing of the NMED proposed Reuse Rule, who are now sitting in judgment of the WQCC 23-84 rulemaking case.⁶⁷

56. Commissioners, like judges, can uphold important safeguards and be the guardians against state and federal enforcement of unjust, harmful, discriminatory policies, and the adoption of unlawful regulation but they may also be fallible, weak in judgement and character, personally and professionally indifferent to systemic injustice, or corruptible. Here, we see, the administrative process may be corrupted by external political, financial or associational pressures and influence.

57. Given the facts more fully articulated above Ms. Mc William’s “impartiality of fairness may reasonably be questioned, and the member shall recuse herself.”⁶⁸

V. Conclusion

By their very nature the “issues” regarding whether any produced water should be permitted outside the oil field are strongly contested and thus require consideration of the views of all opposing parties to avoid disadvantaging any party. Yet Commissioner McWilliams’ impartiality is questionable at best. The adjudicatory system depends on adversaries to help its neutral decision-makers arrive at fair and just decisions. When that process is not honored, the outcome is inherently one-sided, and unfairly advantaging one party (oil and gas interests) over

⁶⁵ <https://sourcenum.com/2024/05/23/wqcc-unclear-disclosure-rules/> and <https://thecandlepublishing.com/wqcc-member-mcwilliams-claims-no-conflict-of-interest-but-husbands-company-had-11-major-produced-water-releases-according-to-state-records/>

⁶⁶ For instance, <https://www.facebook.com/share/v/LdVe2PmjvxHTv6BS/?mibextid=oFDknk> and <https://www.instagram.com/reel/C7kEu0vP-9I/?igsh=cW9hMGhvaXNqMG5x>.

⁶⁷ <https://thecandlepublishing.com/among-wqcc-members-expected-to-decide-produced-water-rule-oil-biz-executive-and-three-state-employees-given-big-pay-raises-in-the-days-leading-to-nmed-filing-rule/>

⁶⁸ 20.1.6.102 NMAC.

others.⁶⁹ Even the most vigilant and conscientious of judges may be subtly influenced by such contacts.⁷⁰

Further, the public's right to an unbiased and conflicted Commissioner is paramount; a quasi-judicial body bound by "ethical standards comparable to those that govern a court in performing the same function." *Albuquerque Commons P'ship*, 2008-NMSC-025, ¶ 33 (quoting *High Ridge Hinkle Joint Venture*, 1994-NMCA-139 at ¶ 40). Here, the public trust has been violated by Ms. McWilliams because it is clear that the outcome of the underlying Reuse Rule in the WQCC 23 - 84 (R) will financially impact her, her company, and the organizations which she and her husband serve. The people of New Mexico deserve better.

Thank you in advance for investigating this very important matter.

Respectfully submitted this 10th day of June, 2024.

Parties in Case No. WQCC 23 - 84 (R) and Joint Complainants:



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⁶⁹ John Allen, *Combinations of Decision-making Functions, Ex Parte Communications, and Related Biasing Influences: A Process-Value Analysis*, 1993 UTAH LAW REVIEW 1135, 1197 (1993) ("Unchallenged evidence or arguments are more salient, more likely to be recalled by the decision maker, and more likely to carry inordinate weight in the mental process of reaching a final conclusion.").

⁷⁰ *Rose v. Florida*, 601 So. 2d 1181 (Fla. 1992).

Other Joint Complainants:

American Friends Service Committee (AFSC), *Patrick Jaramillo*, works for economies that work for all people and our planet. Essentially, AFSC promotes thriving communities. AFSC challenges growing inequality and the corporate abuse of human rights.

Citizens for Fair Rates and the Environment (CFRE), *Tom Manning*: is a Silver City-based association of electric ratepayers advocating for a speedy transition to environmentally sane renewable energy resources at fair market rates (i.e., rates that are just and reasonable for ratepayers).

The **Climate Change Leadership Institute (CCLI)**, *Rob Hirsch*: is a non-profit organization dedicated to phasing out greenhouse gas emissions and empowering community through the ethics of conservation, the adoption of clean energy and the act of taking responsibility as a civil society.

Common Ground Rising, *Elaine Cimino*: our mission is to educate, organize, and implement community grassroots committees to take action that protects our environment against the drivers of climate change, which impacts watershed, air, public health and safety. Common Ground Rising is a community-based organization that works on projects to help protect the environment in the Middle Rio Grande and the State of New Mexico.

Concerned Citizens for Nuclear Safety, *Joni Arends*: our mission is to protect all living beings and the environment from the effects of radioactive and other hazardous materials now and in the future.

Earth Care, *Miguel Angel Acosta*: is an organization dedicated to educating and empowering youth and families in northern New Mexico to create healthy, just, and sustainable communities.

Honor Our Pueblo Existence (HOPE), *Marian Naranjo*: is a community-based organization located at Santa Clara Pueblo that addresses environmental and health issues and promotes sustainability and traditional life ways.

Indivisible Albuquerque, *Rayellen Smith*: educates the public on facts and provide information relating to the executive, legislative and judicial branches of federal, state and local governments. We are building a diverse and inclusive community to promote social and economic justice and improve the lives of fellow New Mexicans specifically regarding:

- environmental care
- healthcare for all
- immigrant rights
- voting rights for all

Interfaith Worker Justice (IWJ) New Mexico, *Holly Beaumont*: is a nonpartisan interfaith advocacy network comprising of worker centers and faith and labor organizations that advance

the rights of working people through grassroots, worker-led campaigns and engagement with diverse faith communities and labor allies.

Los Jardines Institute, *Richard Moore*: Spanning 70 years of combined organizing experience in New Mexico, nationally and internationally, the Institute provides opportunities for social, environmental and economic justice organizing, and education. Los Jardines is committed to building a multi-cultural, multi-generational movement and privileges traditional, land-based ways of knowing in the places where we “live, work, play, pray, and go to school.”

New Mexico Social Justice Equity Institute, *Anna Rondon*: is an organization that works to change systems that perpetuate environmental and health disparities related to the impacts of institutional racism and multi-generational trauma.

Physicians for Social Responsibility-NM, *Dr. Robert Bernstein*: is a chapter of the largest physician-led organization (50,000 members nationwide) working to protect the public from threats of nuclear proliferation, climate change, environmental toxins, and other threats to global survival.

Renewable Taos, *Jay Levine and Dan Pritchard*: is a grassroots organization dedicated to promoting and facilitating a full transition to renewable energy and energy efficiency in Taos County and our surrounding region.

Rio Arriba Concerned Citizens (RACC), *Peggy Baker*: is an entirely grassroots volunteer effort. The organization’s mission is to protect the public health, land, air, and water of the Rio Chama Watershed, Rio Arriba County, and the State of New Mexico, and to promote sustainable development through education, collaborative planning, job creation, and community involvement.

Tewa Women United, *Corrine Sanchez*: is a collective of tribal women in the Tewa homelands of Northern New Mexico dedicated to the promotion of educational, social and benevolent purposes, especially for ending violence against Native Women, Mother Earth, and to promote peace in New Mexico.

Youth United for Climate Crisis Action, (YUCCA), *Ennedith Lopez*: a nonprofit organization that trains young activists in social and environmental justice organizing and supports intergenerational campaigns to advance climate justice, transformative education, sustainability, democracy, and civil rights.

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 6 WATER QUALITY
PART 8 GROUND AND SURFACE WATER PROTECTION –
SUPPLEMENTAL REQUIREMENTS FOR WATER REUSE

20.6.8.1 ISSUING AGENCY: Water Quality Control Commission.
[20.6.8.1 NMAC - N, mm-dd-yy]

20.6.8.2 SCOPE: All persons subject to regulation implemented through the department pursuant to the Water Quality Act, Sections 74-6-1 et seq, NMSA 1978 and specifically to persons intending to reuse wastewater and their operations.
[20.6.7.2 NMAC - N, mm-dd-yy]

20.6.8.3 STATUTORY AUTHORITY: Standards and regulations are adopted by the commission under the authority of the Water Quality Act, Sections 74-6-1 through 74-6-17 NMSA 1978 and the Produced Water Act, Subsection B of Section 70-13-3 NMSA 1978 and Subsection D of Section 70-13-4 NMSA 1978.
[20.6.8.3 NMAC - N, mm/dd/yy]

20.6.8.4 DURATION: Permanent.
[20.6.8.4 NMAC - N, mm-dd-yy]

20.6.8.5 EFFECTIVE DATE: Month Day, Year, unless a later date is cited at the end of a section.
[20.6.8.5 NMAC - N, mm-dd-yy]

20.6.8.6 OBJECTIVE: The objective of 20.6.8 NMAC is to supplement the general requirements of 20.6.2.1200 through 20.6.2.2201 NMAC and 20.6.4.8 through 20.6.4.900 NMAC, and the general groundwater permitting requirements of 20.6.2.3000 through 20.6.2.3114 NMAC to control the discharges of water contaminants specific to water reuse.
[20.6.8.6 NMAC - N, mm-dd-yy]

20.6.8.7 DEFINITIONS: The following terms as used in this part shall have the following meanings: terms defined in the Water Quality Act, but not defined in this part, will have the meaning given in the act.

A. Terms beginning with numerals or the letter “A,” and abbreviations for units.

(1) **“Agricultural application”** means the application of reuse water for cultivating the soil and growing crops or irrigating pasture for livestock grazing. Agricultural application includes the use of water in connection with the operation or maintenance of feedlots or animal feeding operations (“AFOs”), but not those activities defined as livestock application.

(2) **“Application”** means a final disposition of a treated wastewater for reuse. Applications include, but are not limited to industrial, agricultural, direct potable, indirect potable, recreational turf, rangeland, or ecological restoration water reuse. Applications may have effluent criteria to protect ground water, surface water, and aquatic health.

B. Terms beginning with the letter “B”.

(1) **“Bench-scale project”** means a project or study conducted in a laboratory.

C. Terms beginning with the letter “C”.

(1) **“Commercial application”** means the application of reuse water in connection with any activity that provides, or offers to provide, goods or services for incidental use, such as but not limited to car washes, laundry facilities, window washing, chemical mixing, where public access is not restricted or limited.

D. Terms beginning with the letter “D”.

(1) **“Demonstration project”** means a bench-scale or pilot project, as defined in this Part.

(2) **“Department”** means the New Mexico environment department.

(3) **“Direct potable application”** means the application of reclaimed wastewater for drinking water purposes through delivery directly to a drinking water plant or a drinking water distribution system without an environmental buffer. Additional treatment, monitoring, or an engineered buffer would be used in place of an environmental buffer to provide equivalent protection of public health and response time if the purified water does not meet specifications.

(4) **“Discharge permit”** as defined in 20.6.2 NMAC.

(5) **“Discharge plan”** as defined in 20.6.2 NMAC.

(6) **“Discharge site”** as defined in 20.6.2 NMAC.

(7) **“Disposal”** as defined in 20.6.2 NMAC.

(8) **“Domestic wastewater”** means untreated wastewater containing human excreta and

water-carried waste from typical residential plumbing fixtures and activities, including but not limited to, wastes from toilets, sinks, bath fixtures, clothes or dishwashing machines and floor drains.

E. Terms beginning with the letter “E”.

(1) **“Environmental buffer”** means any ground water, streams, lakes, or impoundments used for reuse water storage or conveyance purposes related to an indirect potable application.

F. Terms beginning with the letter “F”.

(1) **“Feasibility study”** means a study conducted by a person to determine if a new or modified domestic wastewater treatment technology will be technically, economically, or financially viable for use in a direct or indirect potable application.

(2) **“Flood irrigation application”** means land application of reuse water by ditches, furrows, pipelines, low flow emitters, and other non-sprinkler methods.

(3) **“Flowback water”** means the fluid returned after the hydraulic fracturing process is completed, where the internal pressure of the rock formation causes fluid to return to the surface through the wellbore. Flowback water is a component of produced water.

(4) **“Food crop application”** means application of reuse water to domestic plants which are produced for the purpose of or may be used in whole or in part for, consumption by people or livestock, including, but not limited to nursery, root, seedstock to be used for the production of food crops.

(5) **“Formation water”** means water that occurs naturally within the pores of rock.

G. Terms beginning with the letter “G”.

(1) **“Ground water”** as defined in 20.6.2 NMAC.

H. Terms beginning with the letter “H”.

(1) **“Hydraulic fracturing”** means a technique that fractures a rock formation that stimulates the flow of natural gas or oil, increasing the volumes that can be recovered. Fractures are created by pumping large quantities of fluids at high pressure down a wellbore and into the target rock formation. Hydraulic fracturing fluid, also referred to as fracking fluid, commonly consists of water, proppant, and chemical additives that open and enlarge fractures that can extend several hundred feet away from the wellbore. This technique is generally used in unconventional oil and gas production.

I. Terms beginning with the letter “I”.

(1) **“Indirect potable application”** means the application of reclaimed wastewater for drinking water purposes with an intermediary environmental or constructed buffer.

(2) **“Industrial application”** means the application of reuse water in any activity that is used in connection with industrial processes, such as alternative energy, hydrogen production, cooling water, process/boiler feeds, utility power plants, chemical plants, and metal working facilities where at a minimum, public access is restricted or limited.

(3) **“Industrial project”** means a reuse water project that does not discharge and that is used in connection with industrial processes, such as alternative energy, hydrogen production, cooling water, process/boiler feeds, utility power plants, chemical plants, and metal working facilities where at a minimum, public access is restricted or limited.

(4) **“Injection”** as defined in 20.6.2 NMAC

(5) **“Irrigation application”** means application of reuse water to land areas to foster plant growth.

J. Terms beginning with the letter “J”. [RESERVED]

K. Terms beginning with the letter “K”. [RESERVED]

L. Terms beginning with the letter “L”.

(1) **“Land application”** means the application of reuse water to the ground surface in which no other application has been assessed and to which the application or run-off does directly or indirectly enter a surface or ground water of the state.

(2) **“Livestock application”** means the application of reuse water for the consumption of water for the care and feeding of domestic animals such as cattle or horses. Livestock application does not include the use of water in connection with the operation or maintenance of feedlots or agricultural application of water.

M. Terms beginning with the letter “M”. [RESERVED]

N. Terms beginning with the letter “N”.

(1) **“National Pollutant Discharge Elimination System”** means the federal program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the federal Clean Water Act. The NPDES program is administered by the United States Environmental Protection Agency (EPA) in the State of New Mexico.

(2) **“NTU”** means nephelometric turbidity units, measured by a nephelometer.

(3) **“NPDES permit”** means a national pollutant discharge elimination permit which is an authorization, license, or equivalent control document issued by the authorized permitting entity to implement the requirements of the federal program as identified in 40 C.F.R. Sections 122, 123, and 124.

O. Terms beginning with the letter “O”. [RESERVED]

P. Terms beginning with the letter “P”.

(1) **“Person”** as defined in 20.6.2 NMAC.

(2) **“Pilot project”** means a representative engineering scale model or prototype system that is beyond the bench-scale and tested in a non-laboratory environment. A pilot project represents an increase in the technological scale than otherwise achievable in a laboratory and often involves larger quantities of materials over longer periods of time.

(3) **“Potable”** means water that is suitable for human consumption.

(4) **“Pretreatment”** means the reduction, elimination, or alteration of pollutants in wastewater prior to or in lieu of discharging into a publicly owned treatment works (POTW) or other wastewater treatment facility. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or by other means. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against volumetric or pollutant surges or load variations that might interfere with or otherwise be incompatible with the treatment facility.

(5) **“Produced water”** means a fluid (wastewater) that is an incidental byproduct from drilling for or the production of oil and gas, and includes formation water, flowback water, and any chemicals added downhole during drilling, production, or maintenance processes during the life cycle of an oil or gas well. Produced water includes known and unknown water pollutants.

Q. Terms beginning with the letter “Q”. [RESERVED]

R. Terms beginning with the letter “R”.

(1) **“Reclaimed wastewater”** means domestic wastewater that has been treated to the specified levels for the defined applications and complies with other applicable local, state, or federal regulations.

(2) **“Recycled produced water”** means produced water that is reconditioned by a recycling facility permitted or registered with the oil conservation division of the energy, minerals, and natural resources department, and is reused within the oil and gas industry for the exploration, drilling, production, treatment or refinement of oil and gas.

(3) **“Restoration application”** or **“ecological application”** means the use of water for the implementation of ecological or environmental restoration activities permitted under applicable state and federal regulations.

(4) **“Reuse water”** means a treated wastewater originating from domestic, industrial, or produced water sources, that has undergone a level of treatment appropriate for an application such as agriculture, irrigation, potable water supplies, aquifer recharge, industrial processes, or environmental restoration. Reuse water has a water quality, based on application, determined to be protective of the environment and human health. For purposes of this Part, reuse is categorized by the source of the water (e.g., “domestic reuse” is wastewater originated from domestic sources following appropriate treatment that may be used for various applications such as irrigation).

S. Terms beginning with the letter “S”.

(1) **“State”** means the state of New Mexico.

(2) **“Surface water”** means a “surface water(s) of the state” as defined in 20.6.4 NMAC.

T. Terms beginning with the letter “T”.

(1) **“Transference”** means the distribution, temporary storage, or disposal of reuse water.

(2) **“Treated produced water”** means produced water that is reconditioned by mechanical or chemical processes into a reusable form.

(3) **“Treated wastewater”** means wastewater that has undergone treatment.

(4) **“Treatment”** means a process in which wastewater has been reconditioned by biological, mechanical, or chemical processes to remove or eliminate contaminants, creating an effluent that can be returned to the water cycle either through discharge, transference, or reuse.

U. Terms beginning with the letter “U”.

- (1) **“Untreated produced water”** means produced water that has not undergone treatment.
- (2) **“Untreated wastewater”** means wastewater that has not undergone treatment.

V. Terms beginning with the letter “V”. [RESERVED]

W. Terms beginning with the letter “W”.

(1) **“Water contaminant”** means any substance that, if discharged or spilled, could alter the physical, chemical, biological or radiological qualities of water. “Water contaminant” does not mean source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, but may include all other radioactive materials, including but not limited to radium and accelerator-produced isotopes.

(2) **“Water pollutant”** means a water contaminant in such quantity and of such duration as may with reasonable probability injure human health, animal or plant life or property, or to unreasonably interfere with the public welfare or the use of property.

(3) **“Water pollution”** as defined in 20.6.2 NMAC.

(4) **“Wastewater”** means water or other fluids associated directly with sewerage systems, industrial processes, or produced water that is disposed of, or undergoes treatment for discharge, transference, or reuse. Wastewater in this Part does not include dairy wastewater, as defined in 20.6.6 NMAC.

X. Terms beginning with the letters “X” through “Z”. [RESERVED]
[20.6.8.7 NMAC – N, mm-dd-yy]

20.6.8.8 – 20.6.8.99 [RESERVED]

[20.6.8.8-20.6.8.99 NMAC – N, mm-dd-yy]

20.6.8.100 GENERAL PROVISIONS: Unless otherwise required by this Part, all persons are subject to the state’s Ground and Surface Water Protection Regulations (20.6.2 NMAC). This includes, but is not limited to, regulations relating to spills, notices of intent, permitting, fees, penalties, compliance orders, and abatement.
[20.6.8.100 NMAC – N, mm-dd-yy]

20.6.8.101 – 20.6.8.199 [RESERVED]

[20.6.8.101-20.6.8.199 NMAC – N, mm-dd-yy]

20.6.8.200 DOMESTIC WASTEWATER REUSE: [RESERVED]

[20.6.8.200 NMAC – N, mm-dd-yy]

20.6.8.201 DIRECT AND INDIRECT POTABLE APPLICATIONS:

A. Unauthorized applications. The department shall not approve a discharge permit or a discharge permit modification that includes the discharge of reuse water for direct or indirect potable applications except for those authorized applications identified in Subsection B of 20.6.8.201 NMAC.

B. Authorized applications.

(1) **Feasibility studies:** Persons proposing to conduct a feasibility study for direct or indirect potable applications shall;

(a) Comply with all applicable permitting requirements in 20.6.2 and 20.6.4 NMAC.

(b) Ensure there is no connection between a potable water system and the water being studied and no cross connections exist between feasibility study-water and a community’s potable water supply.

(c) Ensure that all direct and indirect potable reuse feasibility studies are conducted in a manner that does not interfere with ongoing operations at the wastewater and drinking water facilities.

(d) Obtain approval from the department, through either a discharge permit or NPDES permit and comply with all conditions therein.

[20.6.8.201 – N, mm-dd-yy]

20.6.8.202-299 [RESERVED]

[20.6.8.202-20.6.8.299 NMAC – N, mm-dd-yy]

20.6.8.300 INDUSTRIAL WASTEWATER REUSE: [RESERVED]

[20.6.8.300 NMAC – N, mm-dd-yy]

20.6.8.301-399 [RESERVED]

[20.6.8.301-20.6.8.399 NMAC – N, mm-dd-yy]

20.6.8.400 PRODUCED WATER REUSE: As provided in the Produced Water Act, Subsection B of Section 70-13-3 NMSA 1978, the following provisions apply to the discharge of produced water for activities unrelated to the exploration, drilling, production, treatment, or refinement of oil or gas.

A. General requirements.

(1) **Untreated produced water discharge to surface water:** No person shall cause or allow untreated produced water to discharge so that it may move directly or indirectly to a surface water. The department shall deny certification of any federal permit proposing to discharge untreated produced water to a surface water.

(2) **Treated produced water discharge to surface water:** No person shall cause or allow treated produced water to discharge so that it may move directly or indirectly to a surface water. The department shall deny certification of any federal permit proposing to discharge treated produced water to a surface water.

(3) **Untreated produced water discharge to ground water:** No person shall cause or allow untreated produced water to discharge so that it may move directly or indirectly into ground water. The department shall not issue a discharge permit or a discharge permit modification that includes the discharge of untreated produced water.

(4) **Treated produced water discharge to ground water:** No person shall cause or allow treated produced water to discharge so that it may move directly or indirectly into ground water. The department shall not issue a discharge permit or a discharge permit modification that includes the discharge of treated produced water without development and adoption of standards specific to treated produced water (Subsection D of 20.6.8.400 NMAC). Demonstration projects or industrial projects submitted to the department through the notice of intent process in Subsection C of 20.6.8.400 NMAC are authorized to operate, following the determination of no discharge permit required issued by the department.

B. Authorized uses. Demonstration projects or industrial projects, determined by the department not to require a discharge permit because the demonstration project or industrial project will not discharge in a manner that may directly or indirectly affect ground or surface water, are subject to the following requirements:

(1) Persons intending to conduct a demonstration project or industrial project shall secure and comply with all applicable federal, state, and local statutes, permits, and certifications, including the Produced Water Act, Sections 70-13-1, et. seq NMSA 1978, and including payment of department fees and satisfying department financial assurance requirements.

(2) The demonstration project or industrial project shall be designed to provide information specific to untreated produced water quality, treatment technologies, treated produced water quality, treatment volumes, and toxicity studies for potential produced water reuse applications.

(3) In accordance with 20.6.2.1201 NMAC, any person intending to use produced water for approved purposes, unrelated to the production of oil and gas, shall submit to the ground water quality bureau of the department a produced water notice of intent prior to use.

(4) Demonstration projects or industrial projects shall not commence until the department has made a determination of no permit required on the notice of intent.

(5) Persons transporting, storing, treating, or utilizing untreated or treated produced water shall have written procedures at the locations where the demonstration project or industrial project is physically located to prevent releases onto the ground, directly or indirectly into ground or surface water.

(6) All untreated and treated produced water shall be handled, transported, and stored in accordance with all other applicable local, state, and federal regulations.

(7) Any release of untreated or treated produced water is subject to the notifications and corrective actions in 20.6.2.1203 NMAC except releases under the authority of the oil conservation commission pursuant to the provisions of the Oil and Gas Act, NMSA 1978, Section 70-2-12 and other laws conferring power on the oil conservation commission and the oil conservation division of the energy, minerals, and natural resources department to prevent or abate water pollution.

(8) Persons disposing of untreated or treated produced water, as part of the final disposition following a demonstration project or industrial project, shall use one of the following methods in accordance with the relative permit: discharge to a produced water disposal well permitted pursuant to the oil conservation commission's regulations for oil and gas injection at 19.15.26 NMAC, delivery to a surface waste management facility permitted pursuant to the oil conservation commission's regulations for oil and gas surface waste management facilities (19.15.36 NMAC), or disposal in a permanent pit permitted pursuant to the oil conservation commission's regulations for oil and gas pits, closed-loop systems, below-grade tanks and sumps at 19.15.17 NMAC. The department may consider alternative disposal options on a case-by-case basis.

(i) Persons disposing of the components of a demonstration project or industrial project using untreated or treated produced water, as part of the final disposition must adhere to all local, state, and federal regulations, as applicable.

C. Notice of intent.

(1) Any person intending to use produced water for an authorized use under Subsection B of 20.6.8.400 NMAC shall submit to the ground water quality bureau of the department a produced water notice of intent prior to use.

(a) Notices shall be on a form provided by the department and shall include the following information:

- (i) the name and address of the person intending to conduct the demonstration project or industrial project;
- (ii) the location of the intended demonstration project or industrial project;
- (iii) the concentration of water contaminants in the untreated produced water used in the demonstration project or industrial project;
- (iv) the quantity of produced water used in the demonstration project or industrial project;
- (v) the demonstration project or industrial project research plan and objectives;
- (vi) documentation that the demonstration project or industrial project design is consistent with the approved uses in Subsection B of 20.6.8.400 NMAC;
- (vii) the storage, secondary containment and spill prevention methods that will be used to prevent accidental discharges;
- (viii) a plan to transport in and transport out any untreated produced water or treated produced water in a safe manner, in accordance with state and federal regulations;
- (ix) plans for safe handling and proper disposal of produced water and any materials that come into contact with untreated produced water or treated produced water, including soils, plant material, treatment equipment, and containment area materials;
- (x) the health and safety considerations that minimize the risk of human exposure to produced water via any exposure pathway; and
- (xi) financial assurance in place to cover the cost of cleanup and remediation in the event of failure during operation and closure of the demonstration project or industrial project.

(b) The department, at its discretion, may request additional information.

(c) Based on the information provided in the notice of intent, the department shall make a determination if the demonstration project or industrial project meets the requirements in this section. If the demonstration project or industrial project does not meet the requirements in this section, the person shall not implement the demonstration project or industrial project as proposed.

(2) Persons implementing demonstration projects or industrial projects pursuant to Subsection B of 20.6.8.400 NMAC shall submit to the department all research results, including lab analyses of all water contaminants in the untreated produced water and treated produced water, to assist the department in developing standards and assist the commission in promulgation of regulations for the use of treated produced water in a manner that prevents water pollution and protects human health and the environment.

[20.6.8.400 NMAC – N, mm-dd-yy]

20.6.8.401-20.6.8.899 [RESERVED]
[20.6.8.401-20.6.8.899 NMAC – N, mm-dd-yy]

20.6.8.900 REFERENCES: [RESERVED]
[20.6.8.900 NMAC – N, mm-dd-yy]

Exhibit B

SIGN-IN HELP

Searches Operator Data Hearing Fee Application

OCD Permitting

Home Searches Wells Well Details

30-039-27055 ROSA UNIT SWD #001 [320611]

General Well Information

Operator: [\[289408\]](#) LOGOS OPERATING, LLC
 Status: Active Direction: Vertical
 Well Type: Salt Water Disposal Multi-Lateral: No
 Work Type: New Mineral Owner: Federal
 Surface Owner: Federal

Surface Location: I-23-31N-06W 2420 FSL 1210 FEL
 Lat/Long: 36.8845329,-107.4272766 NAD83
 GL Elevation: 6243
 KB Elevation: Sing/Mult Compl: Single
 DF Elevation: Potash Waiver: False

Proposed Formation and/or Notes

SWD MORRISON BLUFF ENTRADA/NOI MIT

Depths

Proposed: 9150 True Vertical Depth: 9176
 Measured Vertical Depth: 9176 Plugback Measured: 0

Formation Tops

Formation	Top	Producing	Method Obtained
Fruitland Coal	2946		
Pictured Cliffs Formation	3264		
Cliff House Formation	5263		
Menefee Formation	5309		
Point Lookout Formation	5525		
Mancos Formation	6004		

Event Dates

Initial APD Approval: 02/14/2003
 Most Recent APD Approval: 01/16/2018 Current APD Expiration: 02/14/2005
 APD Cancellation:
 APD Extension Approval:
 Spud: 06/28/2004 Gas Capture Plan Received:
 Approved Temporary TA Expiration:
 Abandonment:
 Shut In:
 Plug and Abandoned Intent PNR Expiration:
 Received: Last MIT/BHT: 03/14/2024
 Well Plugged:

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- [New Spill Se](#)
- [New Tank Se](#)
- [New Well Se](#)

Site Release:
 Last Inspection: 03/14/2024

History

Effective Date	Property	Well Number	Operator	C-101 Work Type	Well Type	Well Status	Apd Cancelled	Plug Date
01/16/2018	[320611] ROSA UNIT SWD	#001	[289408] LOGOS OPERATING, LLC	New	Salt Water Disposal	Active		
02/14/2003	[32031] ROSA UNIT SWD	#001	[120782] WPX ENERGY PRODUCTION, LLC	New	Salt Water Disposal	Active		

Comments

HOLD C104 FOR SWD ORDER
 Added on 03/03/2003 by Monica Kuehling

SWD-916;
 Added on 11/10/2004 by Dorothy Jacquez

NON-WELL POD FOR THIS WELL IS 2836950
 Added on 06/21/2007 by Karen Sharp

Pits

Pit On Site: [Number BGT1](#)

Pit Type: Production Status: Active
 Registration Denied:
 Closure Approved:
 Closure Denied:

Event Dates

Registered: 12/17/2005 Approved: 08/02/2023
 Open: Closed (most recent rig release):

Notes

Date	Detail
08/02/2023	The modification includes: LOGOS requests to lift the referenced below grade tank and install 40 mil liner. • LOGOS requests to install a corrugated steel wall located inside the berm area to serve as a secondary containment and prevent runoff. • When the below grade tank is lifted for the installation of the liner and corrugated steel wall LOGOS will inspect the ground visually to determine no release has occurred. LOGOS will keep photo verification. • If a release is determined when the below grade tank is lifted, LOGOS will follow NMOCD 19.15.29 NMAC regulations.
08/02/2023	Tank Construction: Steel, single wall with leak detection, 6 inch lift and automatic overflow shutoff, 40 mil liner. Fencing: 4' with 4 strands of barbed wire evenly spaced.
08/02/2023	BGT1 had an approved closure plan under the older 19.15.17.13 NMAC closure requirements per system acceptance on 7/3/2014. Closure plan modification was requested and approved on 8/2/2023 per App ID#245623 to retrofit tank per a compliance issue and BGT will now fall under the new 19.15.17.13 NMAC closure requirements.

Pit On Site: [Number 2](#)

Pit Type: Drilling Status: Inactive
 Registration Denied:
 Closure Approved:
 Closure Denied:

Event Dates

Registered:
Open:

Approved:
Closed (most recent rig release): 04/29/2005

Notes

Date

Detail

Casing

String/Hole Type	Taper	Date Set	Boreholes, Strings and Equipment Specifications			Specifications for Strings and Tubing			Strings Cemented and Intervals			Cement and Plug Description		
			Diameter	Top	Bottom (Depth)	Grade	Length	Weight	Bot of Cem	Top of Cem	Meth	Class of Cement	Sacks	Pressure Test (Y/N)
Surface Casing	1	07/15/2004	20.000	0	520	UKN	0	0.0	520	0	Circ	Unknown	1290	No
Hole 1	1	07/14/2004	17.500	0	520		0	0.0	0	0			0	No
Hole 2	1	08/02/2004	17.500	0	3545		0	0.0	0	0			0	No
Intermediate 1 Casing	1	08/02/2004	13.375	0	3545	UKN	0	0.0	3545	0	Circ	Unknown	2844	No
Hole 3	1	08/11/2004	12.250	3305	7494		0	0.0	0	0			0	No
Liner 1	1	08/12/2004	9.625	3305	7494	UKN	0	0.0	7494	3305	Circ	Unknown	770	No
Hole 4	1	09/05/2004	8.750	0	9176		0	0.0	0	0			0	No
Liner 1	1	09/07/2004	7.000	0	9176	UKN	0	0.0	0	0			0	No
Tubing 1	1	12/04/2012	3.500	0	8035		0	0.0	0	0			0	No

Well Completions

[96162] SWD; MORRISON BLUFF ENTRADA

Status: Active
 Bottomhole Location: I-23-31N-06W 2420 FSL 1210 FEL
 Lat/Long:
 Acreage:
 DHC: No

Last Produced: 03/01/2024
 Consolidation Code:
 Production Method:

Well Test Data

Production Test: Test Length: 0 hours
 Flowing Tubing Pressure: 0 psi Flowing Casing Pressure: 0 psi
 Choke Size: 0.000 inches Testing Method:
 Gas Volume: 0.0 MCF Oil Volume: 0.0 bbls
 Gas-Oil Ratio: 0 Kcf / bbl Oil Gravity: 0.0 Corr. API
 Disposition of Gas: Water Volume: 0.0 bbls

Perforations

Top Measured Depth

Bottom Measured Depth

Date	(Where Completion Enters Formation)	(End of Lateral)	Top Vertical Depth	Bottom Vertical Depth
	999	999	0	0
	8117	9015	0	0

Notes

Event Dates

Initial Effective/Approval:	02/14/2004		
Most Recent Approval:	01/16/2018	TA Expiration:	
Confidential Requested On:		Confidential Until:	
Test Allowable Approval:		Test Allowable End:	
TD Reached:		DHC:	
Deviation Report Received:	No	Rig Released:	
Directional Survey Run:	No	Logs Received:	No
Directional Survey Received:	No	Closure Pit Plat Received:	
First Oil Production:		First Gas Production:	
First Injection:			
Ready to Produce:	11/06/2004	Completion Report Received:	
C-104 Approval:		New Well C-104 Approval:	
Plug Back:			
Authorization Revoked Start:		Revoked Until:	

Well Completion History

Effective Date	Property	Well Number	Operator	Completion Status	TA Expiration Date
01/16/2018	[320611] ROSA UNIT SWD	#001	[289408] LOGOS OPERATING, LLC	Active	
07/07/2004	[32031] ROSA UNIT SWD	#001	[120782] WPX ENERGY PRODUCTION, LLC	Active	
02/14/2004	[32031] ROSA UNIT SWD	#001	[120782] WPX ENERGY PRODUCTION, LLC	New, Not Drilled	

Financial Assurance

Please login to review the financial assurance associated with this well.

Compliance

Note that Financial Assurance and Inactive Well Compliance are documented in separate reports ([Inactive Well Report](#), [Financial Assurance Report](#)).

Also note that some compliance issues are addressed at the operator level so not listed under each well.

cWBM0431455863

Violation Source:	Incident, Spill or Release		
Date of Violation:	11/09/2004		
Compliance Required:	02/12/2005	Resolved:	04/04/2005

Notes

Produced water over top of liner in reserve pit. It appears that a dozer had been driven across the top of the liner in the drilling reserve pit. The liner integrity has been destroyed and produced water is now percolating into the ground. On site Williams personnel-Mark Leppich & Kirk Place both stated that the contents of the pit was produced water from the associated SWD.

Actions/Events

Event Date	Category	Type
------------	----------	------

05/04/2005	Corrective Actions	Other Notification
11/09/2004	Enforcements	Pollution and Contamination
11/09/2004	Notifications	Field Visit or Inspection

cCS1826739857

Violation Source: Incident, Spill or Release
 Date of Violation: 09/24/2018
 Compliance Required: 12/28/2018
 Resolved:

Notes

Email, BGT overflow or possible release obvious impacted noted around BGT requested operator to respond per 19.15.29.8 NMAC

Actions/Events

Event Date	Category	Type
09/24/2018	Enforcements	Pollution and Contamination
09/24/2018	Notifications	E-Mail

cCZS2320223097

Violation Source: Field Inspection
 Date of Violation: 07/20/2023
 Compliance Required: 10/18/2023
 Resolved: 08/18/2023

Notes

BGT has hydrocarbon it that need to be removed. Also the site tube is full and the tank is half empty could be leaking.

Actions/Events

Event Date	Category	Type
------------	----------	------

cCZS2320223364

Violation Source: Field Inspection
 Date of Violation: 07/20/2023
 Compliance Required: 10/18/2023
 Resolved: 07/28/2023

Notes

Oil staining around day tank needs dugout and cleaned up.

Actions/Events

Event Date	Category	Type
------------	----------	------

Reported Releases

The reported release volumes are sourced from C-141 submissions.

Earliest Reported Release in OCD Records: 10/21/2004 Last: 07/09/2014 [Show All Reported Releases](#)

	Release Volumes				Additional Details			
	BBLS	LBS	MCF	UNK	Type	Product	Severity	Status
2014 (2)	42	0	0	0				
2013 (1)	35	0	0	0				

2011 (2)	340	0	0	0
2010 (1)	65	0	0	0
2004 (2)	140	0	0	0
Grand Total:	622	0	0	0

Upstream Natural Gas Venting & Flaring

The upstream natural gas venting & flaring volumes are sourced from upstream natural gas waste reports (C-115B) submissions.

Earliest Natural Gas Waste Report in OCD Records: 10/2021 Last: 03/2024 [Show All Upstream Venting & Flaring](#)

	Venting & Flaring Volumes			Beneficial Use	
	Vented (MCF)	Flared (MCF)	Total (MCF)	Used (MCF)	
2021	5	0	5		0
2023	0	0	0		0
2024	0	0	0		0
Grand Total:	5	0	5		0

Orders

Please login to review the orders associated with this well.

Production / Injection

The production & injection volumes are sourced from monthly production reports (C-115) submissions.

Earliest Production in OCD Records: 1/2006 Last: 3/2024 [Show All Production](#) [Export to Excel](#)

Time Frame	Production				Injection				
	Oil (BBLs)	Gas (MCF)	Water (BBLs)	Days P/I	Water (BBLs)	Co2 (MCF)	Gas (MCF)	Other	Pressure
2006	0	0	0	335	883,785	0	0	0	N/A
2007	0	0	0	365	992,215	0	0	0	N/A
2008	0	0	0	366	1,131,769	0	0	0	N/A
2009	0	0	0	365	1,500,277	0	0	0	N/A
2010	0	0	0	365	1,913,288	0	0	0	N/A
2011	0	0	0	365	1,454,426	0	0	0	N/A
2012	0	0	0	366	1,086,318	0	0	0	N/A
2013	0	0	0	365	1,113,342	0	0	0	N/A
2014	0	0	0	365	768,838	0	0	0	N/A
2015	0	0	0	365	463,241	0	0	0	N/A
2016	0	0	0	0	802,649	0	0	0	N/A
2017	0	0	0	0	849,277	0	0	0	N/A

2018	0	0	0	0	1,039,955	0	0	0	N/A
2019	0	0	0	0	1,055,897	0	0	0	N/A
2020	0	0	0	0	856,934	0	0	0	N/A
2021	0	0	0	0	906,507	0	0	0	N/A
2022	0	0	0	0	1,036,001	0	0	0	N/A
2023	0	0	0	0	1,113,157	0	0	0	N/A
2024	0	0	0	0	295,477	0	0	0	N/A
Grand Total:	0	0	0	3,622	19,263,353	0	0	0	N/A

Transporters

Transporter	Product	Most Recent for Property
-------------	---------	--------------------------

Points of Disposition

ID	Type	Description	Pool(s)
----	------	-------------	---------

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 1220 South St. Francis Drive | Santa Fe, NM 87505 | P: (505) 476-3200 | F: (505) 476-3220

OCD Permitting

Home Searches Wells Well Details

30-039-30812 ROSA UNIT SWD #002 [320611]

General Well Information

Operator:	[289408] LOGOS OPERATING, LLC	Direction:	Directional
Status:	Active	Multi-Lateral:	No
Well Type:	Salt Water Disposal	Mineral Owner:	Federal
Work Type:	New	Surface Owner:	Federal
Surface Location:	F-25-31N-05W 2460 FNL 2095 FWL	Sing/Mult Compl:	Single
Lat/Long:	36.8709946,-107.3153687 NAD83	Potash Waiver:	False
GL Elevation:	6447		
KB Elevation:			
DF Elevation:			

Proposed Formation and/or Notes

SWD;ENTRADA SWD 1236

Depths

Proposed:	9386	True Vertical Depth:	9334
Measured Vertical Depth:	9383	Plugback Measured:	0

Formation Tops

Formation	Top	Producing	Method Obtained
Fruitland Formation	3080		
Lewis Formation	3607		
Cliff House Formation	5521		
Point Lookout Formation	5744		
Mancos Formation	6204		
Graneros Member-Mancos Fm	7850		
Dakota Formation	7992		
Morrison Formation	8218		
Entrada Formation	9052		

Event Dates

Initial APD Approval:	12/07/2009	Current APD Expiration:	12/07/2011
Most Recent APD Approval:	01/16/2018		
APD Cancellation:			
APD Extension Approval:			
Spud:	08/26/2010	Gas Capture Plan Received:	

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- [New Spill Se](#)
- [New Tank Se](#)
- [New Well Se](#)

Approved Temporary Abandonment:		TA Expiration:	
Shut In:			
Plug and Abandoned Intent Received:		PNR Expiration:	
Well Plugged:		Last MIT/BHT:	02/05/2024
Site Release:			
Last Inspection:	02/05/2024		

History

Effective Date	Property	Well Number	Operator	C-101 Work Type	Well Type	Well Status	Apd Cancelled	Plug Date
01/16/2018	[320611] ROSA UNIT SWD	#002	[289408] LOGOS OPERATING, LLC	New	Salt Water Disposal	Active		
12/07/2009	[32031] ROSA UNIT SWD	#002	[120782] WPX ENERGY PRODUCTION, LLC	New	Salt Water Disposal	Active		

Comments

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Pits

Pit On Site: [Number 1](#)

Pit Type:	Closed Loop	Status:	Inactive
Registration Denied:			
Closure Approved:	Yes		
Closure Denied:			

Event Dates

Registered:	08/16/2010	Approved:	08/16/2010
Open:		Closed (most recent rig release):	05/02/2024

Notes

Date	Detail
08/16/2010	RR 10/1/10 permit 5775
05/02/2024	CLOSED

Pit On Site: [Number 2](#)

Pit Type:	Closed Loop	Status:	Inactive
Registration Denied:			
Closure Approved:			
Closure Denied:			

Event Dates

Registered:		Approved:	
Open:		Closed (most recent rig release):	12/06/2010

Notes

Date	Detail

12/06/2010 permit 7349

Casing

String/Hole Type	Taper	Date Set	Boreholes, Strings and Equipment Specifications			Specifications for Strings and Tubing			Strings Cemented and Intervals			Cement and Plug Description		
			Diameter	Top	Bottom (Depth)	Grade	Length	Weight	Bot of Cem	Top of Cem	Meth	Class of Cement	Sacks	Pressure Test (Y/N)
Hole 1	1	08/28/2010	17.500	0	504		0	0.0	0	0			0	No
Surface Casing	1	08/28/2010	13.375	0	502	L-80	0	68.0	504	0	Circ		0	No
Hole 2	1	09/08/2010	12.500	504	3780		0	0.0	0	0			0	No
Intermediate 1 Casing	1	09/10/2010	9.625	0	3764	N-80	0	40.0	3780	0	Circ		0	No
Hole 3	1	09/25/2010	8.750	3780	9383		0	0.0	0	0			0	No
Packer	1	02/06/2016	7.000	0	8282		0	0.0	0	0			0	No
Production Casing	1	09/27/2010	7.000	0	9380	L-80	0	29.0	9383	3400	Calc		0	No
Tubing 1	1	02/06/2016	3.500	0	8286	N-80	0	9.3	0	0			0	No

Well Completions

[96436] SWD; ENTRADA

Status: Active Last Produced: 03/01/2024
 Bottomhole Location: F-25-31N-05W 2414 FNL 1951 FWL
 Lat/Long:
 Acreage:
 DHC: No Consolidation Code:
 Production Method:

Well Test Data

Production Test: Test Length: 0 hours
 Flowing Tubing Pressure: 0 psi Flowing Casing Pressure: 0 psi
 Choke Size: 0.000 inches Testing Method:
 Gas Volume: 0.0 MCF Oil Volume: 0.0 bbls
 Gas-Oil Ratio: 0 Kcf / bbl Oil Gravity: 0.0 Corr. API
 Disposition of Gas: Water Volume: 0.0 bbls

Perforations

Date	Top Measured Depth (Where Completion Enters Formation)	Bottom Measured Depth (End of Lateral)	Top Vertical Depth	Bottom Vertical Depth
	8337	9292	0	0

Notes

Event Dates

Initial Effective/Approval:	12/07/2009	TA Expiration:	
Most Recent Approval:	01/16/2018	Confidential Until:	
Confidential Requested On:		Test Allowable End:	
Test Allowable Approval:		DHC:	
TD Reached:		Rig Released:	
Deviation Report Received:	No	Logs Received:	No
Directional Survey Run:	No	Closure Pit Plat Received:	
Directional Survey Received:	No	First Gas Production:	
First Oil Production:		Completion Report Received:	
First Injection:		New Well C-104 Approval:	
Ready to Produce:	10/29/2010	Revoked Until:	
C-104 Approval:			
Plug Back:			
Authorization Revoked Start:			

Well Completion History

Effective Date	Property	Well Number	Operator	Completion Status	TA Expiration Date
01/16/2018	[320611] ROSA UNIT SWD	#002	[289408] LOGOS OPERATING, LLC	Active	
08/26/2010	[32031] ROSA UNIT SWD	#002	[120782] WPX ENERGY PRODUCTION, LLC	Active	
12/07/2009	[32031] ROSA UNIT SWD	#002	[120782] WPX ENERGY PRODUCTION, LLC	New, Not Drilled	

Financial Assurance

Please login to review the financial assurance associated with this well.

Compliance

Note that Financial Assurance and Inactive Well Compliance are documented in separate reports ([Inactive Well Report](#), [Financial Assurance Report](#)).

Also note that some compliance issues are addressed at the operator level so not listed under each well.

cMPK1213728962

Violation Source:	Other	Resolved:	05/16/2012
Date of Violation:	05/04/2012		
Compliance Required:	08/07/2012		

Notes

left message for russel who left message for me about gauges on wellhead - this is the second time I have went to inspect and did not find any gauges on the wellhead - he said he would take care of it right away

Actions/Events

Event Date	Category	Type
05/16/2012	Enforcements	Other Violation
05/16/2012	Corrective Actions	Compliance Resolved
05/15/2012	Notifications	Phone Call

cMPK2017752774

Violation Source:	Field Inspection
-------------------	------------------

Date of Violation: 06/22/2020
 Compliance Required: 09/20/2020
 Resolved: 02/02/2024

Notes

well sign email sent 6/25 due to covid extension given until 9/25 - 2/2/2024 Received photo of corrective action, unit letter added to sign.

Actions/Events

Event Date	Category	Type
------------	----------	------

Upstream Natural Gas Venting & Flaring

The upstream natural gas venting & flaring volumes are sourced from upstream natural gas waste reports (C-115B) submissions.

Earliest Natural Gas Waste Report in OCD Records: 10/2021 Last: 03/2024 [Show All Upstream Venting & Flaring](#)

	Venting & Flaring Volumes			Beneficial Use	
	Vented (MCF)	Flared (MCF)	Total (MCF)	Used (MCF)	
2021	8	0	8		0
2023	0	0	0		0
2024	0	0	0		0
Grand Total:	8	0	8		0

Orders

Please login to review the orders associated with this well.

Production / Injection

The production & injection volumes are sourced from monthly production reports (C-115) submissions.

Earliest Production in OCD Records: 12/2010 Last: 3/2024 [Show All Production](#) [Export to Excel](#)

Time Frame	Production				Injection				
	Oil (BBLs)	Gas (MCF)	Water (BBLs)	Days P/I	Water (BBLs)	Co2 (MCF)	Gas (MCF)	Other	Pressure
2010	0	0	0	62	5,860	0	0	0	N/A
2011	0	0	0	365	527,805	0	0	0	N/A
2012	0	0	0	366	1,094,870	0	0	0	N/A
2013	0	0	0	365	885,583	0	0	0	N/A
2014	0	0	0	365	425,482	0	0	0	N/A
2015	0	0	0	365	202,665	0	0	0	N/A
2016	0	0	0	0	373,015	0	0	0	N/A
2017	0	0	0	0	329,937	0	0	0	N/A
2018	0	0	0	0	441,215	0	0	0	N/A
2019	0	0	0	0	505,491	0	0	0	N/A

2020	0	0	0	0	514,414	0	0	0	N/A
2021	0	0	0	0	620,801	0	0	0	N/A
2022	0	0	0	0	613,531	0	0	0	N/A
2023	0	0	0	0	604,718	0	0	0	N/A
2024	0	0	0	0	187,980	0	0	0	N/A
Grand Total:	0	0	0	1,888	7,333,367	0	0	0	N/A

Transporters

Transporter	Product	Most Recent for Property
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Points of Disposition

ID	Type	Description	Pool(s)
----	------	-------------	---------

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OCD Permitting

Home Searches Wells Well Details

30-045-26970 PUMP CANYON SWD #001 [316041]

General Well Information

Operator:	[289408] LOGOS OPERATING, LLC	Direction:	Vertical
Status:	Active	Multi-Lateral:	No
Well Type:	Salt Water Disposal	Mineral Owner:	Federal
Work Type:	New	Surface Owner:	Federal
Surface Location:	J-07-30N-08W 1725 FSL 1850 FEL	Sing/Mult Compl:	Single
Lat/Long:	36.8228951,-107.7140961 NAD83	Potash Waiver:	False
GL Elevation:	5972		
KB Elevation:			
DF Elevation:			

Proposed Formation and/or Notes

SWD MORR BLUFF ENT

Depths

Proposed:	8535	True Vertical Depth:	8510
Measured Vertical Depth:	8510	Plugback Measured:	0

Formation Tops

Formation	Top	Producing	Method Obtained
Ojo Alamo Formation	1450		
Kirtland Formation	1650		
Fruitland Formation	2388		
Pictured Cliffs Formation	2753		
Chacra Mesa Member	3436		
Cliff House Formation	4385		
Menefee Formation	4602		
Point Lookout Formation	4987		
Mancos Formation	5438		
Gallup Formation	6121		
Greenhorn Member of the Mancos Formation	6986		
Dakota Formation	7179		
Entrada Formation	8236		

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- [New Pit Sear](#)
- [New Spill Se](#)
- [New Tank Se](#)
- [New Well Se](#)

Event Dates

Initial APD Approval:	07/15/1988	Current APD Expiration:	07/15/1990
Most Recent APD Approval:	03/16/2016		
APD Cancellation:			
APD Extension Approval:		Gas Capture Plan Received:	
Spud:	08/19/1988	TA Expiration:	
Approved Temporary Abandonment:			
Shut In:		PNR Expiration:	
Plug and Abandoned Intent Received:		Last MIT/BHT:	11/30/2023
Well Plugged:			
Site Release:			
Last Inspection:	11/30/2023		

History

Effective Date	Property	Well Number	Operator	C-101 Work Type	Well Type	Well Status	Apd Cancelled	Plug Date
03/16/2016	[316041] PUMP CANYON SWD	#001	[289408] LOGOS OPERATING, LLC	New	Salt Water Disposal	Active		
11/04/2013	[312826] PUMP CANYON SWD	#001	[143199] ENERVEST OPERATING L.L.C.	New	Salt Water Disposal	Active		
07/08/1994	[7402] PUMP CANYON SWD	#001	[14538] BURLINGTON RESOURCES OIL & GAS COMPANY LP	New	Salt Water Disposal	Active		
07/15/1988	[7402] PUMP CANYON SWD	#001	[14538] BURLINGTON RESOURCES OIL & GAS COMPANY LP	New	Salt Water Disposal	Active		

Comments

CORRECT APPROVAL DATE FOR MOI IS 07-14-88

Added on 06/29/1994 by ogosh

WAS WC BEFORE BEING NAMED SWD MORR BLUFF ENT NO ACREAGE ON SWD WELL NON WELL POD FOR THIS WELL IS 2809193.

Added on 06/02/1995 by ogocmp

CORRECT WC STATUS DATE 12-22-88:

Added on 07/08/1994 by Dorothy Jacquez

Pits

Pit On Site: [Number 1](#)

Pit Type:	Production	Status:	Active
Registration Denied:			
Closure Approved:			
Closure Denied:			

Event Dates

Registered:	Approved:	06/15/2011
Open:	Closed (most recent rig release):	

Notes

Date	Detail
06/15/2011	PMT# 8115 RECEIVED 4/29/2011. BGT

Casing

String/Hole Type	Taper	Date Set	Boreholes, Strings and Equipment Specifications			Specifications for Strings and Tubing			Strings Cemented and Intervals			Cement and Plug Description		
			Diameter	Top	Bottom (Depth)	Grade	Length	Weight	Bot of Cem	Top of Cem	Meth	Class of Cement	Sacks	Pressure Test (Y/N)
Hole 1	1		20.000	0	495		0	0.0	0	0			0	No
Surface Casing	1		20.000	0	495		495	133.0	495	1033		Class C Cement	875	No
Hole 2	1		13.375	0	3075		0	0.0	0	0			0	No
Intermediate 1 Casing	1		13.375	0	3075		3075	68.0	3075	2910		Class C Cement	1700	No
Hole 4	1		9.625	2921	5336		0	0.0	0	0			0	No
Production Casing	1		9.625	2921	5336		2415	40.0	5336	1150		Class C Cement	900	No
Packer	1		9.625	8167	8172		5	0.0	0	0			0	No
Hole 3	1		7.000	0	8202		0	0.0	0	0			0	No
Intermediate 2 Casing	1		7.000	0	8202		8202	23.0	8202	1315		Class C Cement	790	No
Tubing 1	1		4.500	0	8167		8167	0.0	0	0			0	No
Hole 5	1		4.500	8164	8510		0	0.0	0	0			0	No
Liner 1	1		4.500	8164	8510		346	11.6	8510	0		Class C Cement	99999	No

Well Completions

[96162] SWD; MORRISON BLUFF ENTRADA

Status: Active Last Produced: 03/01/2024
 Bottomhole Location: J-07-30N-08W 1725 FSL 1850 FEL
 Lat/Long: 36.8229125979305,-107.71414610024 NAD27
 Acreage:
 DHC: No Consolidation Code:
Production Method:

Well Test Data

Production Test: Test Length: 0 hours
 Flowing Tubing Pressure: 0 psi Flowing Casing Pressure: 0 psi
 Choke Size: 0.000 inches Testing Method:
 Gas Volume: 0.0 MCF Oil Volume: 0.0 bbls
 Gas-Oil Ratio: 0 Kcf / bbl Oil Gravity: 0.0 Corr. API
 Disposition of Gas: Water Volume: 0.0 bbls

Perforations

Date	Top Measured Depth (Where Completion Enters Formation)	Bottom Measured Depth (End of Lateral)	Top Vertical Depth	Bottom Vertical Depth
	8202	8510	0	0

Notes

; ORDERS: ADMIN: SWD-344;

Event Dates

Initial Effective/Approval:	07/15/1988	TA Expiration:	
Most Recent Approval:	03/16/2016	Confidential Until:	
Confidential Requested On:		Test Allowable End:	
Test Allowable Approval:		DHC:	
TD Reached:		Rig Released:	
Deviation Report Received:	No	Logs Received:	No
Directional Survey Run:	No	Closure Pit Plat Received:	
Directional Survey Received:	No	First Gas Production:	
First Oil Production:		Completion Report Received:	
First Injection:		New Well C-104 Approval:	
Ready to Produce:	12/22/1988	Revoked Until:	
C-104 Approval:			
Plug Back:			
Authorization Revoked Start:			

Well Completion History

Effective Date	Property	Well Number	Operator	Completion Status	TA Expiration Date
03/16/2016	[316041] PUMP CANYON SWD	#001	[289408] LOGOS OPERATING, LLC	Active	
11/04/2013	[312826] PUMP CANYON SWD	#001	[143199] ENERVEST OPERATING L.L.C.	Active	
07/15/1988	[7402] PUMP CANYON SWD	#001	[14538] BURLINGTON RESOURCES OIL & GAS COMPANY LP	Active	

Financial Assurance

Please login to review the financial assurance associated with this well.

Compliance

Note that Financial Assurance and Inactive Well Compliance are documented in separate reports ([Inactive Well Report](#), [Financial Assurance Report](#)).

Also note that some compliance issues are addressed at the operator level so not listed under each well.

cDGF0401652248

Violation Source:	Other	Resolved:	01/16/2004
Date of Violation:	01/05/2004		
Compliance Required:	04/20/2004		

Notes

Converted compliance record had no comment!

Actions/Events

Event Date	Category	Type
01/16/2004	Enforcements	Other Violation
01/05/2004	Notifications	Operator Reported
01/05/2004	Corrective Actions	Other Notification

cZS233357975

Violation Source: Field Inspection
Date of Violation: 11/29/2023
Compliance Required: 02/27/2024 **Resolved:** 03/11/2024

Notes

BGT has a measurable amount of hydrocarbon substance that needs to be removed.

Actions/Events

Event Date	Category	Type
------------	----------	------

cZS233358235

Violation Source: Field Inspection
Date of Violation: 11/29/2023
Compliance Required: 02/27/2024 **Resolved:** 02/27/2024

Notes

Various stains around chemical tanks and around drive, need dugout and cleaned up.

Actions/Events

Event Date	Category	Type
------------	----------	------

Reported Releases

The reported release volumes are sourced from C-141 submissions.

Earliest Reported Release in OCD Records: 01/02/2001 **Last:** 03/04/2024 [Show All Reported Releases](#)

	Release Volumes				Additional Details			
	BBLS	LBS	MCF	UNK	Type	Product	Severity	Status
2024 (1)	240	0	0	0				
2006 (1)	5	0	0	0				
2004 (2)	5	0	0	0				
2001 (1)	80	0	0	0				
Grand Total:	330	0	0	0				

Upstream Natural Gas Venting & Flaring

The upstream natural gas venting & flaring volumes are sourced from upstream natural gas waste reports (C-115B) submissions.

Earliest Natural Gas Waste Report in OCD Records: 10/2021 **Last:** 03/2024 [Show All Upstream Venting & Flaring](#)

Venting & Flaring Volumes			Beneficial Use
Vented (MCF)	Flared (MCF)	Total (MCF)	Used (MCF)

2021	5	0	5	0
2023	0	0	0	0
2024	0	0	0	0
Grand Total:	5	0	5	0

Orders

Please login to review the orders associated with this well.

Production / Injection

The production & injection volumes are sourced from monthly production reports (C-115) submissions.

Earliest Production in OCD Records: 1/1994 Last 3/2024 [Show All Production](#) [Export to Excel](#)

Time Frame	Production				Injection				
	Oil (BBLs)	Gas (MCF)	Water (BBLs)	Days P/I	Water (BBLs)	Co2 (MCF)	Gas (MCF)	Other	Pressure
1994	0	0	0	365	1,730,808	0	0	0	N/A
1995	0	0	0	365	657,836	0	0	0	N/A
1996	0	0	0	366	616,721	0	0	0	N/A
1997	0	0	0	365	460,737	0	0	0	N/A
1998	0	0	0	365	517,270	0	0	0	N/A
1999	0	0	0	365	644,310	0	0	0	N/A
2000	0	0	0	366	589,518	0	0	0	N/A
2001	0	0	0	365	478,645	0	0	0	N/A
2002	0	0	0	31	740,053	0	0	0	N/A
2003	0	0	0	0	730,099	0	0	0	N/A
2004	0	0	0	153	819,462	0	0	0	N/A
2005	0	0	0	365	809,052	0	0	0	N/A
2006	0	0	0	334	975,513	0	0	0	N/A
2007	0	0	0	181	559,325	0	0	0	N/A
2008	0	0	0	184	562,593	0	0	0	N/A
2009	0	0	0	365	534,360	0	0	0	N/A
2010	0	0	0	365	390,922	0	0	0	N/A
2011	0	0	0	365	304,194	0	0	0	N/A
2012	0	0	0	366	408,489	0	0	0	N/A
2013	0	0	0	304	362,337	0	0	0	N/A
2014	0	0	0	0	315,089	0	0	0	N/A

2015	0	0	0	0	297,351	0	0	0	N/A
2016	0	0	0	0	228,274	0	0	0	N/A
2017	0	0	0	0	174,059	0	0	0	N/A
2018	0	0	0	0	251,470	0	0	0	N/A
2019	0	0	0	0	207,938	0	0	0	N/A
2020	0	0	0	0	168,905	0	0	0	N/A
2021	0	0	0	0	190,014	0	0	0	N/A
2022	0	0	0	0	184,530	0	0	0	N/A
2023	0	0	0	0	166,239	0	0	0	N/A
2024	0	0	0	0	33,446	0	0	0	N/A
Grand Total:	0	0	0	5,935	15,109,559	0	0	0	N/A

Transporters

Transporter	Product	Most Recent for Property
-------------	---------	--------------------------

Points of Disposition

ID	Type	Description	Pool(s)
----	------	-------------	---------

OCD Permitting

Home Searches Wells Well Details

30-045-34426 CENTRAL BASIN SWD #001 [316580]

General Well Information

Operator:	[289408] LOGOS OPERATING, LLC	Direction:	Vertical
Status:	Active	Multi-Lateral:	No
Well Type:	Salt Water Disposal	Mineral Owner:	Federal
Work Type:	New	Surface Owner:	Federal
Surface Location:	N-09-28N-13W 690 FSL 1727 FWL		
Lat/Long:	36.6714287,-108.2277069 NAD83		
GL Elevation:	6015	Sing/Mult Compl:	Single
KB Elevation:		Potash Waiver:	False
DF Elevation:			

Proposed Formation and/or Notes

SWD MORRISON BLUFF ENTRADA

Depths

Proposed:	4645	True Vertical Depth:	7706
Measured Vertical Depth:	7706	Plugback Measured:	0

Formation Tops

Formation	Top	Producing	Method Obtained
Ojo Alamo Formation	240		
Kirtland Formation	355		
Fruitland Coal	1298		
Pictured Cliffs Formation	1665		
Lewis Formation	1857		
Cliff House Formation	3215		
Menefee Formation	3255		
Point Lookout Formation	4145		
Mancos Formation	4430		
Gallup Formation	5402		
Graneros Member-Mancos Fm	6196		
Dakota Formation	6260		
Morrison Formation	6460		

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Associated

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New Search

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- [New Spill Se](#)
- [New Tank Se](#)
- [New Well Se](#)

Todilto Formation	7268		
Entrada Formation	7397		
Chinle Formation	7585		

Event Dates

Initial APD Approval: 11/20/2007
 Most Recent APD Approval: 07/28/2016
 APD Cancellation:
 APD Extension Approval:
 Spud: 01/24/2008
 Approved Temporary Abandonment:
 Shut In:
 Plug and Abandoned Intent Received:
 Well Plugged:
 Site Release:
 Last Inspection: 12/18/2023

Current APD Expiration: 11/20/2009
 Gas Capture Plan Received:
 TA Expiration:
 PNR Expiration:
 Last MIT/BHT: 12/18/2023

History

Effective Date	Property	Well Number	Operator	C-101 Work Type	Well Type	Well Status	Apd Cancelled	Plug Date
07/28/2016	[316580] CENTRAL BASIN SWD	#001	[289408] LOGOS OPERATING, LLC	New	Salt Water Disposal	Active		
11/20/2007	[36836] CENTRAL BASIN SWD	#001	[162928] ENERGEN RESOURCES CORPORATION	New	Salt Water Disposal	Active		

Comments

Pits

Pit On Site: [Number 1](#)

Pit Type: Drilling Status: Inactive
 Registration Denied:
 Closure Approved: Yes
 Closure Denied:

Event Dates

Registered:
 Open: 07/09/2008 Approved:
 Closed (most recent rig release): 08/08/2008

Notes

Date	Detail
07/09/2008	RR 04/28/08 ; CLOSURE PMT# 1869 RCVD 10/09/2008 APRVD 1/12/2012

Casing

String/Hole Type	Taper	Date Set	Boreholes, Strings and Equipment Specifications			Specifications for Strings and Tubing			Strings Cemented and Intervals			Cement and Plug Description		
			Diameter	Top	Bottom (Depth)	Grade	Length	Weight	Bot of Cem	Top of Cem	Meth	Class of Cement	Sacks	Pressure Test (Y/N)
Hole 1	1	01/24/2008	13.500	0	612		0	0.0	0	0			0	No
Surface Casing	1	01/24/2008	10.750	0	600	K-55	0	40.5	612	0	Circ		0	No
Hole 2	1	02/01/2008	8.750	612	4675		0	0.0	0	0			0	No
Hole 3	1	02/20/2007	7.875	4675	7706		0	0.0	0	0			0	No
Intermediate 1 Casing	1	02/01/2008	7.625	0	4662	L-80	0	26.4	4675	0	Circ		0	No
Liner 1	1	02/20/2008	5.500	4445	7704	N-80	0	17.0	7704	0	Circ		0	No
Packer	1	10/28/2009	0.000	0	6782		0	0.0	0	0			0	No

Well Completions

[96160] SWD; MESAVERDE

Status: Cancelled
 Bottomhole Location: N-09-28N-13W 690 FSL 1727 FWL
 Lat/Long:
 Acreage:
 DHC: No
 Last Produced:
 Consolidation Code:
 Production Method:

Well Test Data

Production Test:
 Flowing Tubing Pressure: 0 psi
 Choke Size: 0.000 inches
 Gas Volume: 0.0 MCF
 Gas-Oil Ratio: 0 Kcf / bbl
 Disposition of Gas:
 Test Length: 0 hours
 Flowing Casing Pressure: 0 psi
 Testing Method:
 Oil Volume: 0.0 bbls
 Oil Gravity: 0.0 Corr. API
 Water Volume: 0.0 bbls

Perforations

Date	Top Measured Depth (Where Completion Enters Formation)	Bottom Measured Depth (End of Lateral)	Top Vertical Depth	Bottom Vertical Depth
	6876	7566	0	0

Notes

Event Dates

Initial Effective/Approval: 11/20/2007
 Most Recent Approval: 01/24/2008
 Confidential Requested On:
 Test Allowable Approval:
 TD Reached:
 Deviation Report Received: No
 Directional Survey Run: No
 Directional Survey Received: No
 TA Expiration:
 Confidential Until:
 Test Allowable End:
 DHC:
 Rig Released:
 Logs Received: No
 Closure Pit Plat Received:

First Oil Production:
 First Injection:
 Ready to Produce:
 C-104 Approval:
 Plug Back:
 Authorization Revoked Start:

First Gas Production:
 Completion Report Received:
 New Well C-104 Approval:
 Revoked Until:

Well Completion History

Effective Date	Property	Well Number	Operator	Completion Status	TA Expiration Date
01/24/2008	[36836] CENTRAL BASIN SWD	#001	[162928] ENERGEN RESOURCES CORPORATION	Cancelled	
11/20/2007	[36836] CENTRAL BASIN SWD	#001	[162928] ENERGEN RESOURCES CORPORATION	New, Not Drilled	

[96162] SWD; MORRISON BLUFF ENTRADA

Status: Active Last Produced: 03/01/2024
 Bottomhole Location: N-09-28N-13W 690 FSL 1727 FWL
 Lat/Long:
 Acreage:
 DHC: No Consolidation Code:
 Production Method:

Well Test Data

Production Test: Test Length: 0 hours
 Flowing Tubing Pressure: 0 psi Flowing Casing Pressure: 0 psi
 Choke Size: 0.000 inches Testing Method:
 Gas Volume: 0.0 MCF Oil Volume: 0.0 bbls
 Gas-Oil Ratio: 0 Kcf / bbl Oil Gravity: 0.0 Corr. API
 Disposition of Gas: Water Volume: 0.0 bbls

Perforations

Date	Top Measured Depth (Where Completion Enters Formation)	Bottom Measured Depth (End of Lateral)	Top Vertical Depth	Bottom Vertical Depth
	6876	7566	0	0

Notes

Event Dates

Initial Effective/Approval: 11/20/2007
 Most Recent Approval: 07/28/2016
 Confidential Requested On:
 Test Allowable Approval:
 TD Reached:
 Deviation Report Received: No
 Directional Survey Run: No
 Directional Survey Received: No
 First Oil Production:
 First Injection:
 Ready to Produce: 04/28/2008
 C-104 Approval:
 Plug Back:
 Authorization Revoked Start:

TA Expiration:
 Confidential Until:
 Test Allowable End:
 DHC:
 Rig Released:
 Logs Received: No
 Closure Pit Plat Received:
 First Gas Production:
 Completion Report Received:
 New Well C-104 Approval: 06/25/2008
 Revoked Until:

Well Completion History

Effective	Well	TA
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Date	Property	Number	Operator	Completion Status	Expiration Date
07/28/2016	[316580] CENTRAL BASIN SWD	#001	[289408] LOGOS OPERATING, LLC	Active	
01/24/2008	[36836] CENTRAL BASIN SWD	#001	[162928] ENERGEN RESOURCES CORPORATION	Active	
11/20/2007	[36836] CENTRAL BASIN SWD	#001	[162928] ENERGEN RESOURCES CORPORATION	New, Not Drilled	

Financial Assurance

Please login to review the financial assurance associated with this well.

Compliance

Note that Financial Assurance and Inactive Well Compliance are documented in separate reports ([Inactive Well Report](#), [Financial Assurance Report](#)).

Also note that some compliance issues are addressed at the operator level so not listed under each well.

cSJM2232540499

Violation Source: Field Inspection
 Date of Violation: 11/14/2022
 Compliance Required: 02/12/2023 Resolved: 12/01/2022

Notes

Actions/Events

Event Date	Category	Type
------------	----------	------

Reported Releases

The reported release volumes are sourced from C-141 submissions.

Earliest Reported Release in OCD Records: 03/01/2024 Last: 03/01/2024 [Show All Reported Releases](#)

	Release Volumes				Additional Details			
	BBLS	LBS	MCF	UNK	Type	Product	Severity	Status
2024 (1)	6	0	0	0				
Grand Total:	6	0	0	0				

Upstream Natural Gas Venting & Flaring

The upstream natural gas venting & flaring volumes are sourced from upstream natural gas waste reports (C-115B) submissions.

Earliest Natural Gas Waste Report in OCD Records: 10/2021 Last: 03/2024 [Show All Upstream Venting & Flaring](#)

	Venting & Flaring Volumes			Beneficial Use	
	Vented (MCF)	Flared (MCF)	Total (MCF)	Used (MCF)	
2021	7	0	7		0
2022	7	0	7		0
2023	0	0	0		0
2024	0	0	0		0

Grand Total:	14	0	14	0
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Orders

Please login to review the orders associated with this well.

Production / Injection

The production & injection volumes are sourced from monthly production reports (C-115) submissions.

Earliest Production in OCD Records: 8/2008 Last 3/2024 [Show All Production](#) [Export to Excel](#)

Time Frame	Production				Injection				
	Oil (BBLs)	Gas (MCF)	Water (BBLs)	Days P/I	Water (BBLs)	Co2 (MCF)	Gas (MCF)	Other	Pressure
2008	0	0	0	0	204,299	0	0	0	N/A
2009	0	0	0	0	519,501	0	0	0	N/A
2010	0	0	0	0	490,630	0	0	0	N/A
2011	0	0	0	0	538,374	0	0	0	N/A
2012	0	0	0	0	585,293	0	0	0	N/A
2013	0	0	0	0	447,717	0	0	0	N/A
2014	0	0	0	0	461,233	0	0	0	N/A
2015	0	0	0	0	360,933	0	0	0	N/A
2016	0	0	0	0	211,380	0	0	0	N/A
2017	0	0	0	0	105,785	0	0	0	N/A
2018	0	0	0	0	141,121	0	0	0	N/A
2019	0	0	0	0	322,534	0	0	0	N/A
2020	0	0	0	0	217,090	0	0	0	N/A
2021	67	4	0	61	264,842	0	0	0	N/A
2022	514	4	0	243	249,182	0	0	0	N/A
2023	201	0	0	366	228,165	0	0	0	N/A
2024	0	0	0	0	22,962	0	0	0	N/A
Grand Total:	782	8	0	670	5,371,041	0	0	0	N/A

Transporters

Transporter	Product	Most Recent for Property
[14035] MARATHON OIL CO	Oil	10/2023

Points of Interest

POINTS OF DISPOSITION

ID	Type	Description	Pool(s)
4037494	Oil	CENTRAL BASIN SWD #001	[96162] SWD;MORRISON BLUFF ENTRADA

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Form 990

Return of Organization Exempt From Income Tax

OMB No. 1545-0047

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code

Group Exhibit C

2017

Open to Public Inspection

Department of the Treasury Internal Revenue Service

Do not enter social security numbers on this form as it Go to www.irs.gov/Form990 for instructions and the latest information.

A For the 2018 calendar year, or tax year beginning 01-01-2017, and ending 12-31-2017

- 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) PO BOX 1864
Room/suite
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 \$ 2,132,451

F Name and address of principal officer: RYAN FLYNN 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
H(c) Group exemption number

I Tax-exempt status: 501(c)(3) 501(c)(6) 4947(a)(1) or 527

J Website: 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 WELFARE OF THE OIL AND GAS INDUSTRY OF NEW MEXICO AND THE CONSERVATION AND ORDERLY DEVELOPMENT OF OIL AND GAS RESOURCES WITHIN THE STATE OF NEW MEXICO.

Table with 3 columns: Description, 3, 4, 5, 6, 7a, 7b. Rows include: 2 Check this box, 3 Number of voting members, 4 Number of independent voting members, 5 Total number of individuals employed, 6 Total number of volunteers, 7a Total unrelated business revenue, 7b Net unrelated business taxable income.

Table with 3 columns: Description, Prior Year, Current Year. Rows include: 8 Contributions and grants, 9 Program service revenue, 10 Investment income, 11 Other revenue, 12 Total revenue.

Table with 3 columns: Description, Prior Year, Current Year. Rows include: 13 Grants and similar amounts paid, 14 Benefits paid to or for members, 15 Salaries, other compensation, 16a Professional fundraising fees, 17 Other expenses, 18 Total expenses, 19 Revenue less expenses.

Table with 3 columns: Description, Beginning of Current Year, End of Year. Rows include: 20 Total assets, 21 Total liabilities, 22 Net assets or fund balances.

Part II Signature Block

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 (RYAN FLYNN EXECUTIVE DIRECTOR), Date (2018-11-15)

Paid Preparer Use Only: Print/Type preparer's name, Preparer's signature, Date (2018-11-09), Check self-employed, PTIN (P01207573), Firm's name (JOHNSON MILLER & CO CPA'S PC), Firm's EIN (85-0214336), Firm's address (2626 JBS PKWY STE A-200, ODESSA, TX 79761), Phone no. ((432) 362-3800)

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No
For Paperwork Reduction Act Notice, see the separate instructions. Cat. No. 11282Y Form 990 (2017)

Part III Statement of Program Service Accomplishments

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

1 Briefly describe the organization's mission: TO PROMOTE THE WELFARE OF THE OIL AND GAS INDUSTRY OF NEW MEXICO AND THE CONSERVATION AND ORDERLY DEVELOPMENT OF OIL AND GAS RESOURCES WITHIN THE STATE OF NEW MEXICO.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? Yes No

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? Yes No

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ 1,877,697 including grants of \$) (Revenue \$ 2,132,380) ANNUAL INDUSTRY/AGENCY MEETING TO DISCUSS COMMON ISSUES; EDUCATION EFFORTS; REGULATORY WORK

4b (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d	Other program services (Describe in Schedule O.) (Expenses \$ _____ including grants of \$ _____) (Revenue \$ _____)
4e	Total program service expenses ▶ 1,877,697

Part IV Checklist of Required Schedules

	Yes	No
1 Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? <i>If "Yes," complete Schedule A</i>		No
2 Is the organization required to complete <i>Schedule B, Schedule of Contributors</i> (see instructions)?		No
3 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? <i>If "Yes," complete Schedule C, Part I</i>		No
4 Section 501(c)(3) organizations. Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? <i>If "Yes," complete Schedule C, Part II</i>		
5 Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? <i>If "Yes," complete Schedule C, Part III</i>	Yes	
6 Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? <i>If "Yes," complete Schedule D, Part I</i>		No
7 Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? <i>If "Yes," complete Schedule D, Part II</i>		No
8 Did the organization maintain collections of works of art, historical treasures, or other similar assets? <i>If "Yes," complete Schedule D, Part III</i>		No
9 Did the organization report an amount in Part X, line 21 for escrow or custodial account liability; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? <i>If "Yes," complete Schedule D, Part IV</i>		No
10 Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi-endowments? <i>If "Yes," complete Schedule D, Part V</i>		No
11 If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable.		
a Did the organization report an amount for land, buildings, and equipment in Part X, line 10? <i>If "Yes," complete Schedule D, Part VI</i>	Yes	
b Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VII</i>		No
c Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VIII</i>		No
d Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part IX</i>		No
e Did the organization report an amount for other liabilities in Part X, line 25? <i>If "Yes," complete Schedule D, Part X</i>		No
f Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? <i>If "Yes," complete Schedule D, Part X</i>		No
12a Did the organization obtain separate, independent audited financial statements for the tax year? <i>If "Yes," complete Schedule D, Parts XI and XII</i>	Yes	
b Was the organization included in consolidated, independent audited financial statements for the tax year? <i>If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional</i>		No
13 Is the organization a school described in section 170(b)(1)(A)(ii)? <i>If "Yes," complete Schedule E</i>		No
14a Did the organization maintain an office, employees, or agents outside of the United States?		No
b Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? <i>If "Yes," complete Schedule F, Parts I and IV</i>		No
15 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or other assistance to or for any foreign organization? <i>If "Yes," complete Schedule F, Parts II and IV</i>		No
16 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or other assistance to or for foreign individuals? <i>If "Yes," complete Schedule F, Parts III and IV</i>		No
17 Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? <i>If "Yes," complete Schedule G, Part I</i> (see instructions)		No

- 18** Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? *If "Yes," complete Schedule G, Part II*
- 19** Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? *If "Yes," complete Schedule G, Part III*
- 20a** Did the organization operate one or more hospital facilities? *If "Yes," complete Schedule H*
 - b** If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?
- 21** Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? *If "Yes," complete Schedule I, Parts I and II*
- 22** Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? *If "Yes," complete Schedule I, Parts I and III*

18	No
19	No
20a	No
20b	
21	No
22	No

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Part IV Checklist of Required Schedules (continued)

	Yes	No
23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? <i>If "Yes," complete Schedule J</i>	Yes	
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? <i>If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a</i>		No
b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?		
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?		
d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?		
25a Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? <i>If "Yes," complete Schedule L, Part I</i>		
b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? <i>If "Yes," complete Schedule L, Part I</i>		
26 Did the organization report any amount on Part X, line 5, 6, or 22 for receivables from or payables to any current or former officers, directors, trustees, key employees, highest compensated employees, or disqualified persons? <i>If "Yes," complete Schedule L, Part II</i>		No
27 Did the organization provide a grant or other assistance to an officer, director, trustee, key employee, substantial contributor or employee thereof, a grant selection committee member, or to a 35% controlled entity or family member of any of these persons? <i>If "Yes," complete Schedule L, Part III</i>		No
28 Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):		
a A current or former officer, director, trustee, or key employee? <i>If "Yes," complete Schedule L, Part IV</i>		No
b A family member of a current or former officer, director, trustee, or key employee? <i>If "Yes," complete Schedule L, Part IV</i>		No
c An entity of which a current or former officer, director, trustee, or key employee (or a family member thereof) was an officer, director, trustee, or direct or indirect owner? <i>If "Yes," complete Schedule L, Part IV</i>		No
29 Did the organization receive more than \$25,000 in non-cash contributions? <i>If "Yes," complete Schedule M</i>		No
30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? <i>If "Yes," complete Schedule M</i>		No
31 Did the organization liquidate, terminate, or dissolve and cease operations? <i>If "Yes," complete Schedule N, Part I</i>		No
32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? <i>If "Yes," complete Schedule N, Part II</i>		No
33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? <i>If "Yes," complete Schedule R, Part I</i>		No
34 Was the organization related to any tax-exempt or taxable entity? <i>If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1</i>		No
35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?		No
b If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? <i>If "Yes," complete Schedule R, Part V, line 2</i>		
36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? <i>If "Yes," complete Schedule R, Part V, line 2</i>		

30		
37		No
38	Yes	

Part V Statements Regarding Other IRS Filings and Tax Compliance

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

		Yes	No
1a Enter the number reported in Box 3 of Form 1096 Enter -0- if not applicable	1a		
b Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable	1b		
c Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?	1c		

Form 990 (2017)

Form 990 (2017)

2a Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return	2a	8		
b If at least one is reported on line 2a, did the organization file all required federal employment tax returns? Note. If the sum of lines 1a and 2a is greater than 250, you may be required to e-file (see instructions)	2b		Yes	
3a Did the organization have unrelated business gross income of \$1,000 or more during the year?	3a			No
b If "Yes," has it filed a Form 990-T for this year? If "No" to line 3b, provide an explanation in Schedule O	3b			
4a At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?	4a			No
b If "Yes," enter the name of the foreign country: _____ See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).				
5a Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?	5a			No
b Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?	5b			No
c If "Yes," to line 5a or 5b, did the organization file Form 8886-T?	5c			
6a Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?	6a			No
b If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	6b			
7 Organizations that may receive deductible contributions under section 170(c).				
a Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor?	7a		Yes	
b If "Yes," did the organization notify the donor of the value of the goods or services provided?	7b		Yes	
c Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?	7c			No
d If "Yes," indicate the number of Forms 8282 filed during the year	7d			
e Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?	7e			No
f Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?	7f			No
g If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?	7g			
h If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?	7h			
8 Sponsoring organizations maintaining donor advised funds. Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?	8			
9a Did the sponsoring organization make any taxable distributions under section 4966?	9a			
b Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?	9b			
10 Section 501(c)(7) organizations. Enter:				
a Initiation fees and capital contributions included on Part VIII, line 12	10a			
b Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities	10b			
11 Section 501(c)(12) organizations. Enter:				
a Gross income from members or shareholders	11a			
b Gross income from other sources (Do not net amounts due or paid to other sources				

against amounts due or received from them.)

Table with columns 11b, 12a, 12b, 13a, 13b, 13c, 14a, 14b, 15, 16. Includes 'Form 990 (2017)' label.

Part VI Governance, Management, and Disclosure For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions. Check if Schedule O contains a response or note to any line in this Part VI



Section A. Governing Body and Management

Table for Section A with columns 1a, 1b, 2, 3, 4, 5, 6, 7a, 7b, 8a, 8b, 9. Includes 'Yes' and 'No' columns.

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

Table for Section B with columns 10a, 10b, 11a, 11b, 12a, 12b. Includes 'Yes' and 'No' columns.

(3) MICHAEL D'ANTONIO GOV AFFAIRS				X					90,625	0	0
(4) CLAIRE MANATT CHASE TREASURER		X		X					0	0	0
(5) SAMANTHA OMEY SECRETARY		X		X					0	0	0
(6) LELAND GOULD PAST CHAIRMA		X		X					0	0	0
(7) CLIFF BRUNSON CHAIRMAN		X		X					0	0	0
(8) THOMAS JANISZEWSKI EXEC COMMITT		X							0	0	0
(9) KRISTEN LANGLEY EXEC COMMITT		X							0	0	0
(10) SCOTT KIDWELL VICE CHAIRMA				X					0	0	0
(11) DAVID MCKAY EXEC COMMITT		X							0	0	0
(12) RAYE MILLER EXEC COMMITT		X							0	0	0
(13) JOHN SMITHERMAN EXEC COMMITT		X							0	0	0
(14) CLINT WALKER EXEC COMMITT		X							0	0	0
(15) KEN WAITS CHAIRMAN-ELE				X					0	0	0
(16) DEREK ALBRO EXEC COMMITT		X							0	0	0
(17) BLAKE BARFIELD EXEC COMMITT		X							0	0	0

Form 990 (2017)

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)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(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) CURTIS GURLEY EXEC COMMITT		X						0	0	0
(19) JOHN ALEXANDER		X						0	0	0

EXEC COMMITTEE																				
(20) CALLIE ZAZZI																				
EXEC COMMITTEE																				
(21) BETTY READ YOUNG																				
EXEC COMMITTEE																				
(22) CHAD ODEGARD																				
EXEC COMMITTEE																				
(23) JAY PAUL MCWILLIAMS																				
EXEC COMMITTEE																				
(24) DAVID MABEE																				
EXEC COMMITTEE																				
(25) KYLE KERR																				
EXEC COMMITTEE																				
(26) BRET FOX																				
EXEC COMMITTEE																				
(27) ERIC DILLE																				
EXEC COMMITTEE																				
(28) ROGER ALEXANDER																				
EXEC COMMITTEE																				

1b Sub-Total																				
c Total from continuation sheets to Part VII, Section A																				
d Total (add lines 1b and 1c)																				

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 **1**

	Yes	No
3 Did the organization list any former officer, director or trustee, key employee, or highest compensated employee on line 1a? <i>If "Yes," complete Schedule J for such individual</i>		No
4 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	
5 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

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

Part VIII **Statement of Revenue**

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

		(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512 - 514
Contributions	1a Federated campaigns	1a			
	b Membership dues	1b			

**Contributions, Gifts, Gr
and Other Similar Am**

c Fundraising events	1c	
d Related organizations	1d	
e Government grants (contributions)	1e	
f All other contributions, gifts, grants, and similar amounts not included above	1f	
g Noncash contributions included in lines 1a - 1f: \$ _____		
h Total. Add lines 1a-1f ▶		

Program Service Revenue

	Business Code			
2a MEMBER DUES		1,111,907	1,111,907	
b OTHER MEMBER REVENUES - PROJE		508,450	508,450	
c ANNUAL MTG-REGISTRATION		379,773	379,773	
d SPONSOR REVENUE		132,250	132,250	
e _____				
f All other program service revenue .				
g Total. Add lines 2a-2f ▶		2,132,380		

Other Revenue

3 Investment income (including dividends, interest, and other similar amounts) ▶		71			71
4 Income from investment of tax-exempt bond proceeds ▶					
5 Royalties ▶					
6a Gross rents	(i) Real	(ii) Personal			
b Less: rental expenses					
c Rental income or (loss)					
d Net rental income or (loss) ▶					
7a Gross amount from sales of assets other than inventory	(i) Securities	(ii) Other			
b Less: cost or other basis and sales expenses					
c Gain or (loss)					
d Net gain or (loss) ▶					
8a Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18 a					
b Less: direct expenses b					
c Net income or (loss) from fundraising events ▶					
9a Gross income from gaming activities. See Part IV, line 19 a					
b Less: direct expenses b					
c Net income or (loss) from gaming activities ▶					
10a Gross sales of inventory, less returns and allowances a					
b Less: cost of goods sold b					
c Net income or (loss) from sales of inventory ▶					
Miscellaneous Revenue	Business Code				
11a					

b				
c				
d All other revenue				
e Total. Add lines 11a–11d ▶				
12 Total revenue. See Instructions. ▶				
		2,132,451	2,132,380	71

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

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

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.

	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21				
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, line 15 and 16.				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	710,817	639,736	71,081	
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages				
8 Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions)	95,064	85,558	9,506	
9 Other employee benefits	72,469	65,222	7,247	
10 Payroll taxes	50,658	45,592	5,066	
11 Fees for services (non-employees):				
a Management				
b Legal	73,433	66,090	7,343	
c Accounting	13,629	12,266	1,363	
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O)				
12 Advertising and promotion				
13 Office expenses				
14 Information technology				
15 Royalties				
16 Occupancy	77,333	69,600	7,733	
17 Travel	84,352	75,917	8,435	
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings				
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	949		949	
23 Insurance				

24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
a PUBLIC RELATIONS	497,278	447,550	49,728	
b ANNUAL MEETING	276,116	276,116		
c EXECUTIVE COMMITTEE MEETI	40,799	36,719	4,080	
d UTILITIES & MAINTENANCE	19,417	17,475	1,942	
e All other expenses	44,284	39,856	4,428	
25 Total functional expenses. Add lines 1 through 24e	2,056,598	1,877,697	178,901	0
26 Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720).				

Form 990 (2017)

Part X **Balance Sheet**

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

		(A) Beginning of year		(B) End of year
Assets	1 Cash—non-interest-bearing	359,160	1	359,231
	2 Savings and temporary cash investments	904,282	2	1,052,683
	3 Pledges and grants receivable, net		3	
	4 Accounts receivable, net		4	
	5 Loans and other receivables from current and former officers, directors, trustees, key employees, and highest compensated employees. Complete Part II of Schedule L		5	
	6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), persons described in section 4958(c)(3)(B), and contributing employers and sponsoring organizations of section 501(c)(9) voluntary employees' beneficiary organizations (see instructions) Complete Part II of Schedule L		6	
	7 Notes and loans receivable, net		7	
	8 Inventories for sale or use		8	
	9 Prepaid expenses and deferred charges		9	
	10a Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a 70,763		
	b Less: accumulated depreciation	10b 61,041	8,406	10c 9,722
	11 Investments—publicly traded securities		11	
	12 Investments—other securities. See Part IV, line 11		12	
	13 Investments—program-related. See Part IV, line 11		13	
	14 Intangible assets		14	
	15 Other assets. See Part IV, line 11		15	
16 Total assets. Add lines 1 through 15 (must equal line 34)		1,271,848	16	1,421,636
Liabilities	17 Accounts payable and accrued expenses	41,234	17	101,169
	18 Grants payable		18	
	19 Deferred revenue	120,860	19	134,860
	20 Tax-exempt bond liabilities		20	
	21 Escrow or custodial account liability. Complete Part IV of Schedule D		21	
	22 Loans and other payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons. Complete Part II of Schedule L		22	
	23 Secured mortgages and notes payable to unrelated third parties		23	
	24 Unsecured notes and loans payable to unrelated third parties		24	
	25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17 - 24)		25	

		and other liabilities not included on lines 17 - 27). Complete Part X of Schedule D			
26		Total liabilities. Add lines 17 through 25	162,094	26	236,029
Net Assets or Fund Balances	Organizations that follow SFAS 117 (ASC 958), check here <input checked="" type="checkbox"/> and complete lines 27 through 29, and lines 33 and 34.				
	27	Unrestricted net assets	1,109,754	27	1,185,607
	28	Temporarily restricted net assets		28	
	29	Permanently restricted net assets		29	
	Organizations that do not follow SFAS 117 (ASC 958), check here <input type="checkbox"/> and complete lines 30 through 34.				
	30	Capital stock or trust principal, or current funds		30	
	31	Paid-in or capital surplus, or land, building or equipment fund		31	
	32	Retained earnings, endowment, accumulated income, or other funds		32	
	33	Total net assets or fund balances	1,109,754	33	1,185,607
	34	Total liabilities and net assets/fund balances	1,271,848	34	1,421,636

Form 990 (2017)

Form 990 (2017)

Part XI Reconciliation of Net Assets

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

1	Total revenue (must equal Part VIII, column (A), line 12)	1	2,132,451
2	Total expenses (must equal Part IX, column (A), line 25)	2	2,056,598
3	Revenue less expenses. Subtract line 2 from line 1	3	75,853
4	Net assets or fund balances at beginning of year (must equal Part X, line 33, column (A))	4	1,109,754
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 33, column (B))	10	1,185,607

Part XII Financial Statements and Reporting

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

- 1** Accounting method used to prepare the Form 990: Cash Accrual Other _____
If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O.
- 2a** Were the organization's financial statements compiled or reviewed by an independent accountant?
If "Yes," check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both:
 Separate basis Consolidated basis Both consolidated and separate basis
- b** Were the organization's financial statements audited by an independent accountant?
If "Yes," check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both:
 Separate basis Consolidated basis Both consolidated and separate basis
- c** If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant?
If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.
- 3a** As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?
- b** If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.

	Yes	No
2a		No
2b	Yes	
2c	Yes	
3a		No
3b		

Form 990 (2017)

Additional Data

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Software ID:

Software Version:

Form 990, Special Condition Description:

SCHEDULE C (Form 990 or 990-EZ)

Political Campaign and Lobbying Activities

OMB No. 1545-0047

For Organizations Exempt From Income Tax Under section 501(c) and section 527

2017

Open to Public Inspection

Department of the Treasury Internal Revenue Service

Complete if the organization is described below. Attach to Form 990 or Form 990-EZ. Go to www.irs.gov/Form990 for instructions and the latest information.

If the organization answered "Yes" on Form 990, Part IV, Line 3, or Form 990-EZ, Part V, line 46 (Political Campaign Activities), then

- Section 501(c)(3) organizations: Complete Parts I-A and B. Do not complete Part I-C.
Section 501(c) (other than section 501(c)(3)) organizations: Complete Parts I-A and C below. Do not complete Part I-B.
Section 527 organizations: Complete Part I-A only.

If the organization answered "Yes" on Form 990, Part IV, Line 4, or Form 990-EZ, Part VI, line 47 (Lobbying Activities), then

- Section 501(c)(3) organizations that have filed Form 5768 (election under section 501(h)): Complete Part II-A. Do not complete Part II-B.
Section 501(c)(3) organizations that have NOT filed Form 5768 (election under section 501(h)): Complete Part II-B. Do not complete Part II-A.

If the organization answered "Yes" on Form 990, Part IV, Line 5 (Proxy Tax) (see separate instructions) or Form 990-EZ, Part V, line 35c (Proxy Tax) (see separate instructions), then

- Section 501(c)(4), (5), or (6) organizations: Complete Part III.

Table with 2 columns: Name of the organization (NEW MEXICO OIL & GAS ASSOCIATION) and Employer identification number (85-0056996)

Part I-A Complete if the organization is exempt under section 501(c) or is a section 527 organization.

1 Provide a description of the organization's direct and indirect political campaign activities in Part IV (see instructions for definition of "political campaign activities")

2 Political campaign activity expenditures (see instructions) \$

3 Volunteer hours for political campaign activities (see instructions)

Part I-B Complete if the organization is exempt under section 501(c)(3).

1 Enter the amount of any excise tax incurred by the organization under section 4955 \$

2 Enter the amount of any excise tax incurred by organization managers under section 4955 \$

3 If the organization incurred a section 4955 tax, did it file Form 4720 for this year? Yes No

4a Was a correction made? Yes No

b If "Yes," describe in Part IV.

Part I-C Complete if the organization is exempt under section 501(c), except section 501(c)(3).

1 Enter the amount directly expended by the filing organization for section 527 exempt function activities \$

2 Enter the amount of the filing organization's funds contributed to other organizations for section 527 exempt function activities \$

3 Total exempt function expenditures. Add lines 1 and 2. Enter here and on Form 1120-POL, line 17b. \$

4 Did the filing organization file Form 1120-POL for this year? Yes No

5 Enter the names, addresses and employer identification number (EIN) of all section 527 political organizations to which the filing organization made payments. For each organization listed, enter the amount paid from the filing organization's funds. Also enter the amount of political contributions received that were promptly and directly delivered to a separate political organization, such as a separate segregated fund or a political action committee (PAC). If additional space is needed, provide information in Part IV.

Table with 5 columns: (a) Name, (b) Address, (c) EIN, (d) Amount paid from filing organization's funds, (e) Amount of political contributions received and promptly and directly delivered to a separate political organization.

Part II-A Complete if the organization is exempt under section 501(c)(3) and filed Form 5768 (election under section 501(h)).

- A** Check if the filing organization belongs to an affiliated group (and list in Part IV each affiliated group member's name, address, EIN, expenses, and share of excess lobbying expenditures).
- B** Check if the filing organization checked box A and "limited control" provisions apply.

Limits on Lobbying Expenditures
(The term "expenditures" means amounts paid or incurred.)

(a) Filing organization's totals
(b) Affiliated group totals

- 1a** Total lobbying expenditures to influence public opinion (grass roots lobbying)
- b** Total lobbying expenditures to influence a legislative body (direct lobbying)
- c** Total lobbying expenditures (add lines 1a and 1b)
- d** Other exempt purpose expenditures
- e** Total exempt purpose expenditures (add lines 1c and 1d)
- f** Lobbying nontaxable amount. Enter the amount from the following table in both columns.

If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:
Not over \$500,000	20% of the amount on line 1e.
Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000.
Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000.
Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000.
Over \$17,000,000	\$1,000,000.

- g** Grassroots nontaxable amount (enter 25% of line 1f)
- h** Subtract line 1g from line 1a. If zero or less, enter -0-
- i** Subtract line 1f from line 1c. If zero or less, enter -0-
- j** If there is an amount other than zero on either line 1h or line 1i, did the organization file Form 4720 reporting section 4911 tax for this year? Yes No

4-Year Averaging Period Under section 501(h)
(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the separate instructions for lines 2a through 2f.)

Lobbying Expenditures During 4-Year Averaging Period

Calendar year (or fiscal year beginning in)	(a) 2014	(b) 2015	(c) 2016	(d) 2017	(e) Total
2a Lobbying nontaxable amount					
b Lobbying ceiling amount (150% of line 2a, column(e))					
c Total lobbying expenditures					
d Grassroots nontaxable amount					
e Grassroots ceiling amount (150% of line 2d, column (e))					
f Grassroots lobbying expenditures					

Part II-B Complete if the organization is exempt under section 501(c)(3) and has NOT filed Form 5768 (election under section 501(h)).

For each "Yes" response on lines 1a through 1i below, provide in Part IV a detailed description of the lobbying activity.

	(a)		(b)
	Yes	No	Amount
1 During the year, did the filing organization attempt to influence foreign, national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:			

a	Volunteers?		
b	Paid staff or management (include compensation in expenses reported on lines 1c through 1i)?		
c	Media advertisements?		
d	Mailings to members, legislators, or the public?		
e	Publications, or published or broadcast statements?		
f	Grants to other organizations for lobbying purposes?		
g	Direct contact with legislators, their staffs, government officials, or a legislative body?		
h	Rallies, demonstrations, seminars, conventions, speeches, lectures, or any similar means?		
i	Other activities?		
j	Total. Add lines 1c through 1i		
2a	Did the activities in line 1 cause the organization to be not described in section 501(c)(3)?		
b	If "Yes," enter the amount of any tax incurred under section 4912		
c	If "Yes," enter the amount of any tax incurred by organization managers under section 4912		
d	If the filing organization incurred a section 4912 tax, did it file Form 4720 for this year?		

Part III-A Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6).

	Yes	No
1 Were substantially all (90% or more) dues received nondeductible by members?	1	No
2 Did the organization make only in-house lobbying expenditures of \$2,000 or less?	2	No
3 Did the organization agree to carry over lobbying and political expenditures from the prior year?	3	No

Part III-B Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6) and if either (a) BOTH Part III-A, lines 1 and 2, are answered "No" OR (b) Part III-A, line 3, is answered "Yes."

1 Dues, assessments and similar amounts from members	1	1,111,907
2 Section 162(e) nondeductible lobbying and political expenditures (do not include amounts of political expenses for which the section 527(f) tax was paid).		
a Current year	2a	533,860
b Carryover from last year	2b	
c Total	2c	533,860
3 Aggregate amount reported in section 6033(e)(1)(A) notices of nondeductible section 162(e) dues .	3	833,930
4 If notices were sent and the amount on line 2c exceeds the amount on line 3, what portion of the excess does the organization agree to carryover to the reasonable estimate of nondeductible lobbying and political expenditure next year?	4	
5 Taxable amount of lobbying and political expenditures (see instructions)	5	-300,070

Part IV Supplemental Information

Provide the descriptions required for Part I-A, line 1; Part I-B, line 4; Part I-C, line 5; Part II-A (affiliated group list); Part II-A, lines 1 and 2 (see instructions), and Part II-B, line 1. Also, complete this part for any additional information.

Return Reference	Explanation

Schedule C (Form 990 or 990EZ) 2017

Additional Data

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Software ID:
Software Version:

SCHEDULE D (Form 990)

Supplemental Financial Statements

OMB No. 1545-0047

2017

Open to Public Inspection

Complete if the organization answered "Yes," on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b. Attach to Form 990. Go to www.irs.gov/Form990 for the latest information.

Department of the Treasury Internal Revenue Service

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number 85-0056996

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.

Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

Table with 3 columns: Question, (a) Donor advised funds, (b) Funds and other accounts. Rows include total number at end of year, aggregate value of contributions, grants, and end of year, and two yes/no questions about donor advisement.

Part II Conservation Easements. Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

Form for Part II Conservation Easements. Includes questions about purpose of easements, total number and acreage, and monitoring requirements. Includes a table for 'Held at the End of the Year' with rows 2a, 2b, 2c, 2d.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

Form for Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets. Includes questions about reporting requirements and revenue/assets for art collections.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets (continued)

- 3** Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):
- a** Public exhibition
 - b** Scholarly research
 - c** Preservation for future generations
 - d** Loan or exchange programs
 - e** Other
- 4** Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.
- 5** During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? . . . Yes No

Part IV Escrow and Custodial Arrangements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

- 1a** Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? Yes No

b If "Yes," explain the arrangement in Part XIII and complete the following table:

- c** Beginning balance
- d** Additions during the year
- e** Distributions during the year
- f** Ending balance

	Amount
1c	
1d	
1e	
1f	

- 2a** Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? . . . Yes No
- b** If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII

Part V Endowment Funds. Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1a Beginning of year balance					
b Contributions					
c Net investment earnings, gains, and losses					
d Grants or scholarships					
e Other expenditures for facilities and programs					
f Administrative expenses					
g End of year balance					

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

- a** Board designated or quasi-endowment ▶
- b** Permanent endowment ▶
- c** Temporarily restricted endowment ▶

The percentages on lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

- (i)** unrelated organizations
- (ii)** related organizations

b If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R?

	Yes	No
3a(i)		
3a(ii)		
3b		

4 Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI Land, Buildings, and Equipment.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Description of property	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
1a Land				
b Buildings				
c Leasehold improvements				
d Equipment		70,763	61,041	9,722

Schedule D (Form 990) 2017

Page 3

Part VII Investments **Other Securities.** Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely-held equity interests		
(3) Other _____		
(A)		
(B)		
(C)		
(D)		
(E)		
(F)		
(G)		
(H)		
Total. (Column (b) must equal Form 990, Part X, col. (B) line 12.)		

Part VIII Investments **Program Related.** Complete if the organization answered 'Yes' on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
Total. (Column (b) must equal Form 990, Part X, col.(B) line 13.)		

Part IX Other Assets. Complete if the organization answered 'Yes' on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	(b) Book value
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	

(7)	
(8)	
(9)	
Total. (Column (b) must equal Form 990, Part X, col.(B) line 15.)	

Part X Other Liabilities. Complete if the organization answered 'Yes' on Form 990, Part IV, line 11e or 11f. See Form 990, Part X, line 25.

1.	(a) Description of liability	(b) Book value
(1)	Federal income taxes	
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
Total. (Column (b) must equal Form 990, Part X, col.(B) line 25.)		

2. Liability for uncertain tax positions. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII

Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total revenue, gains, and other support per audited financial statements	1	1,340,574
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:		
a	Net unrealized gains (losses) on investments	2a	
b	Donated services and use of facilities	2b	
c	Recoveries of prior year grants	2c	
d	Other (Describe in Part XIII.)	2d	
e	Add lines 2a through 2d	2e	
3	Subtract line 2e from line 1	3	1,340,574
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1:		
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a	
b	Other (Describe in Part XIII.)	4b	791,877
c	Add lines 4a and 4b	4c	791,877
5	Total revenue. Add lines 3 and 4c . (This must equal Form 990, Part I, line 12.)	5	2,132,451

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total expenses and losses per audited financial statements	1	1,264,721
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:		
a	Donated services and use of facilities	2a	
b	Prior year adjustments	2b	
c	Other losses	2c	
d	Other (Describe in Part XIII.)	2d	
e	Add lines 2a through 2d	2e	
3	Subtract line 2e from line 1	3	1,264,721
4	Amounts included on Form 990, Part IX, line 25, but not on line 1:		
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a	
b	Other (Describe in Part XIII.)	4b	791,877

b Other (Describe in Part XIII.)	791,877	
c Add lines 4a and 4b		4c 791,877
5 Total expenses. Add lines 3 and 4c . (This must equal Form 990, Part I, line 18.)		5 2,056,598

Part XIII Supplemental Information

Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

Return Reference	Explanation
SCHEDULE D, PAGE 4, PART XI, LINE 4B	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 283,427 MEMBER PROJECT REVENUE NETTED W/PUBLIC RELATIONS EXP 508,450
SCHEDULE D, PAGE 4, PART XII, LINE 4B	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 283,427 MEMBER PROJECT REVENUE NETTED W/PUBLIC RELATIONS EXP 508,450

Schedule D (Form 990) 2017

Additional Data

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Software ID:
Software Version:

Part III Supplemental Information

Provide the information, explanation, or descriptions required for Part I, lines 1a, 1b, 3, 4a, 4b, 4c, 5a, 5b, 6a, 6b, 7, and 8, and for Part II. Also complete this part for any additional information.

Return Reference	Explanation
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Additional Data

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Software ID:
Software Version:

[efile Public Visual Render](#)

ObjectID: 201813179349302191 - Submission: 2018-11-13

TIN: 85-0056996

OMB No. 1545-0047

SCHEDULE O
(Form 990 or 990-EZ)

Supplemental Information to Form 990 or 990-EZ

2017

Complete to provide information for responses to specific questions on Form 990 or 990-EZ or to provide any additional information.

Open to Public Inspection

▶ Attach to Form 990 or 990-EZ.

▶ Go to www.irs.gov/Form990 for the latest information.

Department of the Treasury
Internal Revenue Service

Name of the organization
NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number

85-0056996

Return Reference	Explanation
FORM 990, PAGE 6, PART VI, LINE 11B	THE RETURN IS REVIEWED BY THE BOARD PRESIDENT PRIOR TO FILING.
FORM 990, PAGE 6, PART VI, LINE 19	THE ORGANIZATION'S GOVERNING DOCUMENTS, ANY WRITTEN POLICIES, AND/OR FINANCIAL STATEMENTS ARE AVAILABLE TO THE PUBLIC UPON REQUEST.
FORM 990, PART XI, LINE 9	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S -283,427 MEMBER PROJECT REVENUE NETTED W/PUBLIC RELATIONS EXP -508,450 ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 283,427 MEMBER PROJECT REVENUE NETTED W/PUBLIC RELATIONS EXP 508,450

Additional Data

[Return to Form](#)

Software ID:
Software Version:

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

Return of Organization Exempt From Income Tax

OMB No. 1545-0047

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 for instructions and the latest information.

2018

Open to Public Inspection

A For the 2019 calendar year, or tax year beginning 01-01-2018, and ending 12-31-2018

- 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

F Name and address of principal officer:
RYAN FLYNN
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

K Form of organization: Corporation Trust Association Other ▶

L Year of formation: 1929 **M** State of legal domicile: NM

Part I Summary

Activities & Governance	1 Briefly describe the organization's mission or most significant activities: TO PROMOTE THE WELFARE OF THE OIL AND GAS INDUSTRY OF NEW MEXICO AND THE CONSERVATION AND ORDERLY DEVELOPMENT OF OIL AND GAS RESOURCES WITHIN THE STATE OF NEW MEXICO.		
	2 Check this box <input type="checkbox"/>		
	3 Number of voting members of the governing body (Part VI, line 1a)	3	26
	4 Number of independent voting members of the governing body (Part VI, line 1b)	4	0
	5 Total number of individuals employed in calendar year 2018 (Part V, line 2a)	5	7
	6 Total number of volunteers (estimate if necessary)	6	
	7a Total unrelated business revenue from Part VIII, column (C), line 12	7a	0
b Net unrelated business taxable income from Form 990-T, line 34	7b		
Revenue	8 Contributions and grants (Part VIII, line 1h)	Prior Year	0
	9 Program service revenue (Part VIII, line 2g)	2,132,380	3,143,540
	10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)	71	438
	11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)		0
	12 Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	2,132,451	3,143,978
	Expenses	13 Grants and similar amounts paid (Part IX, column (A), lines 1-3)		0
14 Benefits paid to or for members (Part IX, column (A), line 4)			0
15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)		929,008	983,782
16a Professional fundraising fees (Part IX, column (A), line 11e)			0
b Total fundraising expenses (Part IX, column (D), line 25) ▶ 0			
17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)		1,127,590	2,028,939
18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)		2,056,598	3,012,721
19 Revenue less expenses. Subtract line 18 from line 12	75,853	131,257	
Net Assets or Fund Balances	20 Total assets (Part X, line 16)	Beginning of Current Year	1,421,636
	21 Total liabilities (Part X, line 26)		150,301
	22 Net assets or fund balances. Subtract line 21 from line 20		1,185,607
		End of Year	1,316,864

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

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

2019-10-30

Date

RYAN FLYNN EXECUTIVE DIRECTOR

Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name

Preparer's signature

Date 2019-11-11

Check if self-employed

PTIN P01207573

Firm's name ▶ JOHNSON MILLER & CO CPA'S PC

Firm's EIN ▶ 85-0214336

Firm's address ▶ 2626 JBS PKWY STE A-200

Phone no. (432) 362-3800

ODESSA, TX 79761

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No

For Paperwork Reduction Act Notice, see the separate instructions.

Cat. No. 11282Y

Form 990 (2018)

Part III Statement of Program Service Accomplishments

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

1 Briefly describe the organization's mission:

TO PROMOTE THE WELFARE OF THE OIL AND GAS INDUSTRY OF NEW MEXICO AND THE CONSERVATION AND ORDERLY DEVELOPMENT OF OIL AND GAS RESOURCES WITHIN THE STATE OF NEW MEXICO.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? Yes No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? Yes No

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ 2,738,128 including grants of \$) (Revenue \$ 3,143,540) ANNUAL INDUSTRY/AGENCY MEETING TO DISCUSS COMMON ISSUES; EDUCATION EFFORTS; REGULATORY WORK

4b (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d Other program services (Describe in Schedule O.) (Expenses \$ including grants of \$) (Revenue \$)

Part IV Checklist of Required Schedules

Table with 3 columns: Question ID, Question Text, Yes, No. Rows include questions 1 through 20a regarding organizational requirements and reporting.

b If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?

20b		
21		No
22		No

21 Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? If "Yes," complete Schedule I, Parts I and II

22 Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? If "Yes," complete Schedule I, Parts I and III

Form 990 (2018)

Form 990 (2018)

Part IV Checklist of Required Schedules (continued)

	Yes	No
23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? If "Yes," complete Schedule J	Yes	
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a		No
b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?		
24b		
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?		
24c		
d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?		
24d		
25a Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? If "Yes," complete Schedule L, Part I		
b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I		
25b		
26 Did the organization report any amount on Part X, line 5, 6, or 22 for receivables from or payables to any current or former officers, directors, trustees, key employees, highest compensated employees, or disqualified persons? If "Yes," complete Schedule L, Part II		No
26		No
27 Did the organization provide a grant or other assistance to an officer, director, trustee, key employee, substantial contributor or employee thereof, a grant selection committee member, or to a 35% controlled entity or family member of any of these persons? If "Yes," complete Schedule L, Part III		No
27		No
28 Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):		
a A current or former officer, director, trustee, or key employee? If "Yes," complete Schedule L, Part IV		No
28a		No
b A family member of a current or former officer, director, trustee, or key employee? If "Yes," complete Schedule L, Part IV		No
28b		No
c An entity of which a current or former officer, director, trustee, or key employee (or a family member thereof) was an officer, director, trustee, or direct or indirect owner? If "Yes," complete Schedule L, Part IV		No
28c		No
29 Did the organization receive more than \$25,000 in non-cash contributions? If "Yes," complete Schedule M		No
29		No
30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? If "Yes," complete Schedule M		No
30		No
31 Did the organization liquidate, terminate, or dissolve and cease operations? If "Yes," complete Schedule N, Part I		No
31		No
32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? If "Yes," complete Schedule N, Part II		No
32		No
33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Schedule R, Part I		No
33		No
34 Was the organization related to any tax-exempt or taxable entity? If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1		No
34		No
35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?		No
35a		No
b If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," complete Schedule R, Part V, line 2		
35b		
36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? If "Yes," complete Schedule R, Part V, line 2		
36		
37 Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? If "Yes," complete Schedule R, Part VI		No
37		No
38 Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11b and 19? Note. All Form 990 filers are required to complete Schedule O.	Yes	
38	Yes	

Part V Statements Regarding Other IRS Filings and Tax Compliance

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



		Yes	No
1a	Enter the number reported in Box 3 of Form 1096. Enter -0- if not applicable.		
1b	Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable.		
1c	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?		

2a	Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return.	2a	7		
2b	If at least one is reported on line 2a, did the organization file all required federal employment tax returns? Note. If the sum of lines 1a and 2a is greater than 250, you may be required to e-file (see instructions).			Yes	
3a	Did the organization have unrelated business gross income of \$1,000 or more during the year?				No
3b	If "Yes," has it filed a Form 990-T for this year? If "No" to line 3b, provide an explanation in Schedule O.				
4a	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?				No
4b	If "Yes," enter the name of the foreign country: _____ See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).				
5a	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?				No
5b	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?				No
5c	If "Yes," to line 5a or 5b, did the organization file Form 8886-T?				
6a	Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?				No
6b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?				
7	Organizations that may receive deductible contributions under section 170(c).				
7a	Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor?			Yes	
7b	If "Yes," did the organization notify the donor of the value of the goods or services provided?			Yes	
7c	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?				No
7d	If "Yes," indicate the number of Forms 8282 filed during the year.	7d			
7e	Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?				No
7f	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?				No
7g	If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?				
7h	If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?				
8	Sponsoring organizations maintaining donor advised funds. Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?				
9a	Did the sponsoring organization make any taxable distributions under section 4966?				
9b	Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?				
10	Section 501(c)(7) organizations. Enter:				
10a	Initiation fees and capital contributions included on Part VIII, line 12.	10a			
10b	Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities.	10b			
11	Section 501(c)(12) organizations. Enter:				
11a	Gross income from members or shareholders.	11a			
11b	Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them.)	11b			
12a	Section 4947(a)(1) non-exempt charitable trusts. Is the organization filing Form 990 in lieu of Form 1041?				
12b	If "Yes," enter the amount of tax-exempt interest received or accrued during the year.	12b			
13	Section 501(c)(29) qualified nonprofit health insurance issuers.				
13a	Is the organization licensed to issue qualified health plans in more than one state? Note. See the instructions for additional information the organization must report on Schedule O.	13a			

b	Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans	13b		13a	
c	Enter the amount of reserves on hand	13c			
14a	Did the organization receive any payments for indoor tanning services during the tax year?			14a	No
b	If "Yes," has it filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O			14b	
15	Is the organization subject to the section 4960 tax on payment(s) of more than \$1,000,000 in remuneration or excess parachute payment(s) during the year? If "Yes," see instructions and file Form 4720, Schedule N			15	No
16	Is the organization an educational institution subject to the section 4968 excise tax on net investment income? If "Yes," complete Form 4720, Schedule O			16	No

Form 990 (2018)

Form 990 (2018)

Part VI Governance, Management, and Disclosure For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.
 Check if Schedule O contains a response or note to any line in this Part VI

Section A. Governing Body and Management

		Yes	No
1a	Enter the number of voting members of the governing body at the end of the tax year		
	If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O.		
1b	Enter the number of voting members included in line 1a, above, who are independent		
2	Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?		No
3	Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?		No
4	Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?		No
5	Did the organization become aware during the year of a significant diversion of the organization's assets?		No
6	Did the organization have members or stockholders?		No
7a	Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?		No
7b	Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?		No
8	Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:		
a	The governing body?	Yes	
b	Each committee with authority to act on behalf of the governing body?	Yes	
9	Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses in Schedule O		No

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

		Yes	No
10a	Did the organization have local chapters, branches, or affiliates?		No
10b	If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes?		
11a	Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?		No
b	Describe in Schedule O the process, if any, used by the organization to review this Form 990.		
12a	Did the organization have a written conflict of interest policy? If "No," go to line 13		No
12b	Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts?		
12c	Did the organization regularly and consistently monitor and enforce compliance with the policy? If "Yes," describe in Schedule O how this was done		
13	Did the organization have a written whistleblower policy?		No
14	Did the organization have a written document retention and destruction policy?		No
15	Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?		
a	The organization's CEO, Executive Director, or top management official		No
b	Other officers or key employees of the organization		No
	If "Yes" to line 15a or 15b, describe the process in Schedule O (see instructions).		
16a	Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a		

EXEC COMMITT	X									0	0	0
(26) MARK VETETO	X									0	0	0
EXEC COMMITT	X									0	0	0
(27) JEFF WILSON	X									0	0	0
EXEC COMMITT												

1b Sub-Total												
c Total from continuation sheets to Part VII, Section A												
d Total (add lines 1b and 1c)										287,500		37,250

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 ▶ 4

	Yes	No
3 Did the organization list any former officer, director or trustee, key employee, or highest compensated employee on line 1a? <i>If "Yes," complete Schedule J for such individual</i>		No
4 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	
5 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

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 ▶

Part VIII **Statement of Revenue**

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

	(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512 - 514
--	----------------------	---	-----------------------------------	---

- erated campaigns . . . **1a**
- embership dues . . . **1b**
- draising events . . . **1c**
- ated organizations **1d**
- ernment grants (contributions) **1e**
- ther contributions, gifts, grants, and similar amounts not included above **1f**

g
Noncash contributions included

In lines 1a - 1f: \$ _____

h Total. Add lines 1a-1f ▶

Program Service Revenue	Business Code			
	1a MBER DUES		2,567,785	2,567,785
1b ANNUAL MTG-REGISTRATION		415,505	415,505	
1c SPONSOR REVENUE		160,250	160,250	
1d _____				
1e _____				
1f All other program service revenue.				
9 Total. Add lines 2a-2f ▶		3,143,540		

3 Investment income (including dividends, interest, and other similar amounts) ▶	438			438
4 Income from investment of tax-exempt bond proceeds ▶				
5 Royalties ▶				

6a Gross rents	(i) Real	(ii) Personal			
	b Less: rental expenses				
c Rental income or (loss)					
d Net rental income or (loss) ▶					

7a Gross amount from sales of assets other than inventory	(i) Securities	(ii) Other			
	b Less: cost or other basis and sales expenses				
c Gain or (loss)					
d Net gain or (loss) ▶					

8a Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18 a					
	b Less: direct expenses b				
	c Net income or (loss) from fundraising events ▶				

a Gross income from gaming activities. See Part IV, line 19 a					
	b Less: direct expenses b				
	c Net income or (loss) from gaming activities ▶				

10a Gross sales of inventory, less returns and allowances a					
	b Less: cost of goods sold b				
	c Net income or (loss) from sales of inventory ▶				

Miscellaneous Revenue	Business Code			
11a _____				
b _____				
c _____				
d All other revenue				

e Total. Add lines 11a-11d ▶			
12 Total revenue. See Instructions. ▶	3,143,978	3,143,540	438

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

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

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.

	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21				
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, line 15 and 16.				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	779,577	701,619	77,958	
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages				
8 Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions)	90,434	81,391	9,043	
9 Other employee benefits	61,261	55,135	6,126	
10 Payroll taxes	52,510	47,259	5,251	
11 Fees for services (non-employees):				
a Management				
b Legal	166,980	150,282	16,698	
c Accounting	15,682	14,114	1,568	
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O)				
12 Advertising and promotion				
13 Office expenses				
14 Information technology				
15 Royalties				
16 Occupancy	152,321	137,089	15,232	
17 Travel	101,905	91,714	10,191	
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings				
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	1,365		1,365	
23 Insurance				
24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
a PUBLIC RELATIONS	1,192,247	1,073,022	119,225	
b ANNUAL MEETING	279,087	279,087		
c SUBSCRIPTIONS	32,884	29,596	3,288	

d EXECUTIVE COMMITTEE MEETI	27,556	24,800	2,756	
e All other expenses	58,912	53,020	5,892	
25 Total functional expenses. Add lines 1 through 24e	3,012,721	2,738,128	274,593	0
26 Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720).				

Form 990 (2018)

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Part X **Balance Sheet**

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

		(A) Beginning of year		(B) End of year
Assets	1 Cash—non-interest-bearing	359,231	1	216,629
	2 Savings and temporary cash investments	1,052,683	2	1,224,525
	3 Pledges and grants receivable, net		3	
	4 Accounts receivable, net		4	16,375
	5 Loans and other receivables from current and former officers, directors, trustees, key employees, and highest compensated employees. Complete Part II of Schedule L		5	
	6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), persons described in section 4958(c)(3)(B), and contributing employers and sponsoring organizations of section 501(c)(9) voluntary employees' beneficiary organizations (see instructions) Complete Part II of Schedule L		6	
	7 Notes and loans receivable, net		7	
	8 Inventories for sale or use		8	
	9 Prepaid expenses and deferred charges		9	
	10a Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a 72,042		
	b Less: accumulated depreciation	10b 62,406	9,722	10c 9,636
	11 Investments—publicly traded securities		11	
	12 Investments—other securities. See Part IV, line 11		12	
	13 Investments—program-related. See Part IV, line 11		13	
	14 Intangible assets		14	
	15 Other assets. See Part IV, line 11		15	
16 Total assets. Add lines 1 through 15 (must equal line 34)		1,421,636	16	1,467,165
Liabilities	17 Accounts payable and accrued expenses	101,169	17	138,301
	18 Grants payable		18	
	19 Deferred revenue	134,860	19	12,000
	20 Tax-exempt bond liabilities		20	
	21 Escrow or custodial account liability. Complete Part IV of Schedule D		21	
	22 Loans and other payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons. Complete Part II of Schedule L		22	
	23 Secured mortgages and notes payable to unrelated third parties		23	
	24 Unsecured notes and loans payable to unrelated third parties		24	
	25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17 - 24). Complete Part X of Schedule D		25	
	26 Total liabilities. Add lines 17 through 25		236,029	26	150,301
or Fund Balances	Organizations that follow SFAS 117 (ASC 958), check here <input checked="" type="checkbox"/> and complete lines 27 through 29, and lines 33 and 34.			
	27 Unrestricted net assets	1,185,607	27	1,316,864
	28 Temporarily restricted net assets		28	
	29 Permanently restricted net assets		29	
Organizations that do not follow SFAS 117 (ASC 958), check here <input type="checkbox"/> and complete lines 30 through 34.				

Net Assets (	30	Capital stock or trust principal, or current funds		30	
	31	Paid-in or capital surplus, or land, building or equipment fund		31	
	32	Retained earnings, endowment, accumulated income, or other funds		32	
	33	Total net assets or fund balances	1,185,607	33	1,316,864
	34	Total liabilities and net assets/fund balances	1,421,636	34	1,467,165

Form 990 (2018)

Form 990 (2018)

Part XI Reconciliation of Net Assets

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

1	Total revenue (must equal Part VIII, column (A), line 12)	1	3,143,978
2	Total expenses (must equal Part IX, column (A), line 25)	2	3,012,721
3	Revenue less expenses. Subtract line 2 from line 1	3	131,257
4	Net assets or fund balances at beginning of year (must equal Part X, line 33, column (A))	4	1,185,607
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 33, column (B))	10	1,316,864

Part XII Financial Statements and Reporting

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

- 1** Accounting method used to prepare the Form 990: Cash Accrual Other _____
If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O.
- 2a** Were the organization's financial statements compiled or reviewed by an independent accountant?
If 'Yes,' check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both:
 Separate basis Consolidated basis Both consolidated and separate basis
- b** Were the organization's financial statements audited by an independent accountant?
If 'Yes,' check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both:
 Separate basis Consolidated basis Both consolidated and separate basis
- c** If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant?
If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.
- 3a** As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?
- b** If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.

	Yes	No
2a		No
2b	Yes	
2c	Yes	
3a		No
3b		

Form 990 (2018)

Form 990 (2018)

Additional Data

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Form 990, Special Condition Description:

SCHEDULE C (Form 990 or 990-EZ)

Political Campaign and Lobbying Activities

OMB No. 1545-0047

2018

Open to Public Inspection

For Organizations Exempt From Income Tax Under section 501(c) and section 527

Complete if the organization is described below. Attach to Form 990 or Form 990-EZ. Go to www.irs.gov/Form990 for instructions and the latest information.

Department of the Treasury Internal Revenue Service

If the organization answered "Yes" on Form 990, Part IV, Line 3, or Form 990-EZ, Part V, line 46 (Political Campaign Activities), then

- Section 501(c)(3) organizations: Complete Parts I-A and B. Do not complete Part I-C.
Section 501(c) (other than section 501(c)(3)) organizations: Complete Parts I-A and C below. Do not complete Part I-B.
Section 527 organizations: Complete Part I-A only.

If the organization answered "Yes" on Form 990, Part IV, Line 4, or Form 990-EZ, Part VI, line 47 (Lobbying Activities), then

- Section 501(c)(3) organizations that have filed Form 5768 (election under section 501(h)): Complete Part II-A. Do not complete Part II-B.
Section 501(c)(3) organizations that have NOT filed Form 5768 (election under section 501(h)): Complete Part II-B. Do not complete Part II-A.

If the organization answered "Yes" on Form 990, Part IV, Line 5 (Proxy Tax) (see separate instructions) or Form 990-EZ, Part V, line 35c

(Proxy Tax) (see separate instructions), then

- Section 501(c)(4), (5), or (6) organizations: Complete Part III.

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number

85-0056996

Part I-A Complete if the organization is exempt under section 501(c) or is a section 527 organization.

1 Provide a description of the organization's direct and indirect political campaign activities in Part IV (see instructions for definition of "political campaign activities")

2 Political campaign activity expenditures (see instructions) \$

3 Volunteer hours for political campaign activities (see instructions)

Part I-B Complete if the organization is exempt under section 501(c)(3).

1 Enter the amount of any excise tax incurred by the organization under section 4955 \$

2 Enter the amount of any excise tax incurred by organization managers under section 4955 \$

3 If the organization incurred a section 4955 tax, did it file Form 4720 for this year? Yes No

4a Was a correction made? Yes No

b If "Yes," describe in Part IV.

Part I-C Complete if the organization is exempt under section 501(c), except section 501(c)(3).

1 Enter the amount directly expended by the filing organization for section 527 exempt function activities \$

2 Enter the amount of the filing organization's funds contributed to other organizations for section 527 exempt function activities \$

3 Total exempt function expenditures. Add lines 1 and 2. Enter here and on Form 1120-POL, line 17b. \$

4 Did the filing organization file Form 1120-POL for this year? Yes No

5 Enter the names, addresses and employer identification number (EIN) of all section 527 political organizations to which the filing organization made payments. For each organization listed, enter the amount paid from the filing organization's funds. Also enter the amount of political contributions received that were promptly and directly delivered to a separate political organization, such as a separate segregated fund or a political action committee (PAC). If additional space is needed, provide information in Part IV.

Table with 5 columns: (a) Name, (b) Address, (c) EIN, (d) Amount paid from filing organization's funds, (e) Amount of political contributions received. Rows 1-6 are empty.

section 501(h)).

- A** Check if the filing organization belongs to an affiliated group (and list in Part IV each affiliated group member's name, address, EIN, expenses, and share of excess lobbying expenditures).
- B** Check if the filing organization checked box A and "limited control" provisions apply.

Limits on Lobbying Expenditures
(The term "expenditures" means amounts paid or incurred.)

(a) Filing organization's totals
(b) Affiliated group totals

- 1a** Total lobbying expenditures to influence public opinion (grass roots lobbying)
- b** Total lobbying expenditures to influence a legislative body (direct lobbying)
- c** Total lobbying expenditures (add lines 1a and 1b)
- d** Other exempt purpose expenditures
- e** Total exempt purpose expenditures (add lines 1c and 1d)
- f** Lobbying nontaxable amount. Enter the amount from the following table in both columns.

If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:
Not over \$500,000	20% of the amount on line 1e.
Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000.
Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000.
Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000.
Over \$17,000,000	\$1,000,000.

- g** Grassroots nontaxable amount (enter 25% of line 1f)
- h** Subtract line 1g from line 1a. If zero or less, enter -0-
- i** Subtract line 1f from line 1c. If zero or less, enter -0-
- j** If there is an amount other than zero on either line 1h or line 1i, did the organization file Form 4720 reporting section 4911 tax for this year? Yes No

4-Year Averaging Period Under section 501(h)
(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the separate instructions for lines 2a through 2f.)

Lobbying Expenditures During 4-Year Averaging Period

Calendar year (or fiscal year beginning in)	(a) 2015	(b) 2016	(c) 2017	(d) 2018	(e) Total
2a Lobbying nontaxable amount					
b Lobbying ceiling amount (150% of line 2a, column(e))					
c Total lobbying expenditures					
d Grassroots nontaxable amount					
e Grassroots ceiling amount (150% of line 2d, column (e))					
f Grassroots lobbying expenditures					

Schedule C (Form 990 or 990-EZ) 2018

Part II-B Complete if the organization is exempt under section 501(c)(3) and has NOT filed Form 5768 (election under section 501(h)).

For each "Yes" response on lines 1a through 1i below, provide in Part IV a detailed description of the lobbying activity.

	(a)		(b)
	Yes	No	Amount
1 During the year, did the filing organization attempt to influence foreign, national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:			
a Volunteers?			
b Paid staff or management (include compensation in expenses reported on lines 1c through 1i)?			
c Media advertisements?			

d	Mailings to members, legislators, or the public?			
e	Publications, or published or broadcast statements?			
f	Grants to other organizations for lobbying purposes?			
g	Direct contact with legislators, their staffs, government officials, or a legislative body?			
h	Rallies, demonstrations, seminars, conventions, speeches, lectures, or any similar means?			
i	Other activities?			
j	Total. Add lines 1c through 1i			
2a	Did the activities in line 1 cause the organization to be not described in section 501(c)(3)?			
b	If "Yes," enter the amount of any tax incurred under section 4912			
c	If "Yes," enter the amount of any tax incurred by organization managers under section 4912			
d	If the filing organization incurred a section 4912 tax, did it file Form 4720 for this year?			

Part III-A Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6).

		Yes	No
1	Were substantially all (90% or more) dues received nondeductible by members?	1	No
2	Did the organization make only in-house lobbying expenditures of \$2,000 or less?	2	No
3	Did the organization agree to carry over lobbying and political expenditures from the prior year?	3	No

Part III-B Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6) and if either (a) BOTH Part III-A, lines 1 and 2, are answered "No" OR (b) Part III-A, line 3, is answered "Yes."

1	Dues, assessments and similar amounts from members	1	2,567,785
2	Section 162(e) nondeductible lobbying and political expenditures (do not include amounts of political expenses for which the section 527(f) tax was paid) .		
a	Current year	2a	819,681
b	Carryover from last year	2b	
c	Total	2c	819,681
3	Aggregate amount reported in section 6033(e)(1)(A) notices of nondeductible section 162(e) dues .	3	1,925,839
4	If notices were sent and the amount on line 2c exceeds the amount on line 3, what portion of the excess does the organization agree to carryover to the reasonable estimate of nondeductible lobbying and political expenditure next year?	4	
5	Taxable amount of lobbying and political expenditures (see instructions)	5	-1,106,158

Part IV Supplemental Information

Provide the descriptions required for Part I-A, line 1; Part I-B, line 4; Part I-C, line 5; Part II-A (affiliated group list); Part II-A, lines 1 and 2 (see instructions), and Part II-B, line 1. Also, complete this part for any additional information.

Return Reference	Explanation
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Schedule C (Form 990 or 990EZ) 2018

Additional Data

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Software ID:
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SCHEDULE D (Form 990)

Supplemental Financial Statements

OMB No. 1545-0047

2018

Open to Public Inspection

Complete if the organization answered "Yes," on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b. Attach to Form 990.

Go to www.irs.gov/Form990 for the latest information.

Department of the Treasury Internal Revenue Service

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number 85-0056996

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.

Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

Table with 2 columns: (a) Donor advised funds, (b) Funds and other accounts. Rows 1-4 for total number and aggregate values.

- 5 Did the organization inform all donors... Yes No
6 Did the organization inform all grantees... Yes No

Part II Conservation Easements. Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

- 1 Purpose(s) of conservation easements... Preservation of land, habitat, open space, historic area, structure.
2 Complete lines 2a through 2d... Table for Held at the End of the Year (2a-2d).
3 Number of conservation easements modified...
4 Number of states where property...
5 Does the organization have a written policy... Yes No
6 Staff and volunteer hours...
7 Amount of expenses... \$
8 Does each conservation easement... Yes No
9 In Part XIII, describe how the organization reports...

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

- 1a If the organization elected, as permitted under SFAS 116... provide, in Part XIII, the text of the footnote...
b If the organization elected, as permitted under SFAS 116... provide the following amounts relating to these items:
(i) Revenue included on Form 990, Part VIII, line 1 \$
(ii) Assets included in Form 990, Part X \$
2 If the organization received or held works of art... provide the following amounts required to be reported under SFAS 116...
a Revenue included on Form 990, Part VIII, line 1 \$
b Assets included in Form 990, Part X \$

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets (continued)

- 3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):
a Public exhibition
b Scholarly research
c Preservation for future generations
d Loan or exchange programs
e Other
4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.
5 During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? Yes No

Part IV Escrow and Custodial Arrangements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

- 1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? Yes No
b If "Yes," explain the arrangement in Part XIII and complete the following table:
Table with columns: Amount, rows: 1c Beginning balance, 1d Additions during the year, 1e Distributions during the year, 1f Ending balance
2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? Yes No
b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII

Part V Endowment Funds. Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

Table with 6 columns: (a) Current year, (b) Prior year, (c) Two years back, (d) Three years back, (e) Four years back. Rows include: 1a Beginning of year balance, b Contributions, c Net investment earnings, gains, and losses, d Grants or scholarships, e Other expenditures for facilities and programs, f Administrative expenses, g End of year balance.

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

- a Board designated or quasi-endowment
b Permanent endowment
c Temporarily restricted endowment
The percentages on lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

(i) unrelated organizations

(ii) related organizations

b If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R?

Table with 2 columns: Yes, No. Rows: 3a(i), 3a(ii), 3b

4 Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI Land, Buildings, and Equipment.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Table with 4 columns: (a) Cost or other basis (investment), (b) Cost or other basis (other), (c) Accumulated depreciation, (d) Book value. Rows include: 1a Land, b Buildings, c Leasehold improvements, d Equipment, e Other, Total. Add lines 1a through 1e. (Column (d) must equal Form 990, Part X, column (B), line 10(c).)

Part VII Investments Other Securities. Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely-held equity interests		
(3) Other _____		
(A)		
(B)		
(C)		
(D)		
(E)		
(F)		
(G)		
(H)		
Total. (Column (b) must equal Form 990, Part X, col. (B) line 12.)		

Part VIII Investments Program Related. Complete if the organization answered 'Yes' on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
Total. (Column (b) must equal Form 990, Part X, col.(B) line 13.)		

Part IX Other Assets. Complete if the organization answered 'Yes' on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	(b) Book value
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
Total. (Column (b) must equal Form 990, Part X, col.(B) line 15.)	

Part X Other Liabilities. Complete if the organization answered 'Yes' on Form 990, Part IV, line 11e or 11f. See Form 990, Part X, line 25.

1. (a) Description of liability	(b) Book value
(1) Federal income taxes	

(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
Total. (Column (b) must equal Form 990, Part X, col.(B) line 25.)	

2. Liability for uncertain tax positions. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII

Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total revenue, gains, and other support per audited financial statements		1	2,858,835
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:			
a	Net unrealized gains (losses) on investments	2a		
b	Donated services and use of facilities	2b		
c	Recoveries of prior year grants	2c		
d	Other (Describe in Part XIII.)	2d		
e	Add lines 2a through 2d		2e	
3	Subtract line 2e from line 1		3	2,858,835
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1 :			
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a		
b	Other (Describe in Part XIII.)	4b	285,143	
c	Add lines 4a and 4b		4c	285,143
5	Total revenue. Add lines 3 and 4c . (This must equal Form 990, Part I, line 12.)		5	3,143,978

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total expenses and losses per audited financial statements		1	2,727,578
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:			
a	Donated services and use of facilities	2a		
b	Prior year adjustments	2b		
c	Other losses	2c		
d	Other (Describe in Part XIII.)	2d		
e	Add lines 2a through 2d		2e	
3	Subtract line 2e from line 1		3	2,727,578
4	Amounts included on Form 990, Part IX, line 25, but not on line 1 :			
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a		
b	Other (Describe in Part XIII.)	4b	285,143	
c	Add lines 4a and 4b		4c	285,143
5	Total expenses. Add lines 3 and 4c . (This must equal Form 990, Part I, line 18.)		5	3,012,721

Part XIII Supplemental Information

Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

Return Reference	Explanation
SCHEDULE D, PAGE 4, PART XI, LINE 4B	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 285,143
SCHEDULE D, PAGE 4, PART XII, LINE 4B	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 285,143

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Software Version:

Part III Supplemental Information

Provide the information, explanation, or descriptions required for Part I, lines 1a, 1b, 3, 4a, 4b, 4c, 5a, 5b, 6a, 6b, 7, and 8, and for Part II. Also complete this part for any additional information.

Return Reference	Explanation
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Additional Data[Return to Form](#)

Software ID:
Software Version:

efile Public Visual Render

ObjectID: 201933179349303203 - Submission: 2019-11-13

TIN: 85-0056996

OMB No. 1545-0047

SCHEDULE O
(Form 990 or 990-EZ)**Supplemental Information to Form 990 or 990-EZ**

Complete to provide information for responses to specific questions on Form 990 or 990-EZ or to provide any additional information.

▶ Attach to Form 990 or 990-EZ.

▶ Go to www.irs.gov/Form990 for the latest information.**2018**

Open to Public Inspection

Department of the Treasury
Internal Revenue ServiceName of the organization
NEW MEXICO OIL & GAS ASSOCIATION**Employer identification number**

85-0056996

Return Reference	Explanation
FORM 990, PAGE 6, PART VI, LINE 11B	THE RETURN IS REVIEWED BY THE BOARD PRESIDENT PRIOR TO FILING.
FORM 990, PAGE 6, PART VI, LINE 19	THE ORGANIZATION'S GOVERNING DOCUMENTS, ANY WRITTEN POLICIES, AND/OR FINANCIAL STATEMENTS ARE AVAILABLE TO THE PUBLIC UPON REQUEST.
FORM 990, PART XI, LINE 9	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S -285,143 ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 285,143

Additional Data[Return to Form](#)

Software ID:
Software Version:

Form 990
Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

OMB No. 1545-0047

2019

Open to Public Inspection

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 for instructions and the latest information.

A For the 2019 calendar year, or tax year beginning 01-01-2019, and ending 12-31-2019

- 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 \$ 3,289,892

F Name and address of principal officer:
RYAN FLYNN
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
H(c) Group exemption number

I Tax-exempt status: 501(c)(3) 501(c)(6) 4947(a)(1) or 527

J Website: 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

Table with 3 main sections: Activities & Governance, Revenue, and Expenses. Includes rows for mission statement, member counts, revenue breakdown, and fund balances.

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 knowledge.

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

2020-11-03

Date

RYAN FLYNN EXECUTIVE DIRECTOR

Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name

Preparer's signature

Date 2020-11-09

Check if self-employed

PTIN P01207573

Firm's name ▶ JOHNSON MILLER & CO CPA'S PC

Firm's EIN ▶ 85-0214336

Firm's address ▶ 2626 JBS PKWY STE A-200 ODESSA, TX 79761

Phone no. (432) 362-3800

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No

For Paperwork Reduction Act Notice, see the separate instructions.

Cat. No. 11282Y

Form 990 (2019)

Part III Statement of Program Service Accomplishments

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

1 Briefly describe the organization's mission:

TO PROMOTE THE WELFARE OF THE OIL AND GAS INDUSTRY OF NEW MEXICO AND THE CONSERVATION AND ORDERLY DEVELOPMENT OF OIL AND GAS RESOURCES WITHIN THE STATE OF NEW MEXICO.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? Yes No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? Yes No

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ 2,429,189 including grants of \$) (Revenue \$ 3,289,538) ANNUAL INDUSTRY/AGENCY MEETING TO DISCUSS COMMON ISSUES; EDUCATION EFFORTS; REGULATORY WORK

4b (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d Other program services (Describe in Schedule O.) (Expenses \$ including grants of \$) (Revenue \$)

Part IV Checklist of Required Schedules

	Yes	No
1 Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? <i>If "Yes," complete Schedule A</i>		No
2 Is the organization required to complete <i>Schedule B, Schedule of Contributors</i> (see instructions)?		No
3 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? <i>If "Yes," complete Schedule C, Part I</i> 🗳️		No
4 Section 501(c)(3) organizations. Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? <i>If "Yes," complete Schedule C, Part II</i>		
5 Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? <i>If "Yes," complete Schedule C, Part III</i> 🗳️	Yes	
6 Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? <i>If "Yes," complete Schedule D, Part I</i> 🗳️		No
7 Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? <i>If "Yes," complete Schedule D, Part II</i> 🗳️		No
8 Did the organization maintain collections of works of art, historical treasures, or other similar assets? <i>If "Yes," complete Schedule D, Part III</i> 🗳️		No
9 Did the organization report an amount in Part X, line 21 for escrow or custodial account liability; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? <i>If "Yes," complete Schedule D, Part IV</i> 🗳️		No
10 Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi endowments? <i>If "Yes," complete Schedule D, Part V</i> 🗳️		No
11 If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable.		
a Did the organization report an amount for land, buildings, and equipment in Part X, line 10? <i>If "Yes," complete Schedule D, Part VI</i> 🗳️	Yes	
b Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VII</i> 🗳️		No
c Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VIII</i> 🗳️		No
d Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part IX</i> 🗳️		No
e Did the organization report an amount for other liabilities in Part X, line 25? <i>If "Yes," complete Schedule D, Part X</i> 🗳️		No
f Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? <i>If "Yes," complete Schedule D, Part X</i> 🗳️		No
12a Did the organization obtain separate, independent audited financial statements for the tax year? <i>If "Yes," complete Schedule D, Parts XI and XII</i> 🗳️	Yes	
b Was the organization included in consolidated, independent audited financial statements for the tax year? <i>If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional</i> 🗳️		No
13 Is the organization a school described in section 170(b)(1)(A)(ii)? <i>If "Yes," complete Schedule E</i>		No
14a Did the organization maintain an office, employees, or agents outside of the United States?		No
b Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? <i>If "Yes," complete Schedule F, Parts I and IV</i>		No
15 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or other assistance to or for any foreign organization? <i>If "Yes," complete Schedule F, Parts II and IV</i>		No
16 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or other assistance to or for foreign individuals? <i>If "Yes," complete Schedule F, Parts III and IV</i>		No
17 Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? <i>If "Yes," complete Schedule G, Part I</i> (see instructions)		No
18 Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? <i>If "Yes," complete Schedule G, Part II</i>		No
19 Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? <i>If "Yes," complete Schedule G, Part III</i>		No
20a Did the organization operate one or more hospital facilities? <i>If "Yes," complete Schedule H</i>		No

b If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?

20b		
21		No

21 Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? If "Yes," complete Schedule I, Parts I and II

Part IV Checklist of Required Schedules (continued)

	Yes	No
22 Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? If "Yes," complete Schedule I, Parts I and III		No
23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? If "Yes," complete Schedule J	Yes	
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a		No
b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?		
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?		
d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?		
25a Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? If "Yes," complete Schedule L, Part I		
b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I		
26 Did the organization report any amount on Part X, line 5 or 22 for receivables from or payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons? If "Yes," complete Schedule L, Part II		No
27 Did the organization provide a grant or other assistance to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or employee thereof, a grant selection committee member, or to a 35% controlled entity (including an employee thereof) or family member of any of these persons? If "Yes," complete Schedule L, Part III		No
28 Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):		
a A current or former officer, director, trustee, key employee, creator or founder, or substantial contributor? If "Yes," complete Schedule L, Part IV		No
b A family member of any individual described in line 28a? If "Yes," complete Schedule L, Part IV		No
c A 35% controlled entity of one or more individuals and/or organizations described in lines 28a or 28b? If "Yes," complete Schedule L, Part IV		No
29 Did the organization receive more than \$25,000 in non-cash contributions? If "Yes," complete Schedule M		No
30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? If "Yes," complete Schedule M		No
31 Did the organization liquidate, terminate, or dissolve and cease operations? If "Yes," complete Schedule N, Part I		No
32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? If "Yes," complete Schedule N, Part II		No
33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Schedule R, Part I		No
34 Was the organization related to any tax-exempt or taxable entity? If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1		No
35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?		No
b If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," complete Schedule R, Part V, line 2		
36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? If "Yes," complete Schedule R, Part V, line 2		
37 Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? If "Yes," complete Schedule R, Part VI		No
38 Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11b and 19? Note. All Form 990 filers are required to complete Schedule O.	Yes	

Part V Statements Regarding Other IRS Filings and Tax Compliance

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



		Yes	No
1a	Enter the number reported in Box 3 of Form 1096. Enter -0- if not applicable		
1b	Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable		
1c	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?		

Part V **Statements Regarding Other IRS Filings and Tax Compliance** (continued)

2a	Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return	2a	8	2b	Yes	
b	If at least one is reported on line 2a, did the organization file all required federal employment tax returns? Note. If the sum of lines 1a and 2a is greater than 250, you may be required to e-file (see instructions)			3a		No
3a	Did the organization have unrelated business gross income of \$1,000 or more during the year?			3b		
b	If "Yes," has it filed a Form 990-T for this year? If "No" to line 3b, provide an explanation in Schedule O			4a		No
4a	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?					
b	If "Yes," enter the name of the foreign country: <input type="text"/> See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).			5a		No
5a	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?			5b		No
b	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?			5c		
c	If "Yes," to line 5a or 5b, did the organization file Form 8886-T?			6a		No
6a	Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?			6b		
b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?			7a	Yes	
7 Organizations that may receive deductible contributions under section 170(c).				7b	Yes	
a	Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor?			7c		No
b	If "Yes," did the organization notify the donor of the value of the goods or services provided?			7d		
c	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?					
d	If "Yes," indicate the number of Forms 8282 filed during the year			7e		No
e	Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?			7f		No
f	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?			7g		
g	If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?			7h		
h	If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?			8		
8 Sponsoring organizations maintaining donor advised funds.	Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?			9a		
9 Sponsoring organizations maintaining donor advised funds.				9b		
a	Did the sponsoring organization make any taxable distributions under section 4966?					
b	Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?					
10 Section 501(c)(7) organizations.	Enter:					
a	Initiation fees and capital contributions included on Part VIII, line 12	10a				
b	Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities	10b				
11 Section 501(c)(12) organizations.	Enter:					
a	Gross income from members or shareholders	11a				
b	Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them.)	11b				
12a Section 4947(a)(1) non-exempt charitable trusts.	Is the organization filing Form 990 in lieu of Form 1041?			12a		
b	If "Yes," enter the amount of tax-exempt interest received or accrued during the year.	12b				
13 Section 501(c)(29) qualified nonprofit health insurance issuers.						
a	Is the organization licensed to issue qualified health plans in more than one state?					

a Is the organization licensed to issue qualified health plans in more than one state?		13a	
Note. See the instructions for additional information the organization must report on Schedule O.			
b Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans	13b		
c Enter the amount of reserves on hand	13c		
14a Did the organization receive any payments for indoor tanning services during the tax year?		14a	No
b If "Yes," has it filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O		14b	
15 Is the organization subject to the section 4960 tax on payment(s) of more than \$1,000,000 in remuneration or excess parachute payment(s) during the year? If "Yes," see instructions and file Form 4720, Schedule N.		15	No
16 Is the organization an educational institution subject to the section 4968 excise tax on net investment income? If "Yes," complete Form 4720, Schedule O.		16	No

Part VI **Governance, Management, and Disclosure** For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.
Check if Schedule O contains a response or note to any line in this Part VI

Section A. Governing Body and Management

		Yes	No
1a Enter the number of voting members of the governing body at the end of the tax year If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O.	1a 28		
b Enter the number of voting members included in line 1a, above, who are independent	1b 0		
2 Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?	2		No
3 Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?	3		No
4 Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?	4		No
5 Did the organization become aware during the year of a significant diversion of the organization's assets?	5		No
6 Did the organization have members or stockholders?	6		No
7a Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?	7a		No
b Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?	7b		No
8 Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:			
a The governing body?	8a	Yes	
b Each committee with authority to act on behalf of the governing body?	8b	Yes	
9 Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses in Schedule O	9		No

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

		Yes	No
10a Did the organization have local chapters, branches, or affiliates?	10a		No
b If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes?	10b		
11a Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?	11a		No
b Describe in Schedule O the process, if any, used by the organization to review this Form 990.			
12a Did the organization have a written conflict of interest policy? If "No," go to line 13	12a		No
b Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts?	12b		
c Did the organization regularly and consistently monitor and enforce compliance with the policy? If "Yes," describe in Schedule O how this was done	12c		
13 Did the organization have a written whistleblower policy?	13		No
14 Did the organization have a written document retention and destruction policy?	14		No
15 Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?			
a The organization's CEO, Executive Director, or top management official	15a		No
b Other officers or key employees of the organization	15b		No
If "Yes" to line 15a or 15b, describe the process in Schedule O (see instructions).			

16a Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	16a	No
b If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements?	16b	

Section C. Disclosure

- 17** List the states with which a copy of this Form 990 is required to be filed
- 18** Section 6104 requires an organization to make its Form 1023 (or 1024-A if applicable), 990, and 990-T (501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.
 Own website Another's website Upon request Other (explain in Schedule O)
- 19** Describe in Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.
- 20** State the name, address, and telephone number of the person who possesses the organization's books and records:
 ▶MARIE GUTIERREZ PO BOX 1864 SANTA FE, NM 875041864 (505) 982-2568

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 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 and/or Box 7 of Form 1099-MISC) 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 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)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(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) RYAN FLYNN EXECUTIVE DI	40.00			X			300,000	0	33,750	
(2) TODD ABBOTT EXEC COMMITT		X					0	0	0	
(3) DEREK ALBRO VICE CHAIRMA		X		X			0	0	0	
(4) JOHN ALEXANDER EXEC COMMITT		X					0	0	0	
(5) ROGER ALEXANDER EXEC COMMITT		X					0	0	0	
(6) BLAKE BARFIELD EXEC COMMITT		X					0	0	0	

(7) CLIFF BRUNSON EXEC COMMITT	.....	X		X						0	0	0
(8) CLAIRE MANATT CHASE CHAIRWOMAN	.....	X		X						0	0	0
(9) MARGARET COOPER EXEC COMMITT	.....	X								0	0	0
(10) TIM CUSTER EXEC COMMITT	.....	X								0	0	0
(11) ERIC DILLE TREASURER	.....	X		X						0	0	0
(12) TODD ENNENGA EXEC COMMITT	.....	X								0	0	0
(13) BRET FOX EXEC COMMITT	.....	X								0	0	0
(14) JUSTIN FURNACE EXEC COMMITT	.....	X								0	0	0
(15) LELAND GOULD EXEC COMMITT	.....	X								0	0	0
(16) THOMAS JANISZEWSKI EXEC COMMITT	.....	X								0	0	0
(17) SCOTT KIDWELL CHAIRMAN-ELE	.....	X		X						0	0	0

Form 990 (2019)

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)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(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) SAM KNAIZER EXEC COMMITT	X						0	0	0
(19) JAY PAUL MCWILLIAMS EXEC COMMITT	X						0	0	0
(20) RAYE MILLER EXEC COMMITT	X						0	0	0
(21) CARMAN MULLINGS EXEC COMMITT	X						0	0	0
(22) JASON SANDEL EXEC COMMITT	X						0	0	0
(23) JOHN SMITHERMAN EXEC COMMITT	X						0	0	0
(24) MARK VETETO EXEC COMMITT	X						0	0	0

(25) JOSHUA VIETS EXEC COMMITT	X									0	0	0
(26) KEN WAITS SECRETARY	X		X							0	0	0
(27) CLINT WALKER EXEC COMMITT	X									0	0	0
(28) JEFF WILSON EXEC COMMITT	X									0	0	0
(29) BETTY READ YOUNG EXEC COMMITT	X									0	0	0

1b Sub-Total												
c Total from continuation sheets to Part VII, Section A												
d Total (add lines 1b and 1c)										300,000		33,750

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 ▶ 4

	Yes	No
3 Did the organization list any former officer, director or trustee, key employee, or highest compensated employee on line 1a? <i>If "Yes," complete Schedule J for such individual</i>		No
4 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	
5 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

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 ▶

Form 990 (2019)

Part VIII **Statement of Revenue**

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

	(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512 - 514
--	----------------------	---	-----------------------------------	---

erated campaigns	1a
embership dues	1b
draising events	1c
ated organizations	1d
ernment grants (contributions)	1e
ther contributions, gifts, grants, and similar amounts not included above	1f

Noncash contributions included in

g Noncash contributions included in lines 1a - 1f: \$

1g

h Total. Add lines 1a-1f ▶

		Business Code			
Program Service Revenue	2a MEMBER DUES		2,591,548	2,591,548	
	b ANNUAL MTG-REGISTRATION		465,915	465,915	
	c SPONSOR REVENUE		256,000	256,000	
	d SPECIAL REVENUE DISBURSEMENTS		-23,925	-23,925	
	e				
	f All other program service revenue.				
g Total. Add lines 2a-2f. ▶			3,289,538		

3 Investment income (including dividends, interest, and other similar amounts) ▶		354			354
4 Income from investment of tax-exempt bond proceeds ▶					
5 Royalties ▶					

		(i) Real	(ii) Personal			
Other Revenue	6a Gross rents					
	b Less: rental expenses					
	c Rental income or (loss)					
	d Net rental income or (loss) ▶					

		(i) Securities	(ii) Other			
Other Revenue	7a Gross amount from sales of assets other than inventory					
	b Less: cost or other basis and sales expenses					
	c Gain or (loss)					
	d Net gain or (loss) ▶					

Other Revenue	8a Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18					
	b Less: direct expenses					
	c Net income or (loss) from fundraising events ▶					

Other Revenue	9a Gross income from gaming activities. See Part IV, line 19					
	b Less: direct expenses					
	c Net income or (loss) from gaming activities ▶					

Other Revenue	10a Gross sales of inventory, less returns and allowances					
	b Less: cost of goods sold					
	c Net income or (loss) from sales of inventory ▶					

		Business Code			
Other Revenue	11a Miscellaneous Revenue				
	b				

c				
d All other revenue				
e Total. Add lines 11a–11d ▶				
12 Total revenue. See instructions ▶		3,289,892	3,289,538	354

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

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

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21				
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, lines 15 and 16.				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	824,431	741,988	82,443	
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages				
8 Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions)	125,969	113,372	12,597	
9 Other employee benefits	71,465	64,318	7,147	
10 Payroll taxes	55,173	49,656	5,517	
11 Fees for services (non-employees):				
a Management				
b Legal	201,475	181,327	20,148	
c Accounting	15,902	14,312	1,590	
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O)				
12 Advertising and promotion				
13 Office expenses				
14 Information technology				
15 Royalties				
16 Occupancy	155,791	140,212	15,579	
17 Travel	129,172	116,255	12,917	
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings				
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	2,042		2,042	
23 Insurance				
24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
a PUBLIC RELATIONS	680,535	612,481	68,054	

b ANNUAL MEETING	263,892	263,892		
c EXECUTIVE COMMITTEE MEETI	36,705	33,034	3,671	
d SUBSCRIPTIONS	27,781	25,003	2,778	
e All other expenses	81,488	73,339	8,149	
25 Total functional expenses. Add lines 1 through 24e	2,671,821	2,429,189	242,632	0
26 Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720).				

Form 990 (2019)

Part X **Balance Sheet**

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

		(A) Beginning of year		(B) End of year
Assets	1 Cash—non-interest-bearing	216,629	1	355,375
	2 Savings and temporary cash investments	1,224,525	2	1,883,861
	3 Pledges and grants receivable, net		3	
	4 Accounts receivable, net	16,375	4	
	5 Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		5	
	6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), and persons described in section 4958(c)(3)(B)		6	
	7 Notes and loans receivable, net		7	
	8 Inventories for sale or use		8	
	9 Prepaid expenses and deferred charges		9	
	10a Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a 75,425		
	b Less: accumulated depreciation	10b 64,448	9,636	10c 10,977
	11 Investments—publicly traded securities		11	
	12 Investments—other securities. See Part IV, line 11		12	
	13 Investments—program-related. See Part IV, line 11		13	
	14 Intangible assets		14	
	15 Other assets. See Part IV, line 11		15	
16 Total assets. Add lines 1 through 15 (must equal line 33)		1,467,165	16	2,250,213
Liabilities	17 Accounts payable and accrued expenses	138,301	17	123,342
	18 Grants payable		18	
	19 Deferred revenue	12,000	19	191,936
	20 Tax-exempt bond liabilities		20	
	21 Escrow or custodial account liability. Complete Part IV of Schedule D		21	
	22 Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		22	
	23 Secured mortgages and notes payable to unrelated third parties		23	
	24 Unsecured notes and loans payable to unrelated third parties		24	
	25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17 - 24). Complete Part X of Schedule D		25	
	26 Total liabilities. Add lines 17 through 25		150,301	26	315,278
d Balances	Organizations that follow FASB ASC 958, check here <input checked="" type="checkbox"/> and complete lines 27, 28, 32, and 33.			
	27 Net assets without donor restrictions	1,316,864	27	1,934,935
	28 Net assets with donor restrictions		28	

Organizations that do not follow FASB ASC 958, check here and complete lines 29 through 33.

29	Capital stock or trust principal, or current funds		29	
30	Paid-in or capital surplus, or land, building or equipment fund		30	
31	Retained earnings, endowment, accumulated income, or other funds		31	
32	Total net assets or fund balances	1,316,864	32	1,934,935
33	Total liabilities and net assets/fund balances	1,467,165	33	2,250,213

Form **990** (2019)

Part XI Reconciliation of Net Assets

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

1	Total revenue (must equal Part VIII, column (A), line 12)	1	3,289,892
2	Total expenses (must equal Part IX, column (A), line 25)	2	2,671,821
3	Revenue less expenses. Subtract line 2 from line 1	3	618,071
4	Net assets or fund balances at beginning of year (must equal Part X, line 32, column (A))	4	1,316,864
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 32, column (B))	10	1,934,935

Part XII Financial Statements and Reporting

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

- 1** Accounting method used to prepare the Form 990: Cash Accrual Other _____
 If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O.
- 2a** Were the organization's financial statements compiled or reviewed by an independent accountant?
 If 'Yes,' check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both:
 Separate basis Consolidated basis Both consolidated and separate basis
- b** Were the organization's financial statements audited by an independent accountant?
 If 'Yes,' check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both:
 Separate basis Consolidated basis Both consolidated and separate basis
- c** If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant?
 If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.
- 3a** As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?
- b** If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.

	Yes	No
2a		No
2b	Yes	
2c	Yes	
3a		No
3b		

Form **990** (2019)

Additional Data

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SCHEDULE C (Form 990 or 990-EZ)

Political Campaign and Lobbying Activities

OMB No. 1545-0047

2019

Open to Public Inspection

For Organizations Exempt From Income Tax Under section 501(c) and section 527

Complete if the organization is described below. Attach to Form 990 or Form 990-EZ. Go to www.irs.gov/Form990 for instructions and the latest information.

Department of the Treasury Internal Revenue Service

If the organization answered "Yes" on Form 990, Part IV, Line 3, or Form 990-EZ, Part V, line 46 (Political Campaign Activities), then

- Section 501(c)(3) organizations: Complete Parts I-A and B. Do not complete Part I-C.
Section 501(c) (other than section 501(c)(3)) organizations: Complete Parts I-A and C below. Do not complete Part I-B.
Section 527 organizations: Complete Part I-A only.

If the organization answered "Yes" on Form 990, Part IV, Line 4, or Form 990-EZ, Part VI, line 47 (Lobbying Activities), then

- Section 501(c)(3) organizations that have filed Form 5768 (election under section 501(h)): Complete Part II-A. Do not complete Part II-B.
Section 501(c)(3) organizations that have NOT filed Form 5768 (election under section 501(h)): Complete Part II-B. Do not complete Part II-A.

If the organization answered "Yes" on Form 990, Part IV, Line 5 (Proxy Tax) (see separate instructions) or Form 990-EZ, Part V, line 35c

(Proxy Tax) (see separate instructions), then

- Section 501(c)(4), (5), or (6) organizations: Complete Part III.

Name of the organization

NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number

85-0056996

Part I-A Complete if the organization is exempt under section 501(c) or is a section 527 organization.

1 Provide a description of the organization's direct and indirect political campaign activities in Part IV (see instructions for definition of "political campaign activities")

2 Political campaign activity expenditures (see instructions) \$

3 Volunteer hours for political campaign activities (see instructions)

Part I-B Complete if the organization is exempt under section 501(c)(3).

1 Enter the amount of any excise tax incurred by the organization under section 4955 \$

2 Enter the amount of any excise tax incurred by organization managers under section 4955 \$

3 If the organization incurred a section 4955 tax, did it file Form 4720 for this year? Yes No

4a Was a correction made? Yes No

b If "Yes," describe in Part IV.

Part I-C Complete if the organization is exempt under section 501(c), except section 501(c)(3).

1 Enter the amount directly expended by the filing organization for section 527 exempt function activities \$

2 Enter the amount of the filing organization's funds contributed to other organizations for section 527 exempt function activities \$

3 Total exempt function expenditures. Add lines 1 and 2. Enter here and on Form 1120-POL, line 17b. \$

4 Did the filing organization file Form 1120-POL for this year? Yes No

5 Enter the names, addresses and employer identification number (EIN) of all section 527 political organizations to which the filing organization made payments. For each organization listed, enter the amount paid from the filing organization's funds. Also enter the amount of political contributions received that were promptly and directly delivered to a separate political organization, such as a separate segregated fund or a political action committee (PAC). If additional space is needed, provide information in Part IV.

Table with 5 columns: (a) Name, (b) Address, (c) EIN, (d) Amount paid from filing organization's funds, (e) Amount of political contributions received and promptly and directly delivered to a separate political organization. Rows 1-6.

section 501(h).

- A** Check if the filing organization belongs to an affiliated group (and list in Part IV each affiliated group member's name, address, EIN, expenses, and share of excess lobbying expenditures).
- B** Check if the filing organization checked box A and "limited control" provisions apply.

Limits on Lobbying Expenditures
(The term "expenditures" means amounts paid or incurred.)

(a) Filing organization's totals
(b) Affiliated group totals

- 1a** Total lobbying expenditures to influence public opinion (grass roots lobbying)
- b** Total lobbying expenditures to influence a legislative body (direct lobbying)
- c** Total lobbying expenditures (add lines 1a and 1b)
- d** Other exempt purpose expenditures
- e** Total exempt purpose expenditures (add lines 1c and 1d)
- f** Lobbying nontaxable amount. Enter the amount from the following table in both columns.

If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:
Not over \$500,000	20% of the amount on line 1e.
Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000.
Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000.
Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000.
Over \$17,000,000	\$1,000,000.

- g** Grassroots nontaxable amount (enter 25% of line 1f)
- h** Subtract line 1g from line 1a. If zero or less, enter -0-
- i** Subtract line 1f from line 1c. If zero or less, enter -0-
- j** If there is an amount other than zero on either line 1h or line 1i, did the organization file Form 4720 reporting section 4911 tax for this year?

Yes No

4-Year Averaging Period Under Section 501(h)
(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the separate instructions for lines 2a through 2f.)

Lobbying Expenditures During 4-Year Averaging Period

Calendar year (or fiscal year beginning in)	(a) 2016	(b) 2017	(c) 2018	(d) 2019	(e) Total
2a Lobbying nontaxable amount					
b Lobbying ceiling amount (150% of line 2a, column(e))					
c Total lobbying expenditures					
d Grassroots nontaxable amount					
e Grassroots ceiling amount (150% of line 2d, column (e))					
f Grassroots lobbying expenditures					

Schedule C (Form 990 or 990-EZ) 2019

Part II-B Complete if the organization is exempt under section 501(c)(3) and has NOT filed Form 5768 (election under section 501(h)).

For each "Yes" response on lines 1a through 1i below, provide in Part IV a detailed description of the lobbying activity.

	(a)		(b)
	Yes	No	Amount
1 During the year, did the filing organization attempt to influence foreign, national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:			
a Volunteers?			
b Paid staff or management (include compensation in expenses reported on lines 1c through 1i)?			
c Media advertisements?			
d Mailings to members, legislators, or the public?			

e	Publications, or published or broadcast statements?			
f	Grants to other organizations for lobbying purposes?			
g	Direct contact with legislators, their staffs, government officials, or a legislative body?			
h	Rallies, demonstrations, seminars, conventions, speeches, lectures, or any similar means?			
i	Other activities?			
j	Total. Add lines 1c through 1i			
2a	Did the activities in line 1 cause the organization to be not described in section 501(c)(3)?			
b	If "Yes," enter the amount of any tax incurred under section 4912			
c	If "Yes," enter the amount of any tax incurred by organization managers under section 4912			
d	If the filing organization incurred a section 4912 tax, did it file Form 4720 for this year?			

Part III-A Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6).

	Yes	No
1 Were substantially all (90% or more) dues received nondeductible by members?	1	No
2 Did the organization make only in-house lobbying expenditures of \$2,000 or less?	2	No
3 Did the organization agree to carry over lobbying and political expenditures from the prior year?	3	No

Part III-B Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6) and if either (a) BOTH Part III-A, lines 1 and 2, are answered "No" OR (b) Part III-A, line 3, is answered "Yes."

1 Dues, assessments and similar amounts from members	1	2,591,548
2 Section 162(e) nondeductible lobbying and political expenditures (do not include amounts of political expenses for which the section 527(f) tax was paid).		
a Current year	2a	721,766
b Carryover from last year	2b	
c Total	2c	721,766
3 Aggregate amount reported in section 6033(e)(1)(A) notices of nondeductible section 162(e) dues .	3	1,943,661
4 If notices were sent and the amount on line 2c exceeds the amount on line 3, what portion of the excess does the organization agree to carryover to the reasonable estimate of nondeductible lobbying and political expenditure next year?	4	
5 Taxable amount of lobbying and political expenditures (see instructions)	5	-1,221,895

Part IV Supplemental Information

Provide the descriptions required for Part I-A, line 1; Part I-B, line 4; Part I-C, line 5; Part II-A (affiliated group list); Part II-A, lines 1 and 2 (see instructions), and Part II-B, line 1. Also, complete this part for any additional information.

Return Reference	Explanation
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Additional Data

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SCHEDULE D (Form 990)

Supplemental Financial Statements

OMB No. 1545-0047

2019

Open to Public Inspection

Complete if the organization answered "Yes," on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b. Attach to Form 990.

Go to www.irs.gov/Form990 for instructions and the latest information.

Department of the Treasury Internal Revenue Service

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number 85-0056996

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.

Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

Table with 2 columns: (a) Donor advised funds, (b) Funds and other accounts. Rows 1-4: Total number at end of year, Aggregate value of contributions to (during year), Aggregate value of grants from (during year), Aggregate value at end of year.

- 5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control?
6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds can be used only for charitable purposes and not for the benefit of the donor or donor advisor, or for any other purpose conferring impermissible private benefit?

Part II Conservation Easements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

- 1 Purpose(s) of conservation easements held by the organization (check all that apply).
2 Complete lines 2a through 2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.
3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the tax year
4 Number of states where property subject to conservation easement is located
5 Does the organization have a written policy regarding the periodic monitoring, inspection, handling of violations, and enforcement of the conservation easements it holds?
6 Staff and volunteer hours devoted to monitoring, inspecting, handling of violations, and enforcing conservation easements during the year
7 Amount of expenses incurred in monitoring, inspecting, handling of violations, and enforcing conservation easements during the year
8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and section 170(h)(4)(B)(ii)?
9 In Part XIII, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

- 1a If the organization elected, as permitted under FASB ASC 958, not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIII, the text of the footnote to its financial statements that describes these items.
b If the organization elected, as permitted under FASB ASC 958, to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:
(i) Revenue included on Form 990, Part VIII, line 1
(ii) Assets included in Form 990, Part X
2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under FASB ASC 958 relating to these items:
a Revenue included on Form 990, Part VIII, line 1
b Assets included in Form 990, Part X

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets *(continued)*

3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):

- a** Public exhibition
- b** Scholarly research
- c** Preservation for future generations
- d** Loan or exchange programs
- e** Other

4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.

5 During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? . . . **Yes** **No**

Part IV Escrow and Custodial Arrangements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? **Yes** **No**

b If "Yes," explain the arrangement in Part XIII and complete the following table:

- c** Beginning balance
- d** Additions during the year
- e** Distributions during the year
- f** Ending balance

	Amount
1c	
1d	
1e	
1f	

2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? . . . **Yes** **No**

b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII

Part V Endowment Funds.

Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1a Beginning of year balance					
b Contributions					
c Net investment earnings, gains, and losses					
d Grants or scholarships					
e Other expenditures for facilities and programs					
f Administrative expenses					
g End of year balance					

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

- a** Board designated or quasi-endowment ▶
- b** Permanent endowment ▶
- c** Term endowment ▶

The percentages on lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

- (i)** Unrelated organizations
- (ii)** Related organizations

	Yes	No
3a(i)		
3a(ii)		
3b		

b If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R?

4 Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI Land, Buildings, and Equipment.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Description of property	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
1a Land				
b Buildings				
c Leasehold improvements				
d Equipment		75,425	64,448	10,977
e Other				

Total. Add lines 1a through 1e. (Column (d) must equal Form 990, Part X, column (B), line 10(c).) . . . ▶ 10,977

Part VII Investments Other Securities.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely-held equity interests		
(3) Other _____		
(B)		
(C)		
(D)		
(E)		
(F)		
(G)		
(H)		
(I)		
Total. (Column (b) must equal Form 990, Part X, col. (B) line 12.)		

Part VIII Investments Program Related.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
(10)		
Total. (Column (b) must equal Form 990, Part X, col.(B) line 13.)		

Part IX Other Assets.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	(b) Book value
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
(10)	
Total. (Column (b) must equal Form 990, Part X, col.(B) line 15.)	

Part X Other Liabilities.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11e or 11f. See Form 990, Part X, line 25.

1.	(a) Description of liability	(b) Book value
(1)	Federal income taxes	
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		

Total. (Column (b) must equal Form 990, Part X, col.(B) line 25.)

2. Liability for uncertain tax positions. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII

Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total revenue, gains, and other support per audited financial statements			3,044,138
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:			
a	Net unrealized gains (losses) on investments	2a		
b	Donated services and use of facilities	2b		
c	Recoveries of prior year grants	2c		
d	Other (Describe in Part XIII.)	2d		
e	Add lines 2a through 2d	2e		
3	Subtract line 2e from line 1	3		3,044,138
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1:			
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a		
b	Other (Describe in Part XIII.)	4b	245,754	
c	Add lines 4a and 4b	4c		245,754
5	Total revenue. Add lines 3 and 4c. (This must equal Form 990, Part I, line 12.)	5		3,289,892

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total expenses and losses per audited financial statements			2,426,067
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:			
a	Donated services and use of facilities	2a		
b	Prior year adjustments	2b		
c	Other losses	2c		
d	Other (Describe in Part XIII.)	2d		
e	Add lines 2a through 2d	2e		
3	Subtract line 2e from line 1	3		2,426,067
4	Amounts included on Form 990, Part IX, line 25, but not on line 1:			
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a		
b	Other (Describe in Part XIII.)	4b	245,754	
c	Add lines 4a and 4b	4c		245,754
5	Total expenses. Add lines 3 and 4c. (This must equal Form 990, Part I, line 18.)	5		2,671,821

Part XIII Supplemental Information

Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

Return Reference	Explanation
SCHEDULE D, PAGE 4, PART XI, LINE 4B	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 266,129 OTHER ITEMS NETTED FOR TAX RETURN -20,375
SCHEDULE D, PAGE 4, PART XII, LINE 4B	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 266,129 OTHER ITEMS NETTED FOR TAX RETURN -20,375

Additional Data

[Return to Form](#)

Software ID:
Software Version:

Part III Supplemental Information

Provide the information, explanation, or descriptions required for Part I, lines 1a, 1b, 3, 4a, 4b, 4c, 5a, 5b, 6a, 6b, 7, and 8, and for Part II. Also complete this part for any additional information.

Return Reference	Explanation
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Additional Data

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Software ID:
Software Version:

efile Public Visual Render | ObjectID: 202033169349301878 - Submission: 2020-11-11 | TIN: 85-0056996

SCHEDULE O
(Form 990 or 990-EZ)

Supplemental Information to Form 990 or 990-EZ

OMB No. 1545-0047

2019

Open to Public Inspection

Department of the Treasury
Internal Revenue Service

Complete to provide information for responses to specific questions on Form 990 or 990-EZ or to provide any additional information.
▶ Attach to Form 990 or 990-EZ.
▶ Go to www.irs.gov/Form990 for the latest information.

Name of the organization
NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number

85-0056996

Return Reference	Explanation
FORM 990, PAGE 6, PART VI, LINE 11B	THE RETURN IS REVIEWED BY THE BOARD PRESIDENT PRIOR TO FILING.
FORM 990, PAGE 6, PART VI, LINE 19	THE ORGANIZATION'S GOVERNING DOCUMENTS, ANY WRITTEN POLICIES, AND/OR FINANCIAL STATEMENTS ARE AVAILABLE TO THE PUBLIC UPON REQUEST.
FORM 990, PART XI, LINE 9	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S -266,129 OTHER ITEMS NETTED FOR TAX RETURN 20,375 ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 266,129 OTHER ITEMS NETTED FOR TAX RETURN -20,375

Additional Data

[Return to Form](#)

Software ID:
Software Version:

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

Return of Organization Exempt From Income Tax

OMB No. 1545-0047

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 for instructions and the latest information.

2020

Open to Public Inspection

A For the 2020 calendar year, or tax year beginning 01-01-2020, and ending 12-31-2020

- 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 \$ 3,514,279

F Name and address of principal officer:
LELAND GOULD
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

K Form of organization: Corporation Trust Association Other ▶

L Year of formation: 1929 **M** State of legal domicile: NM

Part I Summary

Activities & Governance	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 <input type="checkbox"/>				
	3 Number of voting members of the governing body (Part VI, line 1a)	3	28		
	4 Number of independent voting members of the governing body (Part VI, line 1b)	4	28		
	5 Total number of individuals employed in calendar year 2020 (Part V, line 2a)	5	8		
	6 Total number of volunteers (estimate if necessary)	6	0		
	7a Total unrelated business revenue from Part VIII, column (C), line 12	7a	0		
b Net unrelated business taxable income from Form 990-T, line 39	7b	0			
Revenue	8 Contributions and grants (Part VIII, line 1h)	Prior Year	0	Current Year	2,455,099
	9 Program service revenue (Part VIII, line 2g)	3,289,538		1,059,116	
	10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)	354		64	
	11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	0		0	
	12 Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	3,289,892		3,514,279	
Expenses	13 Grants and similar amounts paid (Part IX, column (A), lines 1–3)	0		0	
	14 Benefits paid to or for members (Part IX, column (A), line 4)	0		0	
	15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5–10)	1,077,038		1,212,891	
	16a Professional fundraising fees (Part IX, column (A), line 11e)	0		0	
	b Total fundraising expenses (Part IX, column (D), line 25) ▶ 0				
	17 Other expenses (Part IX, column (A), lines 11a–11d, 11f–24e)	1,594,783		2,009,266	
18 Total expenses. Add lines 13–17 (must equal Part IX, column (A), line 25)	2,671,821		3,222,157		
19 Revenue less expenses. Subtract line 18 from line 12	618,071		292,122		
Net Assets or Fund Balances	20 Total assets (Part X, line 16)	Beginning of Current Year	2,250,213	End of Year	4,199,951
	21 Total liabilities (Part X, line 26)		315,278		1,972,894
	22 Net assets or fund balances. Subtract line 21 from line 20		1,934,935		2,227,057

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

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

2021-11-08

Date

LELAND GOULD CHAIRMAN

Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed	PTIN P01207573
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	

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No

For Paperwork Reduction Act Notice, see the separate instructions.

Cat. No. 11282Y

Form 990 (2020)

Form 990 (2020)

Part III Statement of Program Service Accomplishments

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

1 Briefly describe the organization's mission:

TO PROMOTE THE SAFE AND RESPONSIBLE DEVELOPMENT OF OIL AND GAS RESOURCES IN NEW MEXICO THROUGH ADVOCACY, COLLABORATION, AND EDUCATION.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? Yes No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? Yes No

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ including grants of \$) (Revenue \$)
ANNUAL INDUSTRY/AGENCY MEETING TO DISCUSS COMMON ISSUES; EDUCATION EFFORTS; REGULATORY WORK

4b (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d Other program services (Describe in Schedule O.)
(Expenses \$ including grants of \$) (Revenue \$)

Part IV Checklist of Required Schedules

	Yes	No
1 Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? <i>If "Yes," complete Schedule A</i>		No
2 Is the organization required to complete <i>Schedule B, Schedule of Contributors</i> (see instructions)?		No
3 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? <i>If "Yes," complete Schedule C, Part I</i>		No
4 Section 501(c)(3) organizations. Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? <i>If "Yes," complete Schedule C, Part II</i>		
5 Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? <i>If "Yes," complete Schedule C, Part III</i>	Yes	
6 Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? <i>If "Yes," complete Schedule D, Part I</i>		No
7 Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? <i>If "Yes," complete Schedule D, Part II</i>		No
8 Did the organization maintain collections of works of art, historical treasures, or other similar assets? <i>If "Yes," complete Schedule D, Part III</i>		No
9 Did the organization report an amount in Part X, line 21 for escrow or custodial account liability; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? <i>If "Yes," complete Schedule D, Part IV</i>		No
10 Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi endowments? <i>If "Yes," complete Schedule D, Part V</i>		No
11 If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable.		
a Did the organization report an amount for land, buildings, and equipment in Part X, line 10? <i>If "Yes," complete Schedule D, Part VI</i>	Yes	
b Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VII</i>		No
c Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VIII</i>		No
d Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part IX</i>		No
e Did the organization report an amount for other liabilities in Part X, line 25? <i>If "Yes," complete Schedule D, Part X</i>		No
f Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? <i>If "Yes," complete Schedule D, Part X</i>	Yes	
12a Did the organization obtain separate, independent audited financial statements for the tax year? <i>If "Yes," complete Schedule D, Parts XI and XII</i>	Yes	
b Was the organization included in consolidated, independent audited financial statements for the tax year? <i>If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional</i>		No
13 Is the organization a school described in section 170(b)(1)(A)(ii)? <i>If "Yes," complete Schedule E</i>		No
14a Did the organization maintain an office, employees, or agents outside of the United States?		No
b Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? <i>If "Yes," complete Schedule F, Parts I and IV</i>		No
15 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or other assistance to or for any foreign organization? <i>If "Yes," complete Schedule F, Parts II and IV</i>		No
16 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or other assistance to or for foreign individuals? <i>If "Yes," complete Schedule F, Parts III and IV</i>		No
17 Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? <i>If "Yes," complete Schedule G, Part I</i> (see instructions)		No
18 Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? <i>If "Yes," complete Schedule G, Part II</i>		No
19 Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? <i>If "Yes," complete Schedule G, Part III</i>		No
20a Did the organization operate one or more hospital facilities? <i>If "Yes," complete Schedule H</i>		No

b If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?

20b		
21		No

21 Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? If "Yes," complete Schedule I, Parts I and II

Part IV Checklist of Required Schedules (continued)

	Yes	No
22 Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? If "Yes," complete Schedule I, Parts I and III		No
23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? If "Yes," complete Schedule J	Yes	
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a		No
b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?		
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?		
d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?		
25a Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? If "Yes," complete Schedule L, Part I		
b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I		
26 Did the organization report any amount on Part X, line 5 or 22 for receivables from or payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons? If "Yes," complete Schedule L, Part II		No
27 Did the organization provide a grant or other assistance to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or employee thereof, a grant selection committee member, or to a 35% controlled entity (including an employee thereof) or family member of any of these persons? If "Yes," complete Schedule L, Part III		No
28 Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):		
a A current or former officer, director, trustee, key employee, creator or founder, or substantial contributor? If "Yes," complete Schedule L, Part IV		No
b A family member of any individual described in line 28a? If "Yes," complete Schedule L, Part IV		No
c A 35% controlled entity of one or more individuals and/or organizations described in lines 28a or 28b? If "Yes," complete Schedule L, Part IV		No
29 Did the organization receive more than \$25,000 in non-cash contributions? If "Yes," complete Schedule M		No
30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? If "Yes," complete Schedule M		No
31 Did the organization liquidate, terminate, or dissolve and cease operations? If "Yes," complete Schedule N, Part I		No
32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? If "Yes," complete Schedule N, Part II		No
33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Schedule R, Part I		No
34 Was the organization related to any tax-exempt or taxable entity? If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1		No
35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?		No
b If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," complete Schedule R, Part V, line 2		
36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? If "Yes," complete Schedule R, Part V, line 2		
37 Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? If "Yes," complete Schedule R, Part VI		No
38 Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11b and 19? Note. All Form 990 filers are required to complete Schedule O.	Yes	

Part V Statements Regarding Other IRS Filings and Tax Compliance

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



			Yes	No
1a Enter the number reported in Box 3 of Form 1096. Enter -0- if not applicable	1a	1		
b Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable	1b	0		
c Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?	1c		Yes	

Part V Statements Regarding Other IRS Filings and Tax Compliance (continued)

2a Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return	2a	8		
b If at least one is reported on line 2a, did the organization file all required federal employment tax returns? Note. If the sum of lines 1a and 2a is greater than 250, you may be required to e-file (see instructions)	2b		Yes	
3a Did the organization have unrelated business gross income of \$1,000 or more during the year?	3a			No
b If "Yes," has it filed a Form 990-T for this year? If "No" to line 3b, provide an explanation in Schedule O	3b			
4a At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?	4a			No
b If "Yes," enter the name of the foreign country: <input type="text"/> See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).				
5a Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?	5a			No
b Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?	5b			No
c If "Yes," to line 5a or 5b, did the organization file Form 8886-T?	5c			
6a Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?	6a		Yes	
b If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	6b		Yes	
7 Organizations that may receive deductible contributions under section 170(c).				
a Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor?	7a			
b If "Yes," did the organization notify the donor of the value of the goods or services provided?	7b			
c Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?	7c			
d If "Yes," indicate the number of Forms 8282 filed during the year	7d			
e Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?	7e			
f Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?	7f			
g If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?	7g			
h If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?	7h			
8 Sponsoring organizations maintaining donor advised funds. Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?	8			
9 Sponsoring organizations maintaining donor advised funds.				
a Did the sponsoring organization make any taxable distributions under section 4966?	9a			
b Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?	9b			
10 Section 501(c)(7) organizations. Enter:				
a Initiation fees and capital contributions included on Part VIII, line 12	10a			
b Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities	10b			
11 Section 501(c)(12) organizations. Enter:				
a Gross income from members or shareholders	11a			
b Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them.)	11b			
12a Section 4947(a)(1) non-exempt charitable trusts. Is the organization filing Form 990 in lieu of Form 1041?	12a			
b If "Yes," enter the amount of tax-exempt interest received or accrued during the year.	12b			
13 Section 501(c)(29) qualified nonprofit health insurance issuers.				
a Is the organization licensed to issue qualified health plans in more than one state?				

a Is the organization licensed to issue qualified health plans in more than one state?		13a	
Note. See the instructions for additional information the organization must report on Schedule O.			
b Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans	13b		
c Enter the amount of reserves on hand	13c		
14a Did the organization receive any payments for indoor tanning services during the tax year?		14a	No
b If "Yes," has it filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O		14b	
15 Is the organization subject to the section 4960 tax on payment(s) of more than \$1,000,000 in remuneration or excess parachute payment(s) during the year? If "Yes," see instructions and file Form 4720, Schedule N.		15	No
16 Is the organization an educational institution subject to the section 4968 excise tax on net investment income? If "Yes," complete Form 4720, Schedule O.		16	No

Part VI **Governance, Management, and Disclosure** For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.
Check if Schedule O contains a response or note to any line in this Part VI

Section A. Governing Body and Management

		Yes	No
1a Enter the number of voting members of the governing body at the end of the tax year If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O.	1a	28	
b Enter the number of voting members included in line 1a, above, who are independent	1b	28	
2 Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?	2		No
3 Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?	3		No
4 Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?	4		No
5 Did the organization become aware during the year of a significant diversion of the organization's assets?	5		No
6 Did the organization have members or stockholders?	6		No
7a Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?	7a		No
b Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?	7b		No
8 Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:			
a The governing body?	8a	Yes	
b Each committee with authority to act on behalf of the governing body?	8b	Yes	
9 Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses in Schedule O	9		No

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

	Yes	No
10a Did the organization have local chapters, branches, or affiliates?	10a	No
b If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes?	10b	
11a Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?	11a	Yes
b Describe in Schedule O the process, if any, used by the organization to review this Form 990.		
12a Did the organization have a written conflict of interest policy? If "No," go to line 13	12a	Yes
b Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts?	12b	Yes
c Did the organization regularly and consistently monitor and enforce compliance with the policy? If "Yes," describe in Schedule O how this was done	12c	Yes
13 Did the organization have a written whistleblower policy?	13	No
14 Did the organization have a written document retention and destruction policy?	14	Yes
15 Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?		
a The organization's CEO, Executive Director, or top management official	15a	Yes
b Other officers or key employees of the organization	15b	No
If "Yes" to line 15a or 15b, describe the process in Schedule O (see instructions).		

16a Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	16a	No
b If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements?	16b	

Section C. Disclosure

- 17** List the states with which a copy of this Form 990 is required to be filed
- 18** Section 6104 requires an organization to make its Form 1023 (or 1024-A if applicable), 990, and 990-T (501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.
 Own website Another's website Upon request Other (explain in Schedule O)
- 19** Describe in Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.
- 20** State the name, address, and telephone number of the person who possesses the organization's books and records:
 KATHY YTUARTE PO BOX 1864 SANTA FE, NM 875041864 (505) 982-2568

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 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 and/or Box 7 of Form 1099-MISC) 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 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)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(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) AIMEE BARABE DIR. OF STKHOLD REL	40.00	X					153,000	0	19,000	
(2) BETTY READ YOUNG EXEC COMMITTEE	0.00	X					0	0	0	
(3) BRET FOX EXEC COMMITTEE	0.00	X					0	0	0	
(4) CLIFF BRUNSON EXEC COMMITTEE	0.00	X					0	0	0	
(5) CLINT WALKER EXEC COMMITTEE	0.00	X					0	0	0	
(6) GLORIA RUIZ DIR OF COMM ENGAGEME	40.00	X					92,000	0	12,150	

(7) JASON SANDEL EXEC COMMITTEE	0.00	X							0	0	0
(8) JAY PAUL MCWILLIAMS EXEC COMMITTEE	0.00	X							0	0	0
(9) JEFF WILSON EXEC COMMITTEE	0.00	X							0	0	0
(10) JOSHUA VIETS EXEC COMMITTEE	0.00	X							0	0	0
(11) JUSTIN FURNACE EXEC COMMITTEE	0.00	X							0	0	0
(12) KEN WAITS SECRETARY	0.00	X		X					0	0	0
(13) LELAND GOULD CHAIRMAN	0.00	X		X					0	0	0
(14) MARGARET COOPER EXEC COMMITTEE	0.00	X							0	0	0
(15) MARK VETETO EXEC COMMITTEE	0.00	X							0	0	0
(16) RAYE MILLER EXEC COMMITTEE	0.00	X							0	0	0
(17) ROBERT MCENTYRE DIR OF COMM	40.00	X						135,500	0	0	0

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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)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(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) THOMAS JANISZEWSKI EXEC COMMITTEE	0.00	X						0	0	0
(19) TODD ENNENGA EXEC COMMITTEE	0.00	X						0	0	0
(20) SCOTT KIDWELL EXEC COMMITTEE	0.00	X						0	0	0
(21) JOHN ALEXANDER EXEC COMMITTEE	0.00	X						0	0	0
(22) TIM CUSTER EXEC COMMITTEE	0.00	X						0	0	0
(23) DEREK ALBRO VICE CHAIRMAN	0.00	X		X				0	0	0
(24) PAMELA ROTH EXEC COMMITTEE	0.00	X						0	0	0

(25) ALEX CAMPBELL EXECUTIVE DIRECTOR	0.00	X								0	0	0
(26) MICHAEL DESHAZER EXECUTIVE DIRECTOR	0.00	X								0	0	0
(27) JOSHUA JEMENTE EXECUTIVE DIRECTOR	0.00	X								0	0	0
(28) DAVID SCOTT EXECUTIVE DIRECTOR	0.00	X								0	0	0
(29) RYAN FLYNN EXECUTIVE DIRECTOR	40.00			X						322,083	0	40,356

1b Sub-Total												
c Total from continuation sheets to Part VII, Section A												
d Total (add lines 1b and 1c)										702,583	0	71,506

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 ▶ 3

	Yes	No
3 Did the organization list any former officer, director or trustee, key employee, or highest compensated employee on line 1a? If "Yes," complete Schedule J for such individual		No
4 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? If "Yes," complete Schedule J for such individual	Yes	
5 Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? If "Yes," complete Schedule J for such person		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

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 ▶ 0

Part VIII **Statement of Revenue**

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

	(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512 - 514
--	----------------------	---	-----------------------------------	---

Modulated campaigns	1a
Membership dues	1b
2,435,414	
Raising events	1c
Related organizations	1d
Government grants (contributions)	1e
All other contributions, gifts, grants, and similar amounts not included above	1f
19,685	

Non-cash contributions included in

g Noncash contributions included in lines 1a - 1f: \$

1g

h Total. Add lines 1a-1f **2,455,099**

		Business Code			
Program Service Revenue	2a SPECIAL PROJECTS				
		519100	1,059,116	1,059,116	
	f All other program service revenue.				
9 Total. Add lines 2a-2f.			1,059,116		

3 Investment income (including dividends, interest, and other similar amounts)		64			64
4 Income from investment of tax-exempt bond proceeds					
5 Royalties					

		(i) Real	(ii) Personal			
6a Gross rents	6a					
	b Less: rental expenses	6b				
	c Rental income or (loss)	6c				
	d Net rental income or (loss)					

		(i) Securities	(ii) Other			
7a Gross amount from sales of assets other than inventory	7a					
	b Less: cost or other basis and sales expenses	7b				
	c Gain or (loss)	7c				
	d Net gain or (loss)					

Other Revenue	8a Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18	8a				
	b Less: direct expenses	8b				
	c Net income or (loss) from fundraising events					

Other Revenue	9a Gross income from gaming activities. See Part IV, line 19	9a				
	b Less: direct expenses	9b				
	c Net income or (loss) from gaming activities					

Other Revenue	10a Gross sales of inventory, less returns and allowances	10a				
	b Less: cost of goods sold	10b				
	c Net income or (loss) from sales of inventory					

		Business Code			
11a	Miscellaneous Revenue				
	b				

c					
d All other revenue					
e Total. Add lines 11a–11d ▶					
12 Total revenue. See instructions ▶		3,514,279	1,059,116	0	64

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

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

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21				
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, lines 15 and 16.				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	788,389			
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages	276,706			
8 Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions)	5,756			
9 Other employee benefits	83,487			
10 Payroll taxes	58,553			
11 Fees for services (non-employees):				
a Management				
b Legal	477,012			
c Accounting	16,451			
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O)	35,422			
12 Advertising and promotion	1,180,301			
13 Office expenses	46,776			
14 Information technology	12,470			
15 Royalties				
16 Occupancy	69,409			
17 Travel	22,229			
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings	28,318			
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	2,042			
23 Insurance	6,450			
24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
SPECIFIC PROJECTS	49,757			

a	SPECIAL PROJECTS	19,757		
b	DUES AND SUBSCRIPTIONS	38,028		
c	BANK AND CREDIT CARD FE	24,601		
d				
e	All other expenses			
25	Total functional expenses. Add lines 1 through 24e	3,222,157		
26	Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720).			

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Part X **Balance Sheet**

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

		(A) Beginning of year		(B) End of year
Assets	1 Cash-non-interest-bearing	355,375	1	1,755,121
	2 Savings and temporary cash investments	1,883,861	2	2,435,894
	3 Pledges and grants receivable, net		3	
	4 Accounts receivable, net		4	
	5 Loans and other receivables from any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		5	
	6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), and persons described in section 4958(c)(3)(B)		6	
	7 Notes and loans receivable, net		7	
	8 Inventories for sale or use		8	
	9 Prepaid expenses and deferred charges		9	
	10a Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a 75,426		
	b Less: accumulated depreciation	10b 66,490	10,977	10c 8,936
	11 Investments—publicly traded securities		11	
	12 Investments—other securities. See Part IV, line 11		12	
	13 Investments—program-related. See Part IV, line 11		13	
	14 Intangible assets		14	
	15 Other assets. See Part IV, line 11		15	
16 Total assets. Add lines 1 through 15 (must equal line 33)		2,250,213	16	4,199,951
Liabilities	17 Accounts payable and accrued expenses	123,342	17	219,137
	18 Grants payable		18	
	19 Deferred revenue	191,936	19	1,753,757
	20 Tax-exempt bond liabilities		20	
	21 Escrow or custodial account liability. Complete Part IV of Schedule D		21	
	22 Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		22	
	23 Secured mortgages and notes payable to unrelated third parties		23	
	24 Unsecured notes and loans payable to unrelated third parties		24	
	25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17 - 24). Complete Part X of Schedule D		25	
	26 Total liabilities. Add lines 17 through 25		315,278	26	1,972,894
nd Balances	Organizations that follow FASB ASC 958, check here <input checked="" type="checkbox"/> and complete lines 27, 28, 32, and 33.			
	27 Net assets without donor restrictions	1,934,935	27	2,227,057
	28 Net assets with donor restrictions		28	

Net Assets of Fu

Organizations that do not follow FASB ASC 958, check here and complete lines 29 through 33.

29	Capital stock or trust principal, or current funds		29	
30	Paid-in or capital surplus, or land, building or equipment fund		30	
31	Retained earnings, endowment, accumulated income, or other funds		31	
32	Total net assets or fund balances	1,934,935	32	2,227,057
33	Total liabilities and net assets/fund balances	2,250,213	33	4,199,951

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Part XI Reconciliation of Net Assets

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

1	Total revenue (must equal Part VIII, column (A), line 12)	1	3,514,279
2	Total expenses (must equal Part IX, column (A), line 25)	2	3,222,157
3	Revenue less expenses. Subtract line 2 from line 1	3	292,122
4	Net assets or fund balances at beginning of year (must equal Part X, line 32, column (A))	4	1,934,935
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	0
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 32, column (B))	10	2,227,057

Part XII Financial Statements and Reporting

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

	Yes	No
1 Accounting method used to prepare the Form 990: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual <input type="checkbox"/> Other _____ If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O.		
2a Were the organization's financial statements compiled or reviewed by an independent accountant? If 'Yes,' check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both: <input type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separate basis		No
b Were the organization's financial statements audited by an independent accountant? If 'Yes,' check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both: <input checked="" type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separate basis	Yes	
c If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant? If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.	Yes	
3a As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?		No
b If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.		

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Additional Data

Return to Form

Software ID:
Software Version:

Form 990, Special Condition Description:

SCHEDULE C (Form 990 or 990-EZ)

Political Campaign and Lobbying Activities

OMB No. 1545-0047

For Organizations Exempt From Income Tax Under section 501(c) and section 527

2020

Open to Public Inspection

Department of the Treasury Internal Revenue Service

Complete if the organization is described below. Attach to Form 990 or Form 990-EZ. Go to www.irs.gov/Form990 for instructions and the latest information.

If the organization answered "Yes" on Form 990, Part IV, Line 3, or Form 990-EZ, Part V, line 46 (Political Campaign Activities), then

- Section 501(c)(3) organizations: Complete Parts I-A and B. Do not complete Part I-C.
Section 501(c) (other than section 501(c)(3)) organizations: Complete Parts I-A and C below. Do not complete Part I-B.
Section 527 organizations: Complete Part I-A only.

If the organization answered "Yes" on Form 990, Part IV, Line 4, or Form 990-EZ, Part VI, line 47 (Lobbying Activities), then

- Section 501(c)(3) organizations that have filed Form 5768 (election under section 501(h)): Complete Part II-A. Do not complete Part II-B.
Section 501(c)(3) organizations that have NOT filed Form 5768 (election under section 501(h)): Complete Part II-B. Do not complete Part II-A.

If the organization answered "Yes" on Form 990, Part IV, Line 5 (Proxy Tax) (see separate instructions) or Form 990-EZ, Part V, line 35c (Proxy Tax) (see separate instructions), then

- Section 501(c)(4), (5), or (6) organizations: Complete Part III.

Table with 2 columns: Name of the organization (NEW MEXICO OIL & GAS ASSOCIATION) and Employer identification number (85-0056996)

Part I-A Complete if the organization is exempt under section 501(c) or is a section 527 organization.

- 1 Provide a description of the organization's direct and indirect political campaign activities in Part IV (see instructions for definition of "political campaign activities")
2 Political campaign activity expenditures (see instructions)
3 Volunteer hours for political campaign activities (see instructions)

Part I-B Complete if the organization is exempt under section 501(c)(3).

- 1 Enter the amount of any excise tax incurred by the organization under section 4955
2 Enter the amount of any excise tax incurred by organization managers under section 4955
3 If the organization incurred a section 4955 tax, did it file Form 4720 for this year?
4a Was a correction made?
b If "Yes," describe in Part IV.

Part I-C Complete if the organization is exempt under section 501(c), except section 501(c)(3).

- 1 Enter the amount directly expended by the filing organization for section 527 exempt function activities
2 Enter the amount of the filing organization's funds contributed to other organizations for section 527 exempt function activities
3 Total exempt function expenditures. Add lines 1 and 2. Enter here and on Form 1120-POL, line 17b
4 Did the filing organization file Form 1120-POL for this year?
5 Enter the names, addresses and employer identification number (EIN) of all section 527 political organizations to which the filing organization made payments.

Table with 5 columns: (a) Name, (b) Address, (c) EIN, (d) Amount paid from filing organization's funds, (e) Amount of political contributions received and promptly and directly delivered to a separate political organization.

Complete if the organization is exempt under section 501(c)(3) and filed Form 5708 (election under section 501(h)).

- A** Check if the filing organization belongs to an affiliated group (and list in Part IV each affiliated group member's name, address, EIN, expenses, and share of excess lobbying expenditures).
- B** Check if the filing organization checked box A and "limited control" provisions apply.

Limits on Lobbying Expenditures
(The term "expenditures" means amounts paid or incurred.)

(a) Filing organization's totals
(b) Affiliated group totals

- 1a** Total lobbying expenditures to influence public opinion (grass roots lobbying)
- b** Total lobbying expenditures to influence a legislative body (direct lobbying)
- c** Total lobbying expenditures (add lines 1a and 1b)
- d** Other exempt purpose expenditures
- e** Total exempt purpose expenditures (add lines 1c and 1d)
- f** Lobbying nontaxable amount. Enter the amount from the following table in both columns.

If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:
Not over \$500,000	20% of the amount on line 1e.
Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000.
Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000.
Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000.
Over \$17,000,000	\$1,000,000.

- g** Grassroots nontaxable amount (enter 25% of line 1f)
- h** Subtract line 1g from line 1a. If zero or less, enter -0-
- i** Subtract line 1f from line 1c. If zero or less, enter -0-
- j** If there is an amount other than zero on either line 1h or line 1i, did the organization file Form 4720 reporting section 4911 tax for this year? Yes No

4-Year Averaging Period Under Section 501(h)
(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the separate instructions for lines 2a through 2f.)

Lobbying Expenditures During 4-Year Averaging Period

Calendar year (or fiscal year beginning in)	(a) 2017	(b) 2018	(c) 2019	(d) 2020	(e) Total
2a Lobbying nontaxable amount					
b Lobbying ceiling amount (150% of line 2a, column(e))					
c Total lobbying expenditures					
d Grassroots nontaxable amount					
e Grassroots ceiling amount (150% of line 2d, column (e))					
f Grassroots lobbying expenditures					

Schedule C (Form 990 or 990-EZ) 2020

Part II-B Complete if the organization is exempt under section 501(c)(3) and has NOT filed Form 5768 (election under section 501(h)).

For each "Yes" response on lines 1a through 1i below, provide in Part IV a detailed description of the lobbying activity.

	(a)		(b)
	Yes	No	Amount
1 During the year, did the filing organization attempt to influence foreign, national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:			
a Volunteers?			
b Paid staff or management (include compensation in expenses reported on lines 1c through 1i)?			
c Media advertisements?			

d	Mailings to members, legislators, or the public?			
e	Publications, or published or broadcast statements?			
f	Grants to other organizations for lobbying purposes?			
g	Direct contact with legislators, their staffs, government officials, or a legislative body?			
h	Rallies, demonstrations, seminars, conventions, speeches, lectures, or any similar means?			
i	Other activities?			
j	Total. Add lines 1c through 1i			
2a	Did the activities in line 1 cause the organization to be not described in section 501(c)(3)?			
b	If "Yes," enter the amount of any tax incurred under section 4912			
c	If "Yes," enter the amount of any tax incurred by organization managers under section 4912			
d	If the filing organization incurred a section 4912 tax, did it file Form 4720 for this year?			

Part III-A Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6).

	Yes	No
1 Were substantially all (90% or more) dues received nondeductible by members?	1	No
2 Did the organization make only in-house lobbying expenditures of \$2,000 or less?	2	No
3 Did the organization agree to carry over lobbying and political expenditures from the prior year?	3	No

Part III-B Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6) and if either (a) BOTH Part III-A, lines 1 and 2, are answered "No" OR (b) Part III-A, line 3, is answered "Yes."

1 Dues, assessments and similar amounts from members	1	2,435,414
2 Section 162(e) nondeductible lobbying and political expenditures (do not include amounts of political expenses for which the section 527(f) tax was paid).		
a Current year	2a	608,854
b Carryover from last year	2b	721,766
c Total	2c	1,330,620
3 Aggregate amount reported in section 6033(e)(1)(A) notices of nondeductible section 162(e) dues .	3	1,826,561
4 If notices were sent and the amount on line 2c exceeds the amount on line 3, what portion of the excess does the organization agree to carryover to the reasonable estimate of nondeductible lobbying and political expenditure next year?	4	
5 Taxable amount of lobbying and political expenditures (see instructions)	5	-495,941

Part IV Supplemental Information

Provide the descriptions required for Part I-A, line 1; Part I-B, line 4; Part I-C, line 5; Part II-A (affiliated group list); Part II-A, lines 1 and 2 (see instructions), and Part II-B, line 1. Also, complete this part for any additional information.

Return Reference	Explanation
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Schedule C (Form 990 or 990EZ) 2020

Additional Data

[Return to Form](#)

Software ID:
Software Version:

SCHEDULE D (Form 990)

Supplemental Financial Statements

OMB No. 1545-0047

2020

Open to Public Inspection

Complete if the organization answered "Yes," on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b.

Attach to Form 990.

Go to www.irs.gov/Form990 for instructions and the latest information.

Department of the Treasury Internal Revenue Service

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number 85-0056996

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.

Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

Table with 3 columns: Line number, (a) Donor advised funds, (b) Funds and other accounts. Includes rows for total number, aggregate value, and donor notification questions.

Part II Conservation Easements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

Form for Part II Conservation Easements, including questions about purpose, acreage, and monitoring expenses.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

Form for Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets, including questions about reporting requirements.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets (continued)

3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):

- a Public exhibition, b Scholarly research, c Preservation for future generations, d Loan or exchange programs, e Other

4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.

5 During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? Yes No

Part IV Escrow and Custodial Arrangements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? Yes No

b If "Yes," explain the arrangement in Part XIII and complete the following table:

- c Beginning balance, d Additions during the year, e Distributions during the year, f Ending balance

Table with 2 columns: Description, Amount. Rows 1c, 1d, 1e, 1f.

2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? Yes No

b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII

Part V Endowment Funds.

Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

Table with 6 columns: (a) Current year, (b) Prior year, (c) Two years back, (d) Three years back, (e) Four years back. Rows 1a-1g.

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

- a Board designated or quasi-endowment, b Permanent endowment, c Term endowment

The percentages on lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

- (i) Unrelated organizations, (ii) Related organizations

Table with 2 columns: Yes, No. Rows 3a(i), 3a(ii), 3b.

b If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R?

4 Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI Land, Buildings, and Equipment.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Table with 4 columns: (a) Cost or other basis (investment), (b) Cost or other basis (other), (c) Accumulated depreciation, (d) Book value. Rows 1a-1e.

Total. Add lines 1a through 1e. (Column (d) must equal Form 990, Part X, column (B), line 10(c).) 8,936

Part VII Investments - Other Securities.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely-held equity interests		
(3) Other _____		
(B)		
(C)		
(D)		
(E)		
(F)		
(G)		
(H)		
(I)		
Total. (Column (b) must equal Form 990, Part X, col. (B) line 12.)		

Part VIII Investments - Program Related.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
(10)		
Total. (Column (b) must equal Form 990, Part X, col.(B) line 13.)		

Part IX Other Assets.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	(b) Book value
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
(10)	
Total. (Column (b) must equal Form 990, Part X, col.(B) line 15.)	

Part X Other Liabilities.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11e or 11f. See Form 990, Part X, line 25.

1.	(a) Description of liability	(b) Book value
(1)	Federal income taxes	
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		

Total. (Column (b) must equal Form 990, Part X, col.(B) line 25.)

2. Liability for uncertain tax positions. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII

Schedule D (Form 990) 2020

Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total revenue, gains, and other support per audited financial statements			2,455,163
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:			
	a Net unrealized gains (losses) on investments	2a		
	b Donated services and use of facilities	2b		
	c Recoveries of prior year grants	2c		
	d Other (Describe in Part XIII.)	2d		
	e Add lines 2a through 2d	2e		0
3	Subtract line 2e from line 1	3		2,455,163
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1:			
	a Investment expenses not included on Form 990, Part VIII, line 7b	4a		
	b Other (Describe in Part XIII.)	4b	1,059,116	
	c Add lines 4a and 4b	4c		1,059,116
5	Total revenue. Add lines 3 and 4c. (This must equal Form 990, Part I, line 12.)	5		3,514,279

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total expenses and losses per audited financial statements			2,163,041
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:			
	a Donated services and use of facilities	2a		
	b Prior year adjustments	2b		
	c Other losses	2c		
	d Other (Describe in Part XIII.)	2d		
	e Add lines 2a through 2d	2e		0
3	Subtract line 2e from line 1	3		2,163,041
4	Amounts included on Form 990, Part IX, line 25, but not on line 1:			
	a Investment expenses not included on Form 990, Part VIII, line 7b	4a		
	b Other (Describe in Part XIII.)	4b	1,059,116	
	c Add lines 4a and 4b	4c		1,059,116
5	Total expenses. Add lines 3 and 4c. (This must equal Form 990, Part I, line 18.)	5		3,222,157

Part XIII Supplemental Information

Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

Return Reference	Explanation
PART X, LINE 2:	THE ASSOCIATION IS GENERALLY EXEMPT FROM FEDERAL INCOME TAX UNDER SECTION 501(C)(6) OF THE INTERNAL REVENUE CODE ("IRC"). UNDER THIS CODE SECTION, DONATIONS MADE

DIRECTLY TO THE ASSOCIATION GENERALLY DO NOT QUALIFY AS A CHARITABLE DEDUCTION TO THE DONOR OR MEMBER. GAAP REQUIRES MANAGEMENT TO EVALUATE TAX POSITIONS TAKEN BY THE ASSOCIATION AND RECOGNIZE A LIABILITY IF THE ASSOCIATION HAS TAKEN AN UNCERTAIN POSITION THAT MORE LIKELY THAN NOT WOULD NOT BE SUSTAINED UPON EXAMINATION BY THE INTERNAL REVENUE SERVICE. MANAGEMENT HAS ANALYZED THE TAX POSITIONS TAKEN BY THE ASSOCIATION AND HAS CONCLUDED THAT AS OF DECEMBER 31, 2020, THERE ARE NO UNCERTAIN POSITIONS TAKEN OR EXPECTED TO BE TAKEN THAT WOULD REQUIRE RECOGNITION OF A LIABILITY OR DISCLOSURE IN THE FINANCIAL STATEMENTS. THE ASSOCIATION IS SUBJECT TO ROUTINE AUDITS BY TAXING JURISDICTIONS; HOWEVER, THERE ARE CURRENTLY NO AUDITS FOR ANY TAX PERIODS IN PROGRESS. MANAGEMENT BELIEVES THE ASSOCIATION IS NO LONGER SUBJECT TO INCOME TAX EXAMINATION FOR YEARS PRIOR TO 2018.

PART XI, LINE 4B - OTHER ADJUSTMENTS:	SPECIAL PROJECTS 1,059,116.
PART XII, LINE 4B - OTHER ADJUSTMENTS:	SPECIAL PROJECTS 1,059,116.

Schedule D (Form 990) 2020

Additional Data

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Software ID:
Software Version:

Part III Supplemental Information

Provide the information, explanation, or descriptions required for Part I, lines 1a, 1b, 3, 4a, 4b, 4c, 5a, 5b, 6a, 6b, 7, and 8, and for Part II. Also complete this part for any additional information.

Return Reference	Explanation
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Additional Data

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Software ID:
Software Version:

SCHEDULE O
(Form 990 or 990-EZ)

Supplemental Information to Form 990 or 990-EZ

OMB No. 1545-0047

2020

Open to Public
Inspection

Department of the Treasury
Internal Revenue Service

Complete to provide information for responses to specific questions on
Form 990 or 990-EZ or to provide any additional information.
▶ Attach to Form 990 or 990-EZ.

▶ Go to www.irs.gov/Form990 for the latest information.

Name of the organization
NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number

85-0056996

Return Reference	Explanation
FORM 990, PART VI, SECTION B, LINE 11B	THE RETURN IS REVIEWED BY THE BOARD PRESIDENT PRIOR TO FILING.
FORM 990, PART VI, SECTION B, LINE 12C	OFFICERS, DIRECTORS, AND KEY EMPLOYEES ARE GOVERNED BY THE CONFLICT OF INTEREST POLICY SET FORTH IN THE BY-LAWS.
FORM 990, PART VI, SECTION B, LINE 15A	THE EXECUTIVE BOARD REVIEWS AND APPROVES COMPENSATION BASED ON COMPARABILITY DATA AND CONTEMPORANEOUS SUBSTANTIATION OF THE DELIBERATION AND DECISION.
FORM 990, PART VI, SECTION C, LINE 19	THE ORGANIZATION'S GOVERNING DOCUMENTS, ANY WRITTEN POLICIES, AND/OR FINANCIAL STATEMENTS ARE AVAILABLE TO THE PUBLIC UPON REQUEST.
FORM 990, PART XII, LINE 2C	THE ASSOCIATION HAS NOT CHANGED THE OVERSIGHT OR SELECTION PROCESS SINCE THE PREVIOUS YEAR.

Additional Data

[Return to Form](#)

Software ID:
Software Version:

Form 990

Return of Organization Exempt From Income Tax

OMB No. 1545-0047

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 for instructions and the latest information.

2021

Open to Public Inspection

Department of the Treasury Internal Revenue Service

A For the 2021 calendar year, or tax year beginning 01-01-2021, and ending 12-31-2021

- 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): PO BOX 1864. Room/suite. 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 \$ 5,267,137

F Name and address of principal officer: DOUG ACKERMAN, PO BOX 1864, SANTA FE, NM 87504

H(a) Is this a group return for subordinates? No. H(b) Are all subordinates included? No. H(c) Group exemption number

I Tax-exempt status: 501(c)(3) checked, 501(c)(6), 4947(a)(1), 527

J Website: WWW.NMOGA.ORG

K Form of organization: Association checked, Corporation, Trust, Other

L Year of formation: 1929. M State of legal domicile: NM

Part I Summary

Table with 3 main sections: Activities & Governance (lines 1-7b), Revenue (lines 8-12), Expenses (lines 13-19), and Net Assets or Fund Balances (lines 20-22). Includes columns for Prior Year and Current Year.

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	2022-11-03
	DOUG ACKERMAN PRESIDENT AND CEO	Date
	Type or print name and title	

Paid Preparer Use Only	Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> 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	

May the IRS discuss this return with the preparer shown above? (see instructions) **Yes** **No**

For Paperwork Reduction Act Notice, see the separate instructions. Cat. No. 11282Y Form **990** (2021)

Part III **Statement of Program Service Accomplishments**

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

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

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? **Yes** **No**
 If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? **Yes** **No**
 If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ including grants of \$) (Revenue \$)
 ANNUAL INDUSTRY/AGENCY MEETING TO DISCUSS COMMON ISSUES; EDUCATION EFFORTS; REGULATORY WORK

4b (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d Other program services (Describe in Schedule O.)
 (Expenses \$ including grants of \$) (Revenue \$)

Part IV Checklist of Required Schedules

Table with 3 columns: Question ID, Question Text, Yes, No. Rows include questions 1 through 20a regarding organizational requirements and reporting.

b If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?

20b		
21		No

21 Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? If "Yes," complete Schedule I, Parts I and II

Part IV Checklist of Required Schedules (continued)

	Yes	No
22 Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? If "Yes," complete Schedule I, Parts I and III		No
23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5, about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? If "Yes," complete Schedule J	Yes	
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a		No
b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?		
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?		
d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?		
25a Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? If "Yes," complete Schedule L, Part I		
b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I		
26 Did the organization report any amount on Part X, line 5 or 22 for receivables from or payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons? If "Yes," complete Schedule L, Part II		No
27 Did the organization provide a grant or other assistance to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or employee thereof, a grant selection committee member, or to a 35% controlled entity (including an employee thereof) or family member of any of these persons? If "Yes," complete Schedule L, Part III		No
28 Was the organization a party to a business transaction with one of the following parties (see the Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):		
a A current or former officer, director, trustee, key employee, creator or founder, or substantial contributor? If "Yes," complete Schedule L, Part IV		No
b A family member of any individual described in line 28a? If "Yes," complete Schedule L, Part IV		No
c A 35% controlled entity of one or more individuals and/or organizations described in line 28a or 28b? If "Yes," complete Schedule L, Part IV		No
29 Did the organization receive more than \$25,000 in non-cash contributions? If "Yes," complete Schedule M		No
30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? If "Yes," complete Schedule M		No
31 Did the organization liquidate, terminate, or dissolve and cease operations? If "Yes," complete Schedule N, Part I		No
32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? If "Yes," complete Schedule N, Part II		No
33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Schedule R, Part I		No
34 Was the organization related to any tax-exempt or taxable entity? If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1		No
35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?		No
b If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," complete Schedule R, Part V, line 2		
36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? If "Yes," complete Schedule R, Part V, line 2		
37 Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? If "Yes," complete Schedule R, Part VI		No
38 Did the organization complete Schedule O and provide explanations on Schedule O for Part VI, lines 11b and 19? Note. All Form 990 filers are required to complete Schedule O.	Yes	

Part V Statements Regarding Other IRS Filings and Tax Compliance

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

		Yes	No
1a	Enter the number reported in box 3 of Form 1096. Enter -0- if not applicable		
1b	Enter the number of Forms W-2G included on line 1a. Enter -0- if not applicable		
1c	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?	Yes	

Part V **Statements Regarding Other IRS Filings and Tax Compliance** (continued)

2a	Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return	2a			
2b	If at least one is reported on line 2a, did the organization file all required federal employment tax returns? Note. If the sum of lines 1a and 2a is greater than 250, you may be required to e-file. See instructions.			Yes	
3a	Did the organization have unrelated business gross income of \$1,000 or more during the year?				No
3b	If "Yes," has it filed a Form 990-T for this year? If "No" to line 3b, provide an explanation in Schedule O				
4a	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?				No
4b	If "Yes," enter the name of the foreign country: _____ See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).				
5a	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?				No
5b	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?				No
5c	If "Yes," to line 5a or 5b, did the organization file Form 8886-T?				
6a	Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?			Yes	
6b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?			Yes	
7 Organizations that may receive deductible contributions under section 170(c).					
7a	Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor?				
7b	If "Yes," did the organization notify the donor of the value of the goods or services provided?				
7c	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?				
7d	If "Yes," indicate the number of Forms 8282 filed during the year	7d			
7e	Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?				
7f	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?				
7g	If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?				
7h	If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?				
8	Sponsoring organizations maintaining donor advised funds. Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?				
9	Sponsoring organizations maintaining donor advised funds.				
9a	Did the sponsoring organization make any taxable distributions under section 4966?				
9b	Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?				
10	Section 501(c)(7) organizations. Enter:				
10a	Initiation fees and capital contributions included on Part VIII, line 12	10a			
10b	Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities	10b			
11	Section 501(c)(12) organizations. Enter:				
11a	Gross income from members or shareholders	11a			
11b	Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.)	11b			
12a	Section 4947(a)(1) non-exempt charitable trusts. Is the organization filing Form 990 in lieu of Form 1041?				
12b	If "Yes," enter the amount of tax-exempt interest received or accrued during the year.	12b			
13	Section 501(c)(29) qualified nonprofit health insurance issuers.				

a	Is the organization licensed to issue qualified health plans in more than one state? Note. See the instructions for additional information the organization must report on Schedule O.	13a	
b	Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans	13b	
c	Enter the amount of reserves on hand	13c	
14a	Did the organization receive any payments for indoor tanning services during the tax year?	14a	No
b	If "Yes," has it filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O	14b	
15	Is the organization subject to the section 4960 tax on payment(s) of more than \$1,000,000 in remuneration or excess parachute payment(s) during the year? If "Yes," see the instructions and file Form 4720, Schedule N.	15	No
16	Is the organization an educational institution subject to the section 4968 excise tax on net investment income? If "Yes," complete Form 4720, Schedule O.	16	No
17	Section 501(c)(21) organizations. Did the trust, any disqualified person, or mine operator engage in any activities that would result in the imposition of an excise tax under section 4951, 4952, or 4953? If "Yes," complete Form 6069.	17	

Form 990 (2021)

Part VI Governance, Management, and Disclosure. For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.
Check if Schedule O contains a response or note to any line in this Part VI

Section A. Governing Body and Management

		Yes	No
1a	Enter the number of voting members of the governing body at the end of the tax year If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O.		
b	Enter the number of voting members included in line 1a, above, who are independent		
2	Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?		No
3	Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?		No
4	Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?		No
5	Did the organization become aware during the year of a significant diversion of the organization's assets?		No
6	Did the organization have members or stockholders?		No
7a	Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?		No
b	Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?		No
8	Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:		
a	The governing body?	Yes	
b	Each committee with authority to act on behalf of the governing body?	Yes	
9	Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses in Schedule O		No

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

	Yes	No
10a		No
b		
11a	Yes	
b		
12a	Yes	
b	Yes	
c	Yes	
13	Yes	
14	Yes	
15		

a	The organization's CEO, Executive Director, or top management official	15a	Yes	
b	Other officers or key employees of the organization	15b		No
If "Yes" to line 15a or 15b, describe the process on Schedule O. See instructions.				
16a	Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	16a		No
b	If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements?	16b		

Section C. Disclosure

- 17** List the states with which a copy of this Form 990 is required to be filed ▶ _____
- 18** Section 6104 requires an organization to make its Form 1023 (1024 or 1024-A, if applicable), 990, and 990-T (section 501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.
 Own website Another's website Upon request Other (explain in Schedule O)
- 19** Describe in Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.
- 20** State the name, address, and telephone number of the person who possesses the organization's books and records:
▶ KATHY YTUARTE PO BOX 1864 SANTA FE, NM 875041864 (505) 982-2568

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, 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) GLORIA RUIZ DIRECTOR OF COMMUNITY ENGAGEMENT	40.00	X					120,007	0	13,560	
(2) AIMEE BARABE DIRECTOR OF STOCKHOLDER RELATIONS	40.00	X					152,500	0	20,316	
(3) ROBERT MCENTYRE DIRECTOR OF COMMUNICATIONS	40.00	X					141,520	0	19,101	
(4) KEN WAITS SECRETARY	0.00	X		X			0	0	0	
(5) DAVID SCOTT EXEC COMMITTEE	0.00	X					0	0	0	

(6) MARGARET COOPER EXEC COMMITTEE	0.00	X								0	0	0
(7) BETTY READ YOUNG EXEC COMMITTEE	0.00	X								0	0	0
(8) BRET FOX EXEC COMMITTEE	0.00	X								0	0	0
(9) CLIFF BRUNSON EXEC COMMITTEE	0.00	X								0	0	0
(10) CLINT WALKER EXEC COMMITTEE	0.00	X								0	0	0
(11) JASON SANDEL EXEC COMMITTEE	0.00	X								0	0	0
(12) JAY PAUL MCWILLIAMS EXEC COMMITTEE	0.00	X								0	0	0
(13) JEFF WILSON EXEC COMMITTEE	0.00	X								0	0	0
(14) JOSHUA VIETS EXEC COMMITTEE	0.00	X								0	0	0
(15) JUSTIN FURNACE EXEC COMMITTEE	0.00	X								0	0	0
(16) RAYE MILLER EXEC COMMITTEE	0.00	X								0	0	0
(17) MARK VETETO EXEC COMMITTEE	0.00	X								0	0	0

Form 990 (2021)

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) THOMAS JANISZEWSKI EXEC COMMITTEE	0.00	X						0	0	0
(19) TODD ENNENGA EXEC COMMITTEE	0.00	X						0	0	0
(20) SCOTT KIDWELL EXEC COMMITTEE	0.00	X						0	0	0
(21) TIM CUSTER EXEC COMMITTEE	0.00	X						0	0	0
(22) PAMELA ROTH EXEC COMMITTEE	0.00	X						0	0	0
(23) ALEX CAMPBELL EXEC COMMITTEE	0.00	X						0	0	0

(24) MICHAEL DESHAZER EXEC COMMITTEE	0.00	X							0	0	0
(25) JOHN ALEXANDER EXEC COMMITTEE	0.00	X							0	0	0
(26) JOSHUA JEMENTE EXEC COMMITTEE	0.00	X							0	0	0
(27) DEREK ALBRO VICE CHAIRMAN	0.00	X		X					0	0	0
(28) LELAND GOULD CHAIRMAN	0.00	X		X					0	0	0
(29) RYAN FLYNN PARTIAL YEAR OUTGOING DIRECTOR	40.00			X				278,333	0		23,400

1b Sub-Total											
c Total from continuation sheets to Part VII, Section A											
d Total (add lines 1b and 1c)								692,360	0		76,377

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 ▶ 4

	Yes	No
3 Did the organization list any former officer, director or trustee, key employee, or highest compensated employee on line 1a? <i>If "Yes," complete Schedule J for such individual</i>		No
4 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	
5 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

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 ▶ 0

Part VIII **Statement of Revenue**

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

	(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512 - 514
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-  Federated campaigns . . . **1a**
- Contributions, Gifts, Grants, and Membership dues . . . **1b**
- Other Amounts from Fundraising events . . . **1c**
- d** Related organizations **1d**
- e** Government grants (contributions) **1e**
- f** All other contributions, gifts, grants, and similar amounts not included **1f**

Other Amounts 1,175,835

above

248,850

g Noncash contributions included in lines 1a - 1f:\$

1g

h Total. Add lines 1a-1f 2,424,685

Program Service Revenue	2a SPECIAL PROJECTS	Business Code			
		519100	2,842,449	2,842,449	
f All other program service revenue.					
g Total. Add lines 2a-2f.			2,842,449		

3 Investment income (including dividends, interest, and other similar amounts)			3		3
4 Income from investment of tax-exempt bond proceeds					
5 Royalties					

		(i) Real	(ii) Personal			
6a Gross rents	6a					
b Less: rental expenses	6b					
c Rental income or (loss)	6c					
d Net rental income or (loss)						

		(i) Securities	(ii) Other			
7a Gross amount from sales of assets other than inventory	7a					
b Less: cost or other basis and sales expenses	7b					
c Gain or (loss)	7c					
d Net gain or (loss)						

Other Revenue	8a Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18				
	b Less: direct expenses	8b			
	c Net income or (loss) from fundraising events				

9a Gross income from gaming activities. See Part IV, line 19					
b Less: direct expenses	9b				
c Net income or (loss) from gaming activities					

10a Gross sales of inventory, less returns and allowances					
b Less: cost of goods sold	10b				
c Net income or (loss) from sales of inventory					

11a Miscellaneous Revenue	Business Code				
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b					
c					
d All other revenue					
e Total. Add lines 11a-11d ▶					
12 Total revenue. See instructions ▶					
		5,267,137	2,842,449	0	3

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

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

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21				
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, lines 15 and 16.				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	768,738			
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages	334,116			
8 Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions)	51,239			
9 Other employee benefits	49,643			
10 Payroll taxes	71,764			
11 Fees for services (non-employees):				
a Management				
b Legal	802,867			
c Accounting	24,244			
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O)	9,096			
12 Advertising and promotion	1,937,412			
13 Office expenses	28,701			
14 Information technology	11,603			
15 Royalties				
16 Occupancy	48,988			
17 Travel	46,166			
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings	385,043			
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	1,889			
23 Insurance	6,337			
24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24c. If line 24c amount				

Miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)

a SPECIFIC PROJECTS	66,925		
b DUES AND SUBSCRIPTIONS	29,985		
c BANK AND CREDIT CARD FE	18,212		
d			
e All other expenses			
25 Total functional expenses. Add lines 1 through 24e	4,692,968		
26 Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720).			

Form 990 (2021)

Part X **Balance Sheet**

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

		(A) Beginning of year		(B) End of year
Assets	1 Cash—non-interest-bearing	1,755,121	1	779,230
	2 Savings and temporary cash investments	2,435,894	2	2,867,955
	3 Pledges and grants receivable, net		3	
	4 Accounts receivable, net		4	
	5 Loans and other receivables from any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		5	
	6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), and persons described in section 4958(c)(3)(B)		6	
	7 Notes and loans receivable, net		7	
	8 Inventories for sale or use		8	
	9 Prepaid expenses and deferred charges		9	
	10a Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a 75,426		
	b Less: accumulated depreciation	10b 68,379	8,936	10c 7,047
	11 Investments—publicly traded securities		11	
	12 Investments—other securities. See Part IV, line 11		12	
	13 Investments—program-related. See Part IV, line 11		13	
	14 Intangible assets		14	
	15 Other assets. See Part IV, line 11		15	
16 Total assets. Add lines 1 through 15 (must equal line 33)		4,199,951	16	3,654,232
Liabilities	17 Accounts payable and accrued expenses	219,137	17	76,140
	18 Grants payable		18	
	19 Deferred revenue	1,753,757	19	776,866
	20 Tax-exempt bond liabilities		20	
	21 Escrow or custodial account liability. Complete Part IV of Schedule D		21	
	22 Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		22	
	23 Secured mortgages and notes payable to unrelated third parties		23	
	24 Unsecured notes and loans payable to unrelated third parties		24	
	25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17 - 24). Complete Part X of Schedule D		25	
	26 Total liabilities. Add lines 17 through 25		1,972,894	26	853,006
Net assets	Organizations that follow FASB ASC 958, check here <input checked="" type="checkbox"/> and complete lines 27, 28, 32, and 33.			
	27 Net assets without donor restrictions	2,227,057	27	2,801,226

Net Assets or Fund Bal	27	Net assets without donor restrictions	2,221,031	27	2,001,220	
	28	Net assets with donor restrictions		28		
	Organizations that do not follow FASB ASC 958, check here <input type="checkbox"/> and complete lines 29 through 33.					
	29	Capital stock or trust principal, or current funds		29		
	30	Paid-in or capital surplus, or land, building or equipment fund		30		
	31	Retained earnings, endowment, accumulated income, or other funds		31		
	32	Total net assets or fund balances	2,227,057	32	2,801,226	
33	Total liabilities and net assets/fund balances	4,199,951	33	3,654,232		

Form 990 (2021)

Part XI Reconciliation of Net Assets

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

1	Total revenue (must equal Part VIII, column (A), line 12)	1	5,267,137
2	Total expenses (must equal Part IX, column (A), line 25)	2	4,692,968
3	Revenue less expenses. Subtract line 2 from line 1	3	574,169
4	Net assets or fund balances at beginning of year (must equal Part X, line 32, column (A))	4	2,227,057
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	0
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 32, column (B))	10	2,801,226

Part XII Financial Statements and Reporting

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

- 1 Accounting method used to prepare the Form 990: Cash Accrual Other _____
 If the organization changed its method of accounting from a prior year or checked "Other," explain on Schedule O.
- 2a Were the organization's financial statements compiled or reviewed by an independent accountant?
 If 'Yes,' check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both:
 Separate basis Consolidated basis Both consolidated and separate basis
- b Were the organization's financial statements audited by an independent accountant?
 If 'Yes,' check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both:
 Separate basis Consolidated basis Both consolidated and separate basis
- c If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant?
 If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.
- 3a As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?
- b If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.

	Yes	No
2a		No
2b	Yes	
2c	Yes	
3a		No
3b		

Form 990 (2021)

Additional Data

[Return to Form](#)

Software ID:
 Software Version:



SCHEDULE C (Form 990)

Political Campaign and Lobbying Activities

OMB No. 1545-0047

Department of the Treasury Internal Revenue Service

For Organizations Exempt From Income Tax Under section 501(c) and section 527

2021

Open to Public Inspection

Complete if the organization is described below. Attach to Form 990 or Form 990-EZ. Go to www.irs.gov/Form990 for instructions and the latest information.

If the organization answered "Yes" on Form 990, Part IV, Line 3, or Form 990-EZ, Part V, line 46 (Political Campaign Activities), then

- Section 501(c)(3) organizations: Complete Parts I-A and B. Do not complete Part I-C.
Section 501(c) (other than section 501(c)(3)) organizations: Complete Parts I-A and C below. Do not complete Part I-B.
Section 527 organizations: Complete Part I-A only.

If the organization answered "Yes" on Form 990, Part IV, Line 4, or Form 990-EZ, Part VI, line 47 (Lobbying Activities), then

- Section 501(c)(3) organizations that have filed Form 5768 (election under section 501(h)): Complete Part II-A. Do not complete Part II-B.
Section 501(c)(3) organizations that have NOT filed Form 5768 (election under section 501(h)): Complete Part II-B. Do not complete Part II-A.

If the organization answered "Yes" on Form 990, Part IV, Line 5 (Proxy Tax) (see separate instructions) or Form 990-EZ, Part V, line 35c (Proxy Tax) (see separate instructions), then

- Section 501(c)(4), (5), or (6) organizations: Complete Part III.

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number 85-0056996

Part I-A Complete if the organization is exempt under section 501(c) or is a section 527 organization.

- 1 Provide a description of the organization's direct and indirect political campaign activities in Part IV. See instructions for definition of "political campaign activities."
2 Political campaign activity expenditures. See instructions
3 Volunteer hours for political campaign activities. See instructions

Part I-B Complete if the organization is exempt under section 501(c)(3).

- 1 Enter the amount of any excise tax incurred by the organization under section 4955
2 Enter the amount of any excise tax incurred by organization managers under section 4955
3 If the organization incurred a section 4955 tax, did it file Form 4720 for this year?
4a Was a correction made?
b If "Yes," describe in Part IV.

Part I-C Complete if the organization is exempt under section 501(c), except section 501(c)(3).

- 1 Enter the amount directly expended by the filing organization for section 527 exempt function activities
2 Enter the amount of the filing organization's funds contributed to other organizations for section 527 exempt function activities
3 Total exempt function expenditures. Add lines 1 and 2. Enter here and on Form 1120-POL, line 17b
4 Did the filing organization file Form 1120-POL for this year?
5 Enter the names, addresses and employer identification number (EIN) of all section 527 political organizations to which the filing organization made payments.

Table with 5 columns: (a) Name, (b) Address, (c) EIN, (d) Amount paid from filing organization's funds, (e) Amount of political contributions received and promptly and directly delivered to a separate political organization.

Complete if the organization is exempt under section 501(c)(3) and filed Form 990 (election under section 501(h)).

- A** Check if the filing organization belongs to an affiliated group (and list in Part IV each affiliated group member's name, address, EIN, expenses, and share of excess lobbying expenditures).
- B** Check if the filing organization checked box A and "limited control" provisions apply.

Limits on Lobbying Expenditures
(The term "expenditures" means amounts paid or incurred.)

(a) Filing organization's totals
(b) Affiliated group totals

- 1a** Total lobbying expenditures to influence public opinion (grass roots lobbying)
- b** Total lobbying expenditures to influence a legislative body (direct lobbying)
- c** Total lobbying expenditures (add lines 1a and 1b)
- d** Other exempt purpose expenditures
- e** Total exempt purpose expenditures (add lines 1c and 1d)
- f** Lobbying nontaxable amount. Enter the amount from the following table in both columns.

If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:
Not over \$500,000	20% of the amount on line 1e.
Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000.
Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000.
Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000.
Over \$17,000,000	\$1,000,000.

- g** Grassroots nontaxable amount (enter 25% of line 1f)
- h** Subtract line 1g from line 1a. If zero or less, enter -0-
- i** Subtract line 1f from line 1c. If zero or less, enter -0-
- j** If there is an amount other than zero on either line 1h or line 1i, did the organization file Form 4720 reporting section 4911 tax for this year? Yes No

4-Year Averaging Period Under Section 501(h)
(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the separate instructions for lines 2a through 2f.)

Lobbying Expenditures During 4-Year Averaging Period

Calendar year (or fiscal year beginning in)	(a) 2018	(b) 2019	(c) 2020	(d) 2021	(e) Total
2a Lobbying nontaxable amount					
b Lobbying ceiling amount (150% of line 2a, column(e))					
c Total lobbying expenditures					
d Grassroots nontaxable amount					
e Grassroots ceiling amount (150% of line 2d, column (e))					
f Grassroots lobbying expenditures					

Schedule C (Form 990) 2021

Part II-B Complete if the organization is exempt under section 501(c)(3) and has NOT filed Form 5768 (election under section 501(h)).

For each "Yes" response on lines 1a through 1i below, provide in Part IV a detailed description of the lobbying activity.	(a)		(b)
	Yes	No	Amount
1 During the year, did the filing organization attempt to influence foreign, national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:			
a Volunteers?			
b Paid staff or management (include compensation in expenses reported on lines 1c through 1i)?			
c Media advertisements?			

d	Mailings to members, legislators, or the public?			
e	Publications, or published or broadcast statements?			
f	Grants to other organizations for lobbying purposes?			
g	Direct contact with legislators, their staffs, government officials, or a legislative body?			
h	Rallies, demonstrations, seminars, conventions, speeches, lectures, or any similar means?			
i	Other activities?			
j	Total. Add lines 1c through 1i			
2a	Did the activities in line 1 cause the organization to be not described in section 501(c)(3)?			
b	If "Yes," enter the amount of any tax incurred under section 4912			
c	If "Yes," enter the amount of any tax incurred by organization managers under section 4912			
d	If the filing organization incurred a section 4912 tax, did it file Form 4720 for this year?			

Part III-A Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6).

	Yes	No
1 Were substantially all (90% or more) dues received nondeductible by members?	1	No
2 Did the organization make only in-house lobbying expenditures of \$2,000 or less?	2	No
3 Did the organization agree to carry over lobbying and political expenditures from the prior year?	3	No

Part III-B Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6) and if either (a) BOTH Part III-A, lines 1 and 2, are answered "No" OR (b) Part III-A, line 3, is answered "Yes."

1 Dues, assessments and similar amounts from members	1	2,175,835
2 Section 162(e) nondeductible lobbying and political expenditures (do not include amounts of political expenses for which the section 527(f) tax was paid).		
a Current year	2a	543,959
b Carryover from last year	2b	
c Total	2c	543,959
3 Aggregate amount reported in section 6033(e)(1)(A) notices of nondeductible section 162(e) dues .	3	1,631,876
4 If notices were sent and the amount on line 2c exceeds the amount on line 3, what portion of the excess does the organization agree to carryover to the reasonable estimate of nondeductible lobbying and political expenditure next year?	4	
5 Taxable amount of lobbying and political expenditures. See Instructions	5	-1,087,917

Part IV Supplemental Information

Provide the descriptions required for Part I-A, line 1; Part I-B, line 4; Part I-C, line 5; Part II-A (affiliated group list); Part II-A, lines 1 and 2 (see instructions), and Part II-B, line 1. Also, complete this part for any additional information.

Return Reference	Explanation

Schedule C (Form 990) 2021

Additional Data

[Return to Form](#)

Software ID:
Software Version:

SCHEDULE D (Form 990)

Supplemental Financial Statements

OMB No. 1545-0047

2021

Open to Public Inspection

Complete if the organization answered "Yes," on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b.

Attach to Form 990.

Go to www.irs.gov/Form990 for instructions and the latest information.

Department of the Treasury Internal Revenue Service

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number 85-0056996

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.

Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

Table with 3 columns: Line number, (a) Donor advised funds, (b) Funds and other accounts. Rows 1-4 for total number, aggregate value of contributions, aggregate value of grants, and aggregate value at end of year.

- 5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control?
6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds can be used only for charitable purposes and not for the benefit of the donor or donor advisor, or for any other purpose conferring impermissible private benefit?

Part II Conservation Easements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

- 1 Purpose(s) of conservation easements held by the organization (check all that apply).
2 Complete lines 2a through 2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.
3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the tax year.
4 Number of states where property subject to conservation easement is located.
5 Does the organization have a written policy regarding the periodic monitoring, inspection, handling of violations, and enforcement of the conservation easements it holds?
6 Staff and volunteer hours devoted to monitoring, inspecting, handling of violations, and enforcing conservation easements during the year.
7 Amount of expenses incurred in monitoring, inspecting, handling of violations, and enforcing conservation easements during the year.
8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and section 170(h)(4)(B)(ii)?
9 In Part XIII, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

- 1a If the organization elected, as permitted under FASB ASC 958, not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIII, the text of the footnote to its financial statements that describes these items.
b If the organization elected, as permitted under FASB ASC 958, to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:
2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under FASB ASC 958 relating to these items:

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets (continued)

- 3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):
a Public exhibition
b Scholarly research
c Preservation for future generations
d Loan or exchange programs
e Other
4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.
5 During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? Yes No

Part IV Escrow and Custodial Arrangements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

- 1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? Yes No
b If "Yes," explain the arrangement in Part XIII and complete the following table:
Table with columns: Amount, 1c Beginning balance, 1d Additions during the year, 1e Distributions during the year, 1f Ending balance
2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? Yes No
b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII

Part V Endowment Funds.

Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

Table with 6 columns: (a) Current year, (b) Prior year, (c) Two years back, (d) Three years back, (e) Four years back. Rows include: 1a Beginning of year balance, b Contributions, c Net investment earnings, gains, and losses, d Grants or scholarships, e Other expenditures for facilities and programs, f Administrative expenses, g End of year balance.

- 2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:
a Board designated or quasi-endowment
b Permanent endowment
c Term endowment
The percentages on lines 2a, 2b, and 2c should equal 100%.
3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:
(i) Unrelated organizations
(ii) Related organizations
b If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R?
4 Describe in Part XIII the intended uses of the organization's endowment funds.

Small table with 2 columns: Yes, No. Rows: 3a(i), 3a(ii), 3b.

Part VI Land, Buildings, and Equipment.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Table with 4 columns: (a) Cost or other basis (investment), (b) Cost or other basis (other), (c) Accumulated depreciation, (d) Book value. Rows include: 1a Land, b Buildings, c Leasehold improvements, d Equipment (values: 75,426, 68,379, 7,047), e Other.

Total. Add lines 1a through 1e. (Column (d) must equal Form 990, Part X, column (B), line 10(c).) 7,047

Part VII Investments - Other Securities.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely-held equity interests		
(3) Other _____		
(A)		
(B)		
(C)		
(D)		
(E)		
(F)		
(G)		
(H)		
Total. (Column (b) must equal Form 990, Part X, col. (B) line 12.)		

Part VIII Investments - Program Related.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
Total. (Column (b) must equal Form 990, Part X, col.(B) line 13.)		

Part IX Other Assets.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	(b) Book value
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
Total. (Column (b) must equal Form 990, Part X, col.(B) line 15.)	

Part X Other Liabilities.

1.	(a) Description of liability	(b) Book value
(1) Federal income taxes		
Total. (Column (b) must equal Form 990, Part X, col.(B) line 25.)		

2. Liability for uncertain tax positions. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII

Schedule D (Form 990) 2021

Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total revenue, gains, and other support per audited financial statements	1	2,492,551
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:		
a	Net unrealized gains (losses) on investments	2a	
b	Donated services and use of facilities	2b	
c	Recoveries of prior year grants	2c	
d	Other (Describe in Part XIII.)	2d	
e	Add lines 2a through 2d	2e	0
3	Subtract line 2e from line 1	3	2,492,551
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1 :		
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a	
b	Other (Describe in Part XIII.)	4b	2,774,586
c	Add lines 4a and 4b	4c	2,774,586
5	Total revenue. Add lines 3 and 4c . (This must equal Form 990, Part I, line 12.)	5	5,267,137

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total expenses and losses per audited financial statements	1	1,918,382
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:		
a	Donated services and use of facilities	2a	
b	Prior year adjustments	2b	
c	Other losses	2c	
d	Other (Describe in Part XIII.)	2d	
e	Add lines 2a through 2d	2e	0
3	Subtract line 2e from line 1	3	1,918,382
4	Amounts included on Form 990, Part IX, line 25, but not on line 1 :		
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a	
b	Other (Describe in Part XIII.)	4b	2,774,586
c	Add lines 4a and 4b	4c	2,774,586
5	Total expenses. Add lines 3 and 4c . (This must equal Form 990, Part I, line 18.)	5	4,692,968

Part XIII Supplemental Information

Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

Return Reference	Explanation
PART X, LINE 2:	THE ASSOCIATION IS GENERALLY EXEMPT FROM FEDERAL INCOME TAX UNDER SECTION 501(C)(6) OF THE INTERNAL REVENUE CODE ("IRC"). UNDER THIS CODE SECTION, DONATIONS MADE DIRECTLY TO THE ASSOCIATION GENERALLY DO NOT QUALIFY AS A CHARITABLE DEDUCTION TO

THE DONOR OR MEMBER. GAAP REQUIRES MANAGEMENT TO EVALUATE TAX POSITIONS TAKEN BY THE ASSOCIATION AND RECOGNIZE A LIABILITY IF THE ASSOCIATION HAS TAKEN AN UNCERTAIN POSITION THAT MORE LIKELY THAN NOT WOULD NOT BE SUSTAINED UPON EXAMINATION BY THE INTERNAL REVENUE SERVICE. MANAGEMENT HAS ANALYZED THE TAX POSITIONS TAKEN BY THE ASSOCIATION AND HAS CONCLUDED THAT AS OF DECEMBER 31, 2020, THERE ARE NO UNCERTAIN POSITIONS TAKEN OR EXPECTED TO BE TAKEN THAT WOULD REQUIRE RECOGNITION OF A LIABILITY OR DISCLOSURE IN THE FINANCIAL STATEMENTS. THE ASSOCIATION IS SUBJECT TO ROUTINE AUDITS BY TAXING JURISDICTIONS; HOWEVER, THERE ARE CURRENTLY NO AUDITS FOR ANY TAX PERIODS IN PROGRESS. MANAGEMENT BELIEVES THE ASSOCIATION IS NO LONGER SUBJECT TO INCOME TAX EXAMINATION FOR YEARS PRIOR TO 2018.

PART XI, LINE 4B - OTHER ADJUSTMENTS:	SPECIAL PROJECTS 2,774,586.
PART XII, LINE 4B - OTHER ADJUSTMENTS:	SPECIAL PROJECTS 2,774,586.

Schedule D (Form 990) 2021

Additional Data

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Schedule J
(Form 990)

Compensation Information

OMB No. 1545-0047

For certain Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees
 ▶ Complete if the organization answered "Yes" on Form 990, Part IV, line 23.
 ▶ Attach to Form 990.
 ▶ Go to www.irs.gov/Form990 for instructions and the latest information.

2021

Open to Public Inspection

Department of the Treasury
Internal Revenue Service

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION	Employer identification number 85-0056996
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Part I Questions Regarding Compensation

		Yes	No
1a	Check the appropriate box(es) if the organization provided any of the following to or for a person listed on Form 990, Part VII, Section A, line 1a. Complete Part III to provide any relevant information regarding these items.		
<input type="checkbox"/>	First-class or charter travel	<input type="checkbox"/>	Housing allowance or residence for personal use
<input type="checkbox"/>	Travel for companions	<input type="checkbox"/>	Payments for business use of personal residence
<input type="checkbox"/>	Tax idemnification and gross-up payments	<input type="checkbox"/>	Health or social club dues or initiation fees
<input type="checkbox"/>	Discretionary spending account	<input type="checkbox"/>	Personal services (e.g., maid, chauffeur, chef)
b	If any of the boxes on Line 1a are checked, did the organization follow a written policy regarding payment or reimbursement or provision of all of the expenses described above? If "No," complete Part III to explain	1b	
2	Did the organization require substantiation prior to reimbursing or allowing expenses incurred by all directors, trustees, officers, including the CEO/Executive Director, regarding the items checked on Line 1a?	2	
3	Indicate which, if any, of the following the filing organization used to establish the compensation of the organization's CEO/Executive Director. Check all that apply. Do not check any boxes for methods used by a related organization to establish compensation of the CEO/Executive Director, but explain in Part III.		
<input type="checkbox"/>	Compensation committee	<input type="checkbox"/>	Written employment contract
<input type="checkbox"/>	Independent compensation consultant	<input type="checkbox"/>	Compensation survey or study
<input type="checkbox"/>	Form 990 of other organizations	<input type="checkbox"/>	Approval by the board or compensation committee
4	During the year, did any person listed on Form 990, Part VII, Section A, line 1a, with respect to the filing organization or a related organization:		
a	Receive a severance payment or change-of-control payment?	4a	No
b	Participate in, or receive payment from, a supplemental nonqualified retirement plan?	4b	No
c	Participate in, or receive payment from, an equity-based compensation arrangement?	4c	No
	If "Yes" to any of lines 4a-c, list the persons and provide the applicable amounts for each item in Part III.		
Only 501(c)(3), 501(c)(4), and 501(c)(29) organizations must complete lines 5-9.			
5	For persons listed on Form 990, Part VII, Section A, line 1a, did the organization pay or accrue any compensation contingent on the revenues of:		
a	The organization?	5a	
b	Any related organization?	5b	
	If "Yes," on line 5a or 5b, describe in Part III.		
6	For persons listed on Form 990, Part VII, Section A, line 1a, did the organization pay or accrue any compensation contingent on the net earnings of:		
a	The organization?	6a	
b	Any related organization?	6b	
	If "Yes," on line 6a or 6b, describe in Part III.		
7	For persons listed on Form 990, Part VII, Section A, line 1a, did the organization provide any nonfixed payments not described in lines 5 and 6? If "Yes," describe in Part III	7	
8	Were any amounts reported on Form 990, Part VII, paid or accrued pursuant to a contract that was subject to the initial contract exception described in Regulations section 53.4958-4(a)(3)? If "Yes," describe in Part III	8	
9	If "Yes" on line 8, did the organization also follow the rebuttable presumption procedure described in Regulations section 53.4958-6(c)?	9	

For Paperwork Reduction Act Notice, see the Instructions for Form 990. Cat. No. 50053T Schedule J (Form 990) 2021

Schedule J (Form 990) 2021

Part II Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees. Use duplicate copies if additional space is needed.

For each individual whose compensation must be reported on Schedule J, report compensation from the organization on row (i) and from related organizations, described in the instructions, on row (ii). Do not list any individuals that are not listed on Form 990, Part VII.

Note. The sum of columns (B)(i)-(iii) for each listed individual must equal the total amount of Form 990, Part VII, Section A, line 1a, applicable column (D) and (E) amounts for that individual.

(A) Name and Title		(B) Breakdown of W-2, 1099-MISC compensation, and/or 1099-NEC			(C) Retirement and other deferred compensation	(D) Nontaxable benefits	(E) Total of columns (B)(i)-(D)	(F) Compensation in column (B) reported as deferred on prior Form 990
		(i) Base compensation	(ii) Bonus & incentive compensation	(iii) Other reportable compensation				
1 RYAN FLYNN PARTIAL YEAR OUTGOING DIRECTOR	(i)	173,333	105,000	0	23,400	0	301,733	0
	(ii)	0	0	0	0	0	0	0
2 AIMEE BARABE DIRECTOR OF STOCKHOLDER RELATIONS	(i)	125,000	27,500	0	16,875	3,441	172,816	0
	(ii)	0	0	0	0	0	0	0
3 ROBERT MCENTYRE DIRECTOR OF COMMUNICATIONS	(i)	116,000	25,520	0	15,660	3,441	160,621	0
	(ii)	0	0	0	0	0	0	0

Part III Supplemental Information

Provide the information, explanation, or descriptions required for Part I, lines 1a, 1b, 3, 4a, 4b, 4c, 5a, 5b, 6a, 6b, 7, and 8, and for Part II. Also complete this part for any additional information.

Return Reference	Explanation
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Additional Data

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Software ID:
Software Version:

SCHEDULE O
(Form 990)

Supplemental Information to Form 990 or 990-EZ

OMB No. 1545-0047

2021

Open to Public
Inspection

Department of the Treasury
Internal Revenue Service

Complete to provide information for responses to specific questions on
Form 990 or 990-EZ or to provide any additional information.

▶ Attach to Form 990 or 990-EZ.

▶ Go to www.irs.gov/Form990 for the latest information.

Name of the organization
NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number

85-0056996

Return Reference	Explanation
FORM 990, PART VI, SECTION B, LINE 11B	THE RETURN IS REVIEWED BY THE BOARD PRESIDENT PRIOR TO FILING.
FORM 990, PART VI, SECTION B, LINE 12C	OFFICERS, DIRECTORS, AND KEY EMPLOYEES ARE GOVERNED BY THE CONFLICT OF INTEREST POLICY SET FORTH IN THE BY-LAWS.
FORM 990, PART VI, SECTION B, LINE 15A	THE EXECUTIVE BOARD REVIEWS AND APPROVES COMPENSATION BASED ON COMPARABILITY DATA AND CONTEMPORANEOUS SUBSTANTIATION OF THE DELIBERATION AND DECISION.
FORM 990, PART VI, SECTION C, LINE 19	THE ORGANIZATION'S GOVERNING DOCUMENTS, ANY WRITTEN POLICIES, AND/OR FINANCIAL STATEMENTS ARE AVAILABLE TO THE PUBLIC UPON REQUEST.
FORM 990, PART XII, LINE 2C	THE ASSOCIATION HAS NOT CHANGED THE OVERSIGHT OR SELECTION PROCESS SINCE THE PREVIOUS YEAR.

Additional Data

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Software ID:
Software Version:

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

IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION DIVISION FOR
THE PURPOSE OF CONSIDERING:

APPLICATION OF LOGOS RESOURCES II, LLC CASE NO. 16069
FOR EXTENSION OF AUTHORIZATION TO
OPERATE THE ROSA UNIT RECYCLING AND
CONTAINMENT FACILITY AND FOR EXCEPTION
FROM THE CLOSURE REQUIREMENTS OF NMAC
19.15.34.14, RIO ARRIBA COUNTY, NEW MEXICO.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

April 5, 2018

Santa Fe, New Mexico

BEFORE: WILLIAM V. JONES, CHIEF EXAMINER
 PHILLIP GOETZE, TECHNICAL EXAMINER
 LEONARD LOWE, TECHNICAL EXAMINER
 DAVID K. BROOKS, LEGAL EXAMINER

This matter came on for hearing before the
New Mexico Oil Conservation Division, William V. Jones,
Chief Examiner, Phillip Goetze and Leonard Lowe,
Technical Examiners, and David K. Brooks, Legal
Examiner, on Thursday, April 5, 2018, at the New Mexico
Energy, Minerals and Natural Resources Department,
Wendell Chino Building, 1220 South St. Francis Drive,
Porter Hall, Room 102, Santa Fe, New Mexico.

REPORTED BY: Mary C. Hankins, CCR, RPR
 New Mexico CCR #20
 Paul Baca Professional Court Reporters
 500 4th Street, Northwest, Suite 105
 Albuquerque, New Mexico 87102
 (505) 843-9241

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APPEARANCES

FOR APPLICANT LOGOS RESOURCES II, LLC:

J. SCOTT HALL, ESQ.
MONTGOMERY & ANDREWS LAW FIRM
325 Paseo de Peralta
Santa Fe, New Mexico 87501
(505) 982-3873
shall@montand.com

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Case Number 16069 Called	3
LOGOS Resources II, LLC's Case-in-Chief:	
Witnesses:	
John Bruner:	
Direct Examination by Mr. Hall	3
Cross-Examination by Examiner Goetze	19
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EXHIBITS OFFERED AND ADMITTED

LOGOS Resources II, LLC Exhibit Numbers 1 through 3 and 6 through 11	18
LOGOS Resources II, LLC Exhibit Numbers 4, 5 and 7	18

1 (3:22 p.m.)

2 EXAMINER JONES: Call Case 16069,
3 application of LOGOS Resources II, LLC for extension of
4 authorization to operate the Rosa Unit Recycling and
5 Containment Facility and for exception from the closure
6 requirements of NMAC 19.15.34.14 in Rio Arriba County,
7 New Mexico.

8 Call for appearances.

9 MR. HALL: Mr. Examiner, Scott Hall,
10 Montgomery & Andrews, Santa Fe, on behalf of the
11 Applicant, LOGOS Resources II. And I have one witness
12 today.

13 EXAMINER JONES: Any other appearances?

14 Will the witness please be sworn?

15 JOHN BRUNER,

16 after having been first duly sworn under oath, was
17 questioned and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. HALL:

20 **Q. For the record, would you state your name,**
21 **please?**

22 A. John Bruner, and I'm senior vice president with
23 LOGOS Resources.

24 **Q. All right. And you work for LOGOS in**
25 **Farmington; is that correct?**

1 A. That's correct.

2 **Q. In what capacity?**

3 A. As their senior vice president. I manage their
4 regulatory finance and accounting functions.

5 **Q. And what is your professional background? Are**
6 **you an engineer?**

7 A. I'm a petroleum engineer. I have a bachelor's
8 from Pennsylvania State University.

9 **Q. You've not testified before the Division and**
10 **had your credentials as a petroleum engineer -- an**
11 **expert petroleum engineer accepted as a matter of**
12 **record?**

13 A. I have not.

14 **Q. Would you give the hearing examiners a brief**
15 **summary of your background, education and experience?**

16 A. Okay. I have 30 years' experience in the
17 industry. The majority of it was for ConocoPhillips.
18 Approximately the first ten years of my career, I was in
19 technical engineering roles, reservoir, production,
20 completion, workover engineering in Louisiana and
21 Mississippi, onshore and offshore. I was in Dubai in
22 the Middle East. I managed a reservoir engineering
23 group while I was there. I was a joint venture manager
24 in the North Sea for some central North Sea operations.
25 And I was vice president of assets in Indonesia while we

1 were there for six years.

2 My San Juan experience started in 2012 with
3 ConocoPhillips. I was their development manager. I
4 managed their subsurface regulatory business development
5 and infrastructure groups while I was there. I left
6 ConocoPhillips in 2015 and joined LOGOS Resources.

7 MR. HALL: At this point we'd offer
8 Mr. Bruner as a qualified expert in petroleum
9 engineering.

10 EXAMINER JONES: He is so qualified.

11 Thank you.

12 Q. (BY MR. HALL) If you will, Mr. Bruner, just
13 summarize for the Examiner what LOGOS is applying for
14 here today?

15 A. Essentially, for this Rosa Unit Recycling and
16 Containment Facility, we are seeking an extension from
17 the period of the effective date of a determination of
18 cessation of operations and also would provide for the
19 administrative approval of such additional extension as
20 the Division determines reasonable and appropriate.
21 Also request the suspension of the closure and site
22 reclamation requirement for the facility for such
23 periods that would be commensurate for the extension for
24 the determination of cessation of operations.

25 Q. All right. If we turn to Exhibit 1, is that a

1 **map of the Rosa Unit?**

2 A. Yes, it is.

3 **Q. Can the facility be located on that map?**

4 A. Yes. The Rosa Unit is located in Rio Arriba
5 County. You can see it's east of Navajo Lake. The
6 facility in question is in Section 30 Township 31 North,
7 5 West.

8 **Q. All right. Would you just briefly describe the**
9 **Rosa Recycling and Containment Facility to the Examiner,**
10 **give some background on its operation?**

11 A. This facility is a large lined pit. It's a
12 little over six acres in surface area, and the capacity
13 is almost 600,000 barrels of fluid. And the intention
14 is that this facility would be used to recover produced
15 water from the Rosa Unit and then subsequently use it
16 for completion simulation purposes to minimize any
17 freshwater usage.

18 As I mentioned, it's about six acres in
19 surface area and about 20 feet deep. It's a lined pit
20 with multiple liners. The foundation liners are 30
21 mils, and it has a primary secondary 45-mil liner with
22 leak detection in between them.

23 **Q. If we turn to Exhibit 2, is that a copy of the**
24 **C-147 permit for the recycling facility?**

25 A. That's correct.

1 Q. If you look at the second line from the bottom,
2 you can see the volumes and dimensions indicated on
3 there.

4 A. That's correct. It's approximately 900-by-300
5 feet dimensionally.

6 Q. This facility is much larger than was
7 contemplated to the Division's standard form for
8 containments; is that right?

9 A. That's my understanding. Yes.

10 Q. And the facility was originally permitted by
11 WPX?

12 A. That's correct. It was --

13 Q. In 2015?

14 A. That is correct.

15 Q. And has LOGOS succeeded WPX as operator of the
16 facility?

17 A. We did. We took over operatorship of the
18 facility on January 10th of this year.

19 Q. And is a change of operator reflected at the
20 form on Exhibit 3?

21 A. It is.

22 Q. How long has LOGOS actually been in physical
23 custody of the facility?

24 A. We took over operatorship on January 10th.

25 Q. A little over three months ago?

1 A. Almost three months, yes, that's correct.

2 **Q. And is the process of receiving files from WPX**
3 **for this facility and its other facilities still ongoing**
4 **right now?**

5 A. It is. But we believe we've received the
6 majority of the physical and electronic operational
7 files, so we believe we have the information we need at
8 this point.

9 **Q. All right. Let's turn to Exhibit 4 and if you**
10 **can confirm, is the operation of the Rosa facility**
11 **subject to the Division's rules on containments?**

12 A. Yes, it is.

13 **Q. Is an excerpt those rules set forth in Exhibit**
14 **4?**

15 A. That's correct.

16 **Q. And if we look at the highlighted provisions in**
17 **Exhibit 4, are there some sunseting provisions in that?**

18 A. Could you repeat that, please?

19 **Q. If we look at the highlighted provisions of the**
20 **containment rule at Exhibit 4, are there some conditions**
21 **on the operation?**

22 A. There certainly are.

23 **Q. What are those?**

24 A. So in C, "A recycling containment" -- such as
25 this -- "shall be deemed to have ceased operations if

1 less than 20 percent of the total fluid capacity is
2 used" in a six-month period. So that would apply. On
3 this particular facility, while WPX operated it, it
4 ceased operation March 31st, 2016.

5 **Q. All right. And on the cessation, do then the**
6 **closure requirements of Rule 34.14A become triggered?**

7 A. That is correct. They would.

8 **Q. And do you have a certain period of time to**
9 **remove the fluids from the facility?**

10 A. There is removal of fluids within 60 days and
11 commencement of the closure of the containment of the
12 six months within the date of ceasing operations.

13 **Q. Now, do you know, from reviewing the WPX files**
14 **that you brought over to LOGOS, when was the last**
15 **qualifying withdrawal of disposal fluids for re-use of**
16 **the facility?**

17 A. It was March 31st, 2016.

18 **Q. And can you explain the circumstances leading**
19 **to that?**

20 A. The facility was put into use in the fall of
21 2015, and they had an event in December of 2016 where
22 the protective bird netting collapsed due to the snow
23 load, that collapsed the support posts as well. That
24 ultimately -- later they found out that that ultimately
25 caused some damage to the liner.

1 Subsequent to that, in early 2016, they
2 were filling the liner for use in one of the horizontal
3 completions, and at that point, they did see fluid
4 within the leak detection, knew they had an issue, so it
5 was drained. And then they went into repair operations
6 throughout mid -- later in 2016.

7 **Q. And was it believed that the facility liner had**
8 **been repaired at that time?**

9 A. Yes. There was a hearing in March of 2017, and
10 all the data that WPX had at the time indicated that
11 there were no leaks.

12 **Q. All right. And if we turn to Exhibit 5, is**
13 **that a copy of the order that resulted from the March**
14 **2017 hearing?**

15 A. That's correct.

16 **Q. What's your understanding of why a hearing was**
17 **necessary?**

18 A. My understanding is the -- from the -- from the
19 rule, the interpretation of the district office is they
20 could essentially have one extension approval and then
21 after that -- for a six-month period, and then after
22 that, it would go to -- a hearing would be required.

23 **Q. And so the extension is the deemed cessation**
24 **provision under the rules?**

25 A. That's correct.

1 Q. One of those is administratively? And then you
2 came back down -- WPX came back down to Santa Fe and got
3 this order. It's Number R-14314, correct?

4 A. That's correct.

5 Q. And did the order provide for additional
6 approvals by the Commission director without the need
7 for another hearing?

8 A. It provided for one.

9 Q. And if the Examiner wishes to get additional
10 background of the circumstances leading up to the order
11 of WPX's operation, can the Examiner find those details
12 in the order itself?

13 A. Yes.

14 Q. If we turn to Exhibit 6, what is that?

15 A. So Exhibit 6 is the approval from the district
16 office in August of 2017 for the continuation of the
17 extension of cessation of operations.

18 Q. Well -- in fact, let's look at the second page
19 of that exhibit. This was the director's second
20 approval; was it not?

21 A. That's correct.

22 Q. And if you look at the first page again, how
23 long was the extension valid for?

24 A. Six months.

25 Q. That would have been to March 31, 2018,

1 correct?

2 A. That's correct.

3 Q. And before that period ran, did LOGOS obtain an
4 interim order from the Division providing for -- to
5 LOGOS an extension and the suspension of the --
6 extending the conduct of this hearing?

7 A. That's correct.

8 Q. And that's found at Exhibit 7; is that correct?

9 A. That is correct.

10 Q. Let's look at Exhibit Number 8. Isn't it
11 correct that as a condition of approval -- one of the
12 conditions of approval for the operators under the
13 extension is that monthly reports would be filed?

14 A. That's correct.

15 Q. And WPX continued do that under their
16 operations, right?

17 A. They did. And we have copies of those.

18 Q. All right. And is Exhibit 8 a copy of the most
19 recent report that's been filed by LOGOS?

20 A. It is. This is the report that we filed for
21 the period from February 10th to March 9th of this year.

22 Q. Okay. And if you turn to the latter pages of
23 that report, you can see some photographs of the
24 facility, right?

25 A. That is correct.

1 **Q. Are there currently any fluids in the facility?**

2 A. There are. So as an update, this week we
3 started to do an evaluation to determine if there were
4 any leaks in the liner. And with approval from the OCD,
5 we injected 780 barrels into the leak-detection
6 interval. And this happened on April 3rd. The result
7 of that work, they identified 11 leaks. And so they're
8 currently in the process of draining that leak-detection
9 volume, and they have scheduled Ore Systems, which is
10 the original liner installation company and the company
11 that has done repairs for WPX. They are scheduled next
12 Tuesday to identify the leaks and then we will repeat
13 this type of negative test.

14 **Q. And did the discovery of the additional leaks**
15 **cause you to believe that additional time would be**
16 **required to evaluate, put the facility back into service**
17 **than you originally anticipated?**

18 A. Yes. We were, you know, under the belief that
19 the liner would meet the regulatory requirements. And
20 so, you know, obviously things have changed where we
21 will go into this first stage of repairs. We don't
22 know -- we're looking at various options. There are
23 some more advanced leak-detection options that we may
24 utilize if we see that there are still problems after
25 these initial leaks are repaired. And it's an

1 electrical leak-detection system that basically looks at
2 the water conductivity to identify leaks. It may
3 ultimately be required to replace this liner. So we're
4 going down the repair path first to see if we can repair
5 it.

6 **Q. All right. Could you describe LOGOS' plans for**
7 **future operations and development within the Rosa Unit?**

8 A. Yeah. So the Rosa Unit -- underlying the Rosa
9 Unit are -- the subsurface characterization is that the
10 Mancos Formation would have some very significant
11 resource development potential, and it was one of the
12 drivers for the company behind this acquisition beyond
13 just the PDP aspect of the existing wells. WPX was
14 going down a path of development until they made the
15 corporate decision that they wanted to sell these
16 assets.

17 There are 21 approved APDs and another
18 seven APDs that are in process, to the point where there
19 have been a number of wells that have had surface casing
20 set, and two of the major pads have full production
21 facilities set.

22 So it is our intention -- once the facility
23 is repaired, we're anticipating -- due to normal closure
24 issues that you can have with both BLM land and Forestry
25 land. So we just came out of closure on March 31st, and

1 that will begin again either November 1st or December
2 1st, depending on the Forestry or BLM land, that, you
3 know, we don't believe we can adequately do the repairs.
4 And we do have two provisional wells identified in our
5 drilling program for the Rosa Unit, but our expectation
6 is that those will most likely be 2019 wells.

7 Ultimately, we see significant development
8 potential and would want to get into virtually a
9 continuous drilling program during the nonclosure
10 periods within the Rosa Unit.

11 **Q. And what are the periods -- the dates for the**
12 **closures?**

13 A. The closure just ended March 31st. And for the
14 Forestry, it's November 1st, and the BLM is December
15 1st, the start of the closure.

16 **Q. If we turn to Exhibit 9, is that a list of the**
17 **approved APDs and APDs being processed?**

18 A. That's correct. This was the list I mentioned.
19 Total approved APDs is 21, with seven in process in the
20 Rosa Unit.

21 **Q. And is the placement of the facility back into**
22 **service necessary to support the drilling of these**
23 **wells?**

24 A. We feel that the facility concept is pretty
25 critical for future development both from a minimization

1 of the freshwater use. I mean, it's really designed
2 where we would be fully be using produced water for
3 future stimulations, so reduced truck traffic, reduced
4 surface disturbance, if we had to go out and put the
5 tankage for the completions.

6 And also there is a commercial benefit to
7 it. We would anticipate probably between 5 to 10
8 percent of the total capital of the well could be saved
9 by use of this facility. So with current gas prices
10 that are pretty marginal, we believe that that capital
11 savings could help in the overall commerciality of
12 whether something is going to be developed versus not.

13 **Q. And improved project economics is going to**
14 **support the production of further hydrocarbon resources?**

15 A. That's correct.

16 **Q. When drilling operations are able to be**
17 **recommenced and the facility placed back into use, how**
18 **quickly do you anticipate that the 20 percent withdrawal**
19 **requirement under the rules will be reached?**

20 A. Yeah. So soon after the drilling of the
21 initial well. We would be filling the containment
22 facility and then really we would expect the completion
23 to be as close to the end of drilling as we could
24 coordinate it, just from a capital perspective. So I
25 would anticipate that would be 2019, assuming we started

1 drilling right after closure.

2 Q. All right. And you've communicated with the
3 BLM?

4 A. We have.

5 Q. And do they support the extension?

6 A. They do. And I think we attached the -- their
7 email as an exhibit. But they're very supportive of
8 this facility from the standpoint of the various reasons
9 that we've explained.

10 Q. And is the BLM email Exhibit 10, for the
11 record?

12 A. That's correct.

13 Q. So what is the duration of the extension and
14 suspension requirements for the containment facility
15 that LOGOS is requesting from the Division?

16 A. The request is a one-year three-month
17 extension.

18 Q. And is LOGOS proposing that the Aztec District
19 Office be authorized to approve additional extensions
20 and exceptions administratively?

21 A. We are.

22 Q. And in your opinion, Mr. Bruner, will granting
23 LOGOS' application serve the interest of conservation,
24 the prevention of waste, including economic waste?

25 A. Yes.

1 **Q. Were Exhibits 1 through 3 and 6 through 10**
2 **prepared by you and at your direction?**

3 A. Yes, they were.

4 MR. HALL: We'd move the admission of
5 Exhibits 1 through 3 and 6 through 10 and also the
6 introduction of Exhibit 11, which is our Notice of
7 Affidavit to the BLM.

8 We ask the Division take administrative
9 notice of Exhibit 4, which is a copy of Rule 19.15.34;
10 Exhibit 5, which is a copy of Order Number R-14314; and
11 Exhibit 7, which is the interim Order R-14614 issued a
12 few days ago.

13 (LOGOS Resources II, LLC Exhibit Numbers 1
14 through 3; 6 through 11; and 4, 5 and 7 are
15 offered into evidence.)

16 EXAMINER JONES: Phil, did you get all
17 that?

18 MR. HALL: Do you need that again?

19 EXAMINER JONES: Yes, please.

20 EXAMINER GOETZE: I know what it's about.

21 MR. HALL: You're okay?

22 EXAMINER GOETZE: Yeah, I'm fine.

23 EXAMINER JONES: I didn't know if you
24 wanted to --

25 MR. HALL: That concludes my direct of the

1 witness. Pass him to --

2 EXAMINER GOETZE: I guess I'm up.

3 CROSS-EXAMINATION

4 BY EXAMINER GOETZE:

5 Q. Welcome this afternoon. You finally made it.

6 First off, with regards to your well list,
7 the email between the BLM and the list you submitted,
8 I'm assuming that the wells that you've got from the BLM
9 are the -- with the surface casing set, those would be
10 the ones you would prioritize first?

11 (Examiner Brooks exits the room.)

12 A. That's correct.

13 Q. The second item, we had a crew go out and go do
14 an evaluation. We've got 780 barrels of fluid that was
15 injected into the leak-detection system. Do we know
16 what kind of water that was?

17 A. It was fresh water.

18 Q. It was fresh water.

19 From that, looking at our current way of
20 doing things, under the conditions of approval that are
21 still being heard, is this going to be something where
22 you're going to prepare a corrective action plan and
23 submit it to the district for their approval, or is this
24 going to be -- how are we processing this?

25 A. Yeah. So under the conditions of approval that

1 we're operating under, there was a corrective action
2 plan requirement of notification, and within -- I
3 believe it was seven days. We submitted that this
4 morning.

5 Q. Okay. So you have a CAP that was submitted,
6 and the district now has it?

7 A. That's correct.

8 Q. Are you going to be continuing to test -- my
9 understanding -- I'm seeing here -- there may be
10 additional issues with --

11 A. We will correct these known leaks, and then we
12 will continue testing to ensure we have integrity.

13 Q. So you're looking at a series of processes?

14 A. That's correct.

15 Q. This is not just the end of it?

16 A. That's correct.

17 Q. One of the things -- and, unfortunately, I was
18 the one that wrote this order. Back on the original
19 order, R-14314, there is a request for some sort of
20 written procedure for monitoring a leak-detection
21 system. At this point I'm not aware -- I'm not caught
22 up. Have the district folks been provided with an
23 alternative of just having the presence of water in the
24 leak-detection system?

25 A. Not to my knowledge. Everything that I've seen

1 from the WPX reports was -- leak-detection volumes was
2 the primary method.

3 Q. Have these been recorded; do you know?

4 A. Yes.

5 Q. Okay. So -- because I'm wondering. In our
6 monthly reports, we're seeing a vague reference to
7 minimal amount. Is it such that there is a record of
8 this somewhere?

9 A. I believe there were WPX records that we should
10 be able to get.

11 Q. And I know right now we're down to a point
12 where it's minimal. We're looking down the road when
13 this restarts. And having worked with
14 electronic-detection systems, they have their flaws,
15 too. I think we're going to reiterate this again, with
16 asking you to come up with some sort of methodology
17 using volumetric and being able to report those things.

18 The other thing, I did get a phone call
19 from the district folks that the arrival on-site was
20 kind of, shall we say, rapid, that the morning you
21 called in, the folks were out in the field doing their
22 thing. So, again, we will incorporate into this a
23 request on behalf of LOGOS to give our folks a 24-hour
24 heads-up. So if you're going to do something on the
25 scale of having an inspection or have people out there

1 doing one, we have to have the opportunity to witness
2 it.

3 A. I understand. We apologize for the late
4 notice.

5 Q. I know. I hear lot of apologies, but we'll
6 give you the heads-up now, since it's going to be
7 ongoing.

8 So you figure you're going to have this in
9 a dormant state for this drilling cycle and then ramp up
10 in March 2019?

11 A. Soon after that, soon after closure.

12 Q. So you are comfortable with the 15 months as a
13 workable thing and then asking for the ability to extend
14 it based upon the district having the ability to -- for
15 a three-month? Six-month?

16 MR. HALL: To obviate the need for
17 appearing back down here, we'll do whatever you wish us
18 to do. But I would refer you to the containment rules
19 themselves. Look at 19.15.34.16. It seems to provide
20 for district office variance approvals.

21 EXAMINER GOETZE: I know, but we're playing
22 this game of resetting this. The facility has used a
23 lot of cards up in being able to reset it, of which you
24 have the benefit, and we also know where we stand. It
25 may be that we'll go ahead with district and then

1 Division from the director. I think not having to drag
2 you down here such that we have something going good, I
3 think that's a good thing.

4 Let's see. Any other omissions or
5 complaints on my part?

6 Other than that, I have no other questions
7 for this witness.

8 Thank you very much.

9 EXAMINER JONES: Mr. Lowe?

10 CROSS-EXAMINATION

11 BY EXAMINER LOWE:

12 Q. Good afternoon. I've got a few questions for
13 you.

14 On the hearing order from the WPX, 14314,
15 on 2A, the requirement that was specified here for, I
16 guess, very long leak detention and so forth, is that
17 amplified compared to the initial application process
18 that it was approved on, because I suspect when WPX
19 signed up to get this pond permitted, that there was
20 some sort of detection system in place at the time. Is
21 this more elevated --

22 A. Well, I think it's the same situation that WPX
23 was dealing with. It was leaks of the primary liner and
24 then utilizing the leak detection. You know, whether --
25 and I know there was water sampling that was done. But

1 once you had a breach, you had chlorides, you had high
2 TTS, so there was some residual there. So they reverted
3 to the primary method being volume extraction in the --

4 **Q. Also, when you got this facility from WPX, did**
5 **you receive the WPX record of inspections -- the**
6 **leak-detection inspections of this whole pond?**

7 A. We have some of the data. What I need to
8 verify is that we have the detailed data on all the
9 volumes. I've been told we have it, but I haven't seen
10 the data. We hired a lot of the WPX operators after the
11 acquisition, so there's been a continuity. I just
12 haven't seen that data yet, but the operation staff said
13 that they had been tracking those volumes.

14 **Q. Do you know what the frequency of verifying**
15 **leak detection is for a pond like that?**

16 A. Well, what's required is, basically, I think,
17 on a monthly basis. They were -- they're doing weekly
18 inspections, visual inspections, and then on a monthly
19 basis, you know, seeing what volumes they contain in the
20 leak detection.

21 **Q. Okay. So when you see fluids in the**
22 **leak-detection system, are you guys made aware**
23 **something's -- the integrity is not there or that --**

24 A. Well, yeah. Throughout the winter -- when we
25 took over operatorship, the liner was dry. So we were

1 getting a small amount. It could just be condensation
2 that they were getting. There were some precipitation
3 events throughout the winter where those were ultimately
4 pumped out, because one of the conditions is that the
5 liner remains dry. But, you know, we did the -- we
6 continued from January 10th, and we've submitted two
7 reports to date. It's been a monthly leak-detection
8 volume withdrawal. That's been the primary method.

9 (Examiner Brooks re-enters the room.)

10 **Q. And what do you mean by monthly leak-detection**
11 **volume withdrawal?**

12 A. So the leak-detection membrane is between the
13 primary and secondary liners.

14 **Q. Yes.**

15 A. So they would pump that volume out. And that
16 volume, to my understanding, is very small. It's a
17 matter of barrels -- a few barrels of volume.

18 **Q. Okay.**

19 A. But you wouldn't expect there would be much
20 volume if the containment liner is dry, which it's been
21 predominantly dry during that time period.

22 **Q. So what you're saying is whatever you see in**
23 **the leak-detection system area is not there because**
24 **their integrity is in question of the primary liner?**

25 A. We didn't know at the time because it was such

1 small volumes and there was very minimal precipitation
2 volume that was left within the containment, you know,
3 after some of these events. But with the testing that
4 was done this week, we verified that there are leaks in
5 the primary liner.

6 **Q. Okay. Okay. That's all I've got for now.**

7 **Thank you.**

8 EXAMINER JONES: Mr. Brooks?

9 EXAMINER BROOKS: No questions.

10 EXAMINER JONES: I really don't,
11 unfortunately, have any questions. Sorry.

12 EXAMINER BROOKS: I don't think that's
13 unfortunate.

14 MR. HALL: That concludes our direct, and
15 I'd ask it be taken under advisement.

16 EXAMINER JONES: Okay.

17 EXAMINER GOETZE: You're the chief
18 examiner. You can take it under advisement.

19 EXAMINER JONES: Okay. We're taking this
20 case under advisement, Case 16069.

21 Thank you very much.

22 THE WITNESS: Thank you.

23 (Case Number 16069 concludes, 3:54 p.m.)

24

25

1 STATE OF NEW MEXICO
2 COUNTY OF BERNALILLO

3

4 CERTIFICATE OF COURT REPORTER

5 I, MARY C. HANKINS, Certified Court
6 Reporter, New Mexico Certified Court Reporter No. 20,
7 and Registered Professional Reporter, do hereby certify
8 that I reported the foregoing proceedings in
9 stenographic shorthand and that the foregoing pages are
10 a true and correct transcript of those proceedings that
11 were reduced to printed form by me to the best of my
12 ability.

13 I FURTHER CERTIFY that the Reporter's
14 Record of the proceedings truly and accurately reflects
15 the exhibits, if any, offered by the respective parties.

16 I FURTHER CERTIFY that I am neither
17 employed by nor related to any of the parties or
18 attorneys in this case and that I have no interest in
19 the final disposition of this case.

20 DATED THIS 22nd day of April 2018.

21

22

23 MARY C. HANKINS, CCR, RPR
24 Certified Court Reporter
New Mexico CCR No. 20
Date of CCR Expiration: 12/31/2018
Paul Baca Professional Court Reporters

25



Exhibit E



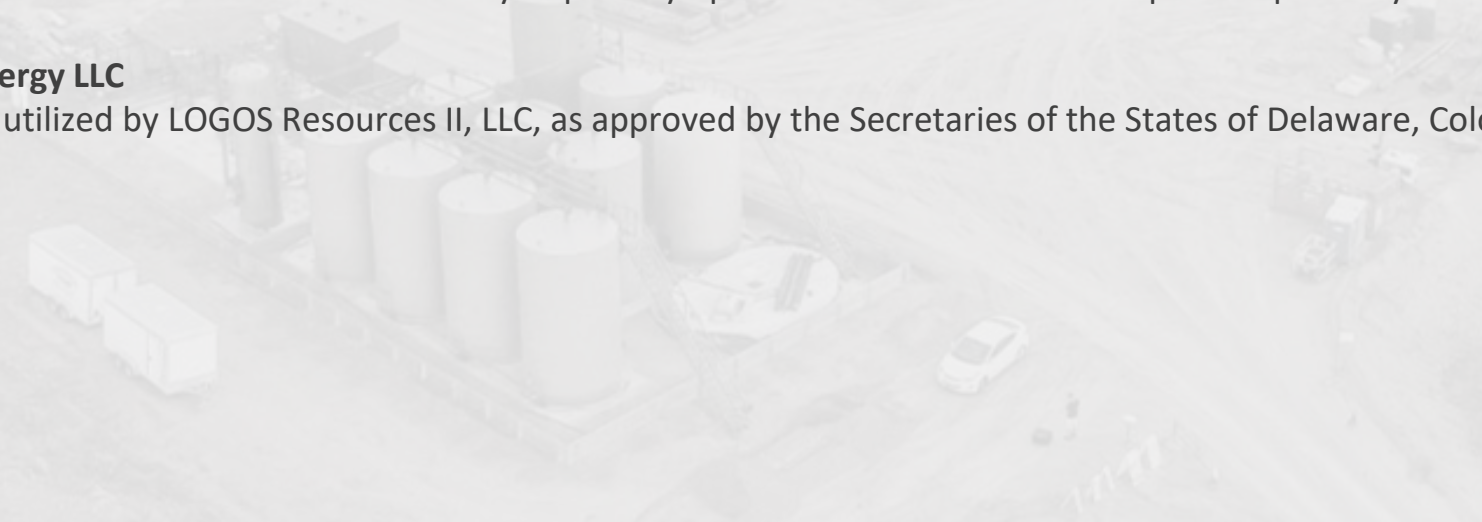
Utilizing Innovation and Technology to Reduce the San Juan Basin's Environmental Footprint

Forward-Looking Statement

Except for historical information contained herein, the statements in this presentation are forward-looking statements. Forward-looking statements include those statements made using terms such as “may,” “will,” “should,” “expect,” “anticipate,” “project,” “estimate,” “intend,” “continue,” or “believe” (or negatives thereof) or other variations thereof. Forward-looking statements and the business prospects of LOGOS are subject to a number of risks and uncertainties that may cause LOGOS’s actual results in future periods to differ materially from the forward-looking statements. These risks and uncertainties include, among other items, volatility of commodity prices; supply and demand for products produced by LOGOS; the impact of armed conflict, political instability or widespread outbreaks or illnesses, including COVID-19, on global and domestic economic activity and oil and gas demand; **regulatory or legislative actions on LOGOS or the oil and gas exploration and production industry**, including potential changes to tax laws and matters impacting LOGOS’s ability to obtain drilling, environmental and other permits; competition; the ability to obtain approvals from third parties and negotiate agreements with third parties on mutually acceptable terms; potential liability resulting from pending or future litigations; cost inflation, including that caused by supply chain disruptions and operating activities; **the risk of new restrictions impacting LOGOS’s development activities, including restrictions on water sourcing and/or disposal, restrictions on LOGOS’s water business** or restrictions on LOGOS-owned compression services; availability of equipment, services, personnel and resources adequate to perform LOGOS’s development and operating activities; access to and availability of adequate gathering, treating and processing facilities; LOGOS’s ability to implement its business plans or complete its development activities as scheduled and to achieve its ESG goals (including emissions reductions); access to and cost of capital; the financial strength of counterparties to LOGOS’s credit facilities and derivative contracts; the financial strength of purchasers of LOGOS’s oil, natural gas liquids and gas production; uncertainties about estimates of reserves, identification of drilling locations and future ability to add proved reserves; assumptions underlying forecasts, including forecasts of production, cash flow, well costs, capital expenditures, rates of return, and expenses; tax rates; quality of technical data; environmental and weather risks, including the possible impacts of climate change on LOGOS’s operations and demand for its products; cybersecurity risks; and **risks associated with the ownership and operations of LOGOS’s water and compression services**. In addition, LOGOS may be subject to currently unforeseen risks that may have a materially adverse effect on it or its operations. Accordingly, no assurances can be given that the actual events and results will not be materially different than the anticipated results described in the forward-looking statements. LOGOS undertakes no duty to publicly update these statements except as required by law.

Disclaimer Regarding Use of LOGOS Energy LLC

LOGOS Energy LLC is an assumed name utilized by LOGOS Resources II, LLC, as approved by the Secretaries of the States of Delaware, Colorado and New Mexico.



Key Takeaways – Future Rests on Innovation and Technology

- **Innovation and new technology is the key to reducing the environmental footprint of the San Juan Basin**
- **Overall emission intensity in the San Juan Basin is heightened due to the large number of old, low producing wells in the Basin**
- **LOGOS is aggressively attacking emissions via several efforts**
 - Replacing old equipment and valves, which use natural gas for valve operation, with devices powered by solar and electricity
 - Installing highly technical monitoring systems for real-time emission leak detection, enabling LOGOS to promptly mitigate emission-related problems
 - Utilizing special imaging cameras to detect and repair leaks
- **Aggressively executing projects on over 1,000 wells with the goal of nearly eliminating natural gas emissions by 1H 2024**





Company Overview

LOGOS Overview – Over a Decade of Outstanding Performance

Pure play San Juan Basin (“SJB”) oil and gas exploration and production (“E&P”) company

- One of the largest natural gas producers in the State of New Mexico
- Based in Farmington, the company directly employs over 100 local residents and, at peak operations, more than 100 additional local residents, making LOGOS one of the largest employers in the Four Corners
- Total position of ~232,000 net acres; operates ~1,400 wells with current net production of ~110 MMcfe/d (~90% gas)
- North Hudson Resources Partners LP (“North Hudson” or “NHRP”) portfolio company

Extensive track record of outstanding performance

- LOGOS has consistently delivered strong operational results for more than a decade

LOGOS is committed to achieving best-in-class environmental practices in the SJB and is dramatically reducing the company’s environmental footprint

Invested over \$1 billion dollars in the region since 2012, with over \$100 million in 2022, and have paid well over \$100 million in taxes and royalties

Leading the charge in developing the Mancos Shale in the SJB and recently brought online a SJB record-breaking natural gas well with the highest peak month production in the SJB in the last 50-years



LOGOS Management Team – Decades of SJB Experience



Name & Title	Industry Years Experience	SJB Years Experience	Previous Experience
Jay Paul McWilliams Chief Executive Officer	>20	>15	<ul style="list-style-type: none"> • CEO and Co-Founder of LOGOS II in 2016. Founded its predecessor company, LOGOS I, in 2012, where he led the successful development and monetization of a large portion of the company’s assets, providing top tier returns on capital deployed • Previously served as the lead acquisition engineer at LINN Energy, where he led approximately \$1.0 billion in transactions, as well as holding various engineering positions at Burlington Resources and Resolute • BS Chemical Engineering from New Mexico Tech (Highest Honors) and MBA from Fuqua School of Business at Duke University (Fuqua Scholar) • Serves on the Center for Energy, Development, and the Global Environment Board (EDGE) at Duke University
Kelly Maxwell Chief Operations Officer	>40	>40	<ul style="list-style-type: none"> • Co-Founder of LOGOS II • Former Operations Manager for ConocoPhillips and Burlington Resources primarily focused on San Juan Basin • Extensive experience in gas gathering, hydraulic modeling, compression, facilities optimization and production optimization throughout his 38-year career primarily in the San Juan Basin
Chris Jeffus Sr. Vice President Land and Legal	>10	>10	<ul style="list-style-type: none"> • Co-Founder of LOGOS II • Previously worked in the Rockies and Permian Asset Team at EnerVest where he was responsible for properties throughout New Mexico and Utah, including the negotiation and management of various joint operating, farm-out and gas gathering agreements • Began his career as an associate attorney at a Houston-based oil and gas law firm • BS Accounting and a Master of Science in Finance from Texas A&M University and Juris Doctor from University of Texas School of Law
Marcia Brueggenjohann Vice President Reservoir and Regulatory	>20	>15	<ul style="list-style-type: none"> • Former Reservoir Engineering Manager, San Juan & Williston Basins for WPX • Prior to that role, was the San Juan Basin Reservoir Engineering Team Lead / Reservoir Engineer for WPX • BS Petroleum Engineering from the University of Texas
Krista McWilliams Vice President Operations Engineering	>20	>15	<ul style="list-style-type: none"> • Former senior engineer with ConocoPhillips and Burlington Resources in various capacities • Founder of Diamond Derrick Consulting, a provider of oil and gas project and data management services • BS Mechanical Engineering from New Mexico Tech (Highest Honors) • Serves on the State of New Mexico Water Quality Control Commission for Governor Michelle Lujan Grisham
John Bruner Strategic Advisor	>30	>10	<ul style="list-style-type: none"> • Co-Founder of LOGOS II • Formerly in charge of asset management, strategic planning, subsurface management, commercial and business development in various basins around the globe for ConocoPhillips over the course of 28 years • Most recently served as Development and Strategy Manager for ConocoPhillips’ San Juan Basin Unit • BS Petroleum and Natural Gas Engineering from Pennsylvania State University

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

MARIO ATENCIO, PAUL and MARY ANN ATENCIO, DANIEL TSO, SAMUEL SAGE, CHEYENNE ATENCIO, KENDRA PINTO, JULIA BERNAL, JONATHAN ALONZO, PASTOR DAVID ROGERS, YOUTH UNITED FOR CLIMATE CRISIS ACTION, PUEBLO ACTION ALLIANCE, INDIGENOUS LIFEWAYS, THE CENTER FOR BIOLOGICAL DIVERSITY, and WILDEARTH GUARDIANS,

Plaintiffs,

v.

No. D-101-CV-2023-01038

STATE OF NEW MEXICO, NEW MEXICO LEGISLATURE, GOVERNOR MICHELLE LUJAN GRISHAM, NEW MEXICO ENVIRONMENT DEPARTMENT, SECRETARY JAMES KENNEY, in his official capacity, ENERGY NMINERALS AND NATURAL RESOURCES DEPARTMENT, SECRETARY SARAH COTTRELL PROPST, in her official capacity, ENVIRONMENTAL IMPROVEMENT BOARD, and OIL CONSERVATION COMMISSION

Defendants,

and

INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO,

Proposed Intervenor-Defendant.

**INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO'S
MOTION TO INTERVENE**

Pursuant to Rule 1-024 NMRA, the Independent Petroleum Association of New Mexico (“IPANM”) respectfully moves to intervene in this matter. Defendant the New Mexico Legislature does not oppose this Motion; Defendants the State of New Mexico, Governor Michelle Lujan Grisham, the New Mexico Environment Department (“NMED”), Secretary James Kenney, Energy Minerals and Natural Resources Department (“EMNRD”), Secretary Sarah Cottrell Propst, the Environmental Improvement Board (“EIB”), and the Oil Conservation Commission (“OCC”) take no position on this Motion; Plaintiffs oppose this Motion.

Pursuant to Rule 1-024(C), a responsive pleading is attached hereto as Exhibit A.¹

INTRODUCTION

Plaintiffs take direct aim at the oil and gas industry. They allege that the industry has caused all manner of pollution and claim that the failure to control the actions of oil and gas companies violates their constitutional rights. They seek to suspend and rewrite the entire statutory and regulatory scheme that governs oil and gas activities across New Mexico. No matter how they couch their Complaint, Plaintiffs seek to control and change the behavior of each and every company and individual working in the oil and gas industry.

IPANM represents over 350 businesses, owners, operators, workers, and families involved in the oil and gas industry across New Mexico. IPANM members have invested hundreds of millions of dollars in their oil and gas interests and facilities and they would be directly and substantially impacted by the relief sought by Plaintiffs.

The question presented in this Motion is whether IPANM should be allowed to intervene to protect its interests where the requested relief would suspend permitting for IPANM’s members,

¹ IPANM agrees with State Defendants that the Complaint does not state a cognizable claim. If the Court allows the case to proceed, however, IPANM has positions that are in tension with State Defendants on numerous issues relevant to the Complaint.

rewrite the statutes and regulations that apply to IPANM’s activities, and cause immediate and substantial economic consequences for IPANM and its members. As demonstrated below, the answer to that question is yes.

ARGUMENT

I. STANDARD OF REVIEW

Intervention is governed by Rule 1-024. Under Rule 1-024(A)(2), intervention is required:

when the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

Our courts have recognized that “New Mexico cases provide limited guidance on the application of Rule 1-024.” *Rivera-Platte v. First Colony Life Ins. Co.*, 2007-NMCA-158, ¶ 89, 143 N.M. 158, *rev'd on other grounds by Platte v. First County Life Ins. Co.*, 2008-NMSC-058. Therefore, because Rule 1–024(A) “is almost identical to Federal Rule 24(a),” *In re Marcia L.*, 1989-NMCA-110, ¶ 6, 109 N.M. 420; New Mexico courts “naturally turn to federal texts and decisions for clarification” of the principles governing intervention. *Tom Fields Ltd. v. Tigner*, 1956-NMSC-083, ¶¶ 12-13, 61 N.M. 382; *see Rivera-Platte*, 2007-NMCA-158, ¶ 89 (stating that “the district court may utilize federal case law in its analysis” of Rule 1-024).

II. IPANM IS ENTITLED TO INTERVENE AS OF RIGHT

A. IPANM’s Motion to Intervene Is Timely

“Timeliness is a threshold requirement for intervention” under Rule 1-024. *Apodaca v. Town of Tome Land Grant*, 1974-NMSC-026, ¶ 6, 86 N.M. 132. Whether a motion for intervention is timely “depends upon the circumstances of each case.” *Id.* (citations omitted). In this case, IPANM’s Motion is timely for two reasons.

First, the “most important consideration in deciding whether a motion for intervention is untimely is whether the delay in moving for intervention will prejudice the existing parties.” *Nissei Sangyo Am., Ltd. v. United States*, 31 F.3d 435, 439 (7th Cir. 1994). In this case, the Court has not yet entered a scheduling order, there have been no substantive orders, and the parties have not engaged in discovery. It follows that no party will be prejudiced if IPANM is allowed to intervene.

Second, “[t]he mere passage of time, in itself, does not render a motion untimely; rather the focus should be on actual proceedings of substance on the merits.” 6 *Moore’s Federal Practice*, ¶ 24.21[1] (3d ed. 2023). Timeliness is “measured from the point at which the applicant knew, or should have known, of the risk to its rights.” *United States v. Alcan Aluminum, Inc.*, 25 F.3d 1174, 1183 (3d Cir.1994) (emphasis added). Therefore, in determining whether a motion to intervene is timely, “[a] key consideration . . . is whether the effort to intervene occurred shortly after the would-be intervenor discovered such action was necessary to protect its interests.” *Thriftway Mktg. Corp. v. State*, 1990-NMCA-115, ¶ 3, 111 N.M. 763 (citation omitted).

Here, there is no “risk to [IPANM’s] rights” unless and until the Court denies the dispositive motions that are currently pending. *Alcan Aluminum*, 25 F.3d at 1183. IPANM was aware that the Legislature had filed a Motion for Judgment on the Pleadings and the other Defendants had filed a Motion to Dismiss. Winchester Decl., Exh. B, ¶ 25. If granted, those motions would dispose of this case without relief. Conversely, it is only if the Motion to Dismiss and Motion for Judgment on the Pleadings are denied, and the case proceeds, that intervention is “necessary to protect [IPANM’s] interests.” *Thriftway*, 1990-NMCA-115, ¶ 3. Therefore, IPANM was originally content to monitor the case until the motions were decided so that it did not disrupt or unnecessarily complicate the matter. Winchester Decl., Exh. B, ¶ 26. That plan changed only after the New Mexico Chamber of Commerce filed its own separate motion to intervene. At that point, IPANM

determined that it would be helpful for the Court to have a more complete understanding of the entities interested in the case before it decides who should be allowed to intervene. *Id.* ¶ 27; *see Salvors, Inc. v. Unidentified Wrecked & Abandoned Vessel*, 861 F.3d 1278, 1294 (11th Cir. 2017) (motion to intervene timely despite 7-year delay where intervenor had no reason to intervene).

B. IPANM and Its Members Have Interests in the Subject Matter of this Litigation

The applicant seeking intervention must demonstrate a direct interest in the action. Rule 1-024(A)(2) NMRA. “The equitable test is, ‘Does the intervenor stand to gain or lose by the judgment?’” *Stovall v. Vesely*, 1934-NMSC-055, ¶ 11, 38 N.M. 415. “[T]o establish an interest in the pending action a party seeking to intervene must show that it has an interest that is significant, direct rather than contingent, and based on a right belonging to the proposed intervenor rather than an existing party to the suit.” *In re Marcia L.*, 1989-NMCA-110, ¶ 7. This standard is analogous to the standing rule. *See N.M. Right to Choose/NARAL v. Johnson*, 1999-NMSC-005, ¶ 17, 126 N.M. 788 (hereinafter “*NARAL*”).

Plaintiffs directly target the oil and gas industry. They broadly claim that the oil and gas industry “despoil[ed] . . . the air, water, environment and natural resources of New Mexico,” in violation of the Constitution. Complaint at 4. Almost every substantive allegation in Plaintiffs’ Complaint targets IPANM members by raising allegations concerning industry practices, regulations, enforcement, inspections, and the alleged impacts of the industry on Plaintiffs. Winchester Decl., Exh. B, ¶ 11. For their remedy, Plaintiffs “seek an order enjoining” State Defendants “to cease authorizing new oil and gas production until the Defendants have established and implemented a [new] statutory, regulatory, and enforcement framework” for the industry. Put simply, Plaintiffs seek a moratorium on oil and gas permitting, and they plan to completely rewrite the statutes and regulations that apply to IPANM members, and the industry. Winchester Decl.,

Exh. B, ¶ 13; Armstrong Decl., Exh. C, ¶ 10; Yates Decl., Exh. D, ¶ 8; McHugh Decl., Exh. E, ¶ 10; McMinn Decl., Exh. F, ¶ 17.

IPANM, in turn, represents the very industry that Plaintiffs target. It advocates for the interests of independent oil and gas producers across New Mexico. Winchester Decl., Exh. B, ¶ 16. Those independent producers are made up of New Mexico businesses, owners, operators, workers, and families who are directly impacted by issues related to the oil and gas industry. *Id.* ¶¶ 8-9. IPANM members have invested hundreds of millions of dollars in their business interests, permits, and facilities and they depend on the continuation of the industry for their livelihoods. *See* Winchester Decl., Exh. B, ¶ 13; Armstrong Decl., Exh. C, ¶ 17; Yates Decl., Exh. D, ¶ 11-13; McHugh Decl., Exh. E, ¶ 14; McMinn Decl., Exh. F, ¶ 25. If the relief identified in the Complaint is granted, “IPANM members will suffer significant economic losses and it is likely that some IPANM members will go out of business.” Winchester Decl., Exh. B, ¶ 12. “The threat of economic injury from the outcome of litigation undoubtedly gives a petitioner the requisite interest” to intervene. *Utahns for Better Transp. v. U.S. Dep’t of Transp.*, 295 F.3d 1111, 1115-16 (10th Cir. 2002); *see Nat’l Farm Lines v. Interstate Commerce Comm’n*, 564 F.2d 381, 382 (10th Cir.1977) (reversing denial of intervention because adverse decision would “render unenforceable a statutory scheme which directly protects their economic interests”). IPANM more than satisfies that standard in this case.

Likewise, in New Mexico, a party who is regulated has standing to participate in a lawsuit challenging the underlying statute or regulation. *See Am. Civil Liberties Union of N.M. v. City of Albuquerque*, 1999-NMSC-044, ¶ 9, 128 N.M. 315 (plaintiffs had standing to challenge curfew ordinance before it went into effect because it “is not necessary that [plaintiff] first expose himself [or herself] to actual arrest or prosecution”); *Protection & Advocacy Sys. v. City of Albuquerque*,

2008-NMCA-149, ¶ 23, 145 N.M. 156 (individuals with mental illnesses had standing to challenge ordinance concerning outpatient facilities); *Rio Grande Kennel Club v. City of Albuquerque*, 2008-NMCA-093, ¶ 9, 144 N.M. 636 (plaintiffs had standing to challenge ordinance because “each of them either owns animals or runs a business that is subject” to the ordinance, and the ordinance “would curtail their previously lawful activities”). Thus, “in cases challenging various statutory schemes as unconstitutional or as improperly interpreted and applied, the courts have recognized that the interests of those who are governed by those schemes are sufficient to support intervention.” 7C Wright, Miller & Kane, Fed. Prac. & Proc. § 1908.1 (3d ed.).

Here IPANM members are directly governed by the statutes and regulations that Plaintiffs challenge. Winchester Decl., Exh. B, ¶ 13; Armstrong Decl., Exh. C, ¶ 10; Yates Decl., Exh. D, ¶ 8; McHugh Decl., Exh. E, ¶ 10; McMinn Decl., Exh. F, ¶ 17. In the language of New Mexico Courts, IPANM members “run[] business[es] that [are] subject” to the challenged statutes and regulations, and the relief that Plaintiffs propose “would curtail their previously lawful activities” at existing, permitted facilities. *Rio Grande Kennel Club*, 2008-NMCA-093, ¶ 9. IPANM has thus alleged a sufficient interest to satisfy the intervention of right standard. *See NRDC v. U.S. Nuclear Regulatory Comm’n*, 578 F.2d 1341, 1346 (10th Cir. 1978) (potential licensees allowed to intervene in an action by environmental groups against federal agencies); *Kleissler v. USFS*, 157 F.3d 964, 973 (3d Cir. 1998) (logging trade association had sufficient interest to intervene in action to enjoin logging in a national forest); *Conservation Law Foundation of New England, Inc. v. Mosbacher*, 966 F.2d 39, 43-44 (1st Cir. 1992) (commercial fishing groups had sufficient interest to intervene in suit aimed at adopting regulations to reduce over-fishing).

C. The Disposition of this Action May Impair or Impede the Interests of IPANM and Its Members

A potential intervenor must further demonstrate that the “disposition of the action may as a practical matter impair or impede the applicant’s ability to protect [their] interest.” Rule 1-024(A)(2) NMRA. The “question of impairment is not separate from the question of existence of an interest.” *NRDC*, 578 F.2d at 1345. To satisfy this element, a would-be intervenor must show only that impairment “is possible if intervention is denied. This burden is minimal.” *Utah Ass’n of Cnty. v. Clinton*, 255 F.3d 1246, 1253 (10th Cir. 2001) (internal quotation marks omitted).

There can be little doubt that IPANM satisfies this standard. Plaintiffs seek expansive injunctive relief, including: (1) implementation of a new “statutory, regulatory and enforcement framework,” (2) a new financial assurance system, (3) treatment of produced water as hazardous waste, and (4) suspension of additional permitting for oil and gas wells. Complaint at 106, ¶¶ 6-10. Each of these requests would directly and substantially affect IPANM and its members. Winchester Decl., Exh. B, ¶ 12. Specific, but not exclusive, examples of the ways that IPANM and its members will be impaired include the following:

- A new statutory and regulatory framework would completely disrupt the operations of IPANM members, who have relied on the current framework to invest and operate for decades. *See* Armstrong Decl., Exh. C, ¶ 10; Yates Decl., Exh. D, ¶ 19; McHugh Decl., Exh. E, ¶ 10; McMinn Decl., Exh. F, ¶ 19.
- Requiring financial assurance without a bonding cap would tie up significant resources in bonds and would be unworkable for smaller operators because they do not have the resources or capital that Plaintiffs’ proposed relief would require. Yates Decl., Exh. D, ¶ 14; McHugh Decl., Exh. E, ¶ 12.
- Plaintiffs’ demand to treat produced water as hazardous and radioactive waste would require substantial additional permitting and would likely preclude the re-use of produced water for secondary recovery projects. The costs and burden associated with treating produced water as hazardous waste would be insurmountable for many IPANM members. Armstrong Decl., Exh. C, ¶¶ 15-16; McMinn Decl., Exh. F, ¶ 23.

- Plaintiffs’ request to suspend additional permitting until a new regulatory framework is developed would result in losses of significant upfront investments, substantial devaluations of existing assets, and possible expirations of valuable leasehold interests. *See* Armstrong Decl., Exh. C, ¶ 14; Yates Decl., Exh. D, ¶¶ 11, 14; McHugh Decl., Exh. E, ¶ 11; McMinn Decl., Exh. F, ¶ 26.

Indeed, the very existence of some IPANM members is threatened. *See* Armstrong Decl., Exh. C, ¶ 10; McHugh Decl., Exh. E, ¶ 10; McMinn Decl., Exh. F, ¶ 27. Many smaller operators struggle to hire the consultants that are already required to comply with the increasingly stringent regulations. *See* McHugh Decl., Exh. E, ¶ 15; McMinn Decl., Exh. F, ¶ 22. Additional requirements would likely make production of oil and gas from older wells unprofitable, forcing these wells to be plugged, and resulting in unrecoverable hydrocarbons owned by the operators, the State of New Mexico, the federal government, tribes, and private owners. Armstrong Decl., Exh. C, ¶¶ 16, 20; McHugh Decl., Exh. E, ¶ 15; McMinn Decl., Exh. F, ¶¶ 25-27.

D. IPANM’s Interests Are Not Adequately Represented by the Parties

Finally, a potential intervenor must demonstrate that its interest is not “adequately represented by existing parties.” Rule 1-024(A)(2) NMRA. “The most important factor in determining adequacy of representation is how the interest of the absentee compares with the interests of the present parties.” 7C Wright, Miller & Kane, Fed. Prac. & Proc. § 1909. Because intervention is assessed at the start of a case, IPANM need show only that the States’ representation of its interests “may be inadequate.” *Sierra Club v. Espy*, 18 F.3d 1202, 1207 (5th Cir. 1994) (internal quotation omitted). That possibility exists when an intervenor’s interests “may not align precisely,” *Brumfield v. Dodd*, 749 F.3d 339 345 (7th Cir. 2014); or are “related, but not identical.” *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 (1972). That is the case here.

Where the State is a party, however, a “presumption of adequate representation exists.” *NARAL*, 1999-NMSC-005, ¶ 19. That presumption may be overcome “by showing, for example,

an adversity of interest” or other circumstance that indicates representation by the existing government party is inadequate. *Id.* ¶ 20. In this case, three circumstances demonstrate an adversity of interest.

First, “[b]ecause a governmental entity ordinarily must represent broad public interests, a private intervenor with specific, narrow interests will usually be able to meet the ‘minimal’ burden of showing inadequacy of representation by the governmental entity.” 6 *Moore’s Federal Practice*, ¶ 24.03[4][a][iii] (section cited favorably in *NARAL*, 1999-NMSC-005, ¶¶ 19-20). IPANM has private objectives to protect its members’ investments and support oil and gas development. Winchester Decl., Exh. B, ¶¶ 6, 16. In contrast, State Defendants must balance competing public concerns in interpreting the New Mexico Constitution and regulating IPANM’s members. Denying IPANM intervention would leave State Defendants with the task of representing not only the public’s interest (including the environmental community), but also the narrow private interest of IPANM. *See Utahns for Better Transp.*, 295 F.3d at 1117. This task is “on its face impossible and creates the kind of conflict that satisfies the minimal burden of showing inadequacy of representation.” *Id.* (citation and internal quotation omitted); *see, e.g., Kleissler*, 157 F.3d at 972 (inadequate representation “when an agency’s views are necessarily colored by its view of the public welfare rather than the more parochial views of a proposed intervenor”); *Espy*, 18 F.3d at 1207-08 (“government must represent the broad public interest, not just the economic concerns of the timber industry”). In fact, State Defendants have already shown themselves incapable of representing IPANM when weighing competing interests. Winchester Decl., Exh. B, ¶¶ 19, 21.

Second, adversity exists where a potential intervenor’s “interests diverge from the [State party’s] interests in a manner germane to the case.” *Texas v. United States*, 805 F.3d 653, 661-62

(5th Cir. 2015). Here State Defendants have taken positions that are directly contrary to IPANM on issues alleged in the Complaint, including ozone precursor requirements, Complaint ¶ 215, financial assurance, *id.* ¶¶ 215-261; setback requirements, *id.* ¶¶ 305-308; venting and flaring, *id.* ¶¶ 250-253; produced water, *id.* ¶¶ 162-165; spills, *id.* ¶¶ 246-249, 335, and the impact of fracking, *id.* ¶¶ 280, 295; among others. *See* Winchester Decl., Exh. B, ¶¶ 16-21; Armstrong Decl., Exh. C, ¶¶ 18-21. State Defendants cannot be expected to represent IPANM members on these issues when they have litigated or otherwise contested IPANM’s position on these same issues.

Third, the role of OCD and NMED is to regulate and enforce the applicable law *on IPANM members*. The very nature of the relationship is thus inherently adversarial. Winchester Decl., Exh. B, ¶ 20. Plaintiffs recognize this tension, but nonetheless argue that the Constitution requires the Defendants to conduct more enforcement proceedings against IPANM members. *See, e.g.*, Complaint ¶¶ 240-253. It is beyond reason that the State could represent the interests of IPANM in this case given the adversarial nature of the relationship and Plaintiffs’ allegations.²

III. IN THE ALTERNATIVE, IPANM SHOULD BE GRANTED PERMISSIVE INTERVENTION

An applicant “may be permitted to intervene” when its “claim or defense and the main action have a question of law or fact in common.” Rule 1-024(B). IPANM’s defenses to the allegations in Plaintiffs’ Complaint, share a question of law or fact in common with the main action. Specifically, while IPANM may differ on the interpretation, the same constitutional provision, statutes, and regulations are at the heart of the defense for both State Defendants and IPANM. Moreover, like IPANM, all of the parties will be evaluating the same facilities, the same

² IPANM will bring to this case a unique perspective and specialized expertise in the oil and gas industry that is not currently represented. *See* Winchester Decl., Exh. B, ¶¶ 22-24.

oil and gas practices, and the same data. If the Court denies intervention as of right, it should nonetheless exercise its discretion and allow IPANM to intervene under Rule 1-024(B).

CONCLUSION

As demonstrated above, the Motion should be granted and IPANM should be allowed to intervene in this case.

Respectfully submitted,

MONTGOMERY & ANDREWS, P.A.

By: /s/ Jeffrey J. Wechsler

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*Attorneys for Independent Petroleum Association of
New Mexico*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 12, 2024, the foregoing was filed through the Court's electronic filing system, which caused all parties or counsel of record to be served by electronic means. A courtesy copy of the foregoing was also served by email.

/s/ Jeffrey J. Wechsler

Jeffrey J. Wechsler

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

**MARIO ATENCIO, PAUL and MARY ANN
ATENCIO, DANIEL TSO, SAMUEL SAGE,
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FOR CLIMATE CRISIS ACTION, PUEBLO
ACTION ALLIANCE, INDIGENOUS
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No. D-101-CV-2023-01038

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LEGISLATURE, GOVERNOR MICHELLE
LUJAN GRISHAM, NEW MEXICO
ENVIRONMENT DEPARTMENT,
SECRETARY JAMES KENNEY, in his official
capacity, ENERGY NMINERALS AND
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SECRETARY SARAH COTTRELL PROPST,
in her official capacity, ENVIRONMENTAL
IMPROVEMENT BOARD, and OIL
CONSERVATION COMMISSION**

Defendants,

and

**INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO,**

Proposed Intervenor-Defendant.

**INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO'S
NOTICE OF JOINDER IN MOTION TO DISMISS AND
IN MOTION FOR JUDGMENT ON THE PLEADINGS**

Pursuant to Rule 1-024 NMRA, in support of its Motion to Intervene, proposed Intervenor-Defendant Independent Petroleum Association of New Mexico (“IPANM”) hereby responds to the Complaint in this matter by joining in the Motion to Dismiss filed by Defendants State of New Mexico, Governor Michelle Lujan Grisham, the New Mexico Environment Department, Secretary James Kenney, the Energy, Minerals and Natural Resources Department, Secretary Sarah Cottrell Propst, the Environmental Improvement Board, and the Oil Conservation Commission on September 1, 2023 and the Motion for Judgment on the Pleadings filed by Defendant The New Mexico Legislature on September 22, 2023 (collectively, “Motions to Dismiss”).

IPANM has interests that significantly diverge from those of the State Defendants, which are detailed in IPANM’s Motion to Intervene. For example, IPANM’s objective is to protect its members’ private investments while the State Defendants’ focus will be to balance competing public concerns regarding the interpretation of the New Mexico Constitution and regulation of IPANM’s members. These separate interests are reflected in historic disparate positions by IPANM and the State Defendants on issues that are directly raised in the Complaint, such as financial assurance, setback requirements, venting and flaring, treatment of produced water, and the impacts of fracking. *See, e.g.*, IPANM’s Motion to Intervene at 10.

Nonetheless, IPANM agrees with the arguments of the State Defendants as set forth in the Motions to Dismiss. In short, Plaintiffs’ Complaint fails to state a cognizable claim because it raises non-justiciable political questions which, if addressed by the Court, would result in a violation of the separation of powers.

For these reasons, the Motions to Dismiss should be granted. If, however, the Motions are not granted and IPANM is permitted to intervene, IPANM will file an answer, stating its defenses

to Plaintiffs' allegations and claims. IPANM will thereafter litigate the issues raised by Plaintiffs as necessary to protect the interests of IPANM's members.

Respectfully submitted,

MONTGOMERY & ANDREWS, P.A.

By: /s/ Jeffrey J. Wechsler

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*Attorneys for Independent Petroleum Association of
New Mexico*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 12, 2024, the foregoing was filed through the Court's electronic filing system, which caused all parties or counsel of record to be served by electronic means.

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

**MARIO ATENCIO, PAUL and MARY ANN
ATENCIO, DANIEL TSO, SAMUEL SAGE,
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SECRETARY SARAH COTTRELL PROPST,
in her official capacity, ENVIRONMENTAL
IMPROVEMENT BOARD, and OIL
CONSERVATION COMMISSION**

Defendants,

and

**INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO,**

Proposed Intervenor-Defendant.

**DECLARATION OF JIM WINCHESTER IN SUPPORT OF
INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO'S
MOTION TO INTERVENE**

I Jim Winchester, pursuant to Rule 1-011 NMRA, state as follows:

1. I affirm in writing under penalty of perjury under the laws of the State of New Mexico that the following statements are true and correct.
2. I am over 18 years of age and have personal knowledge of the facts stated herein.
3. I hold a Bachelor of Science degree in Mechanical Engineering from the University of Notre Dame.
4. I previously served as the Communications Director for both the New Mexico Energy, Minerals & Natural Resources Department (“EMNRD”) and the New Mexico Environment Department (“NMED”).
5. I am currently employed as the Executive Director of the Independent Petroleum Association of New Mexico (“IPANM”).

Description of IPANM & Its Members

6. Formed in 1978, IPANM advances and preserves the interests of independent oil and gas producers across New Mexico while educating the public to the importance of oil and gas to the state. The Independent Petroleum Association of American defines an “independent” company as a producer who has less than \$5 million in retail sales of oil and gas in a year. Independent producers develop 91 percent of the wells in the United States – producing 83 percent of America’s oil and 90 percent of America’s natural gas. IPANM actively works to promote legislation and regulations, engages with state regulatory agencies that oversee the oil and gas industry, and pursues litigation when necessary. It also provides technical education to members on matters of interest, including on regulatory compliance matters.

7. IPANM is governed by an elected Board of Directors comprised of 17 members from across the State of New Mexico. As Executive Director, I am responsible for overseeing IPANM's functions and for carrying out the direction of the Board of Directors.

8. IPANM has over 350 members representing over 120 distinct member companies working in all aspects of the oil and gas industry. The oil and gas industry is sometimes divided into segments, with upstream referring to exploration and production, midstream referring to transportation and storage of oil and natural gas, and downstream referring to the conversion of crude oil and natural gas into a variety of finished products. IPANM members include companies working in upstream, midstream, and downstream segments of the industry. Our members are responsible for tens of thousands of oil and gas wells and other facilities and represent hundreds of thousands of acres of oil and gas interests across the State of New Mexico.

9. The majority of IPANM members are New Mexico based companies and many are relatively small. In that sense, IPANM represents New Mexico businesses, owners, operators, workers, and families who are impacted by issues related to the oil and gas industry.

10. The IPANM Board unanimously voted to move to intervene in *Atencio v. State of New Mexico*, No. D-101-CV-2023-01038 to protect the interests of IPANM and its members.

IPANM Members Would Be Directly Impacted by the Relief Plaintiffs Seek in this Lawsuit

11. I have reviewed Plaintiffs' Complaint to Enforce Constitutional Rights for a Healthful and Beautiful Environment and Protection of Natural Resources from Despoilment Due to Oil and Gas Pollution ("Complaint"). That Complaint takes direct aim at IPANM and IPANM members. For example, Plaintiffs make the following illustrative allegations:

- a. The State Defendants have "authorized oil and gas production and pollution while failing to control the concomitant emissions and contamination, resulting in a pollution crisis." Complaint, ¶ 2.

- b. “Despite its constitutional duty to protect New Mexico’s air, water, environment and other natural resources, the State continues to authorize and promote oil and gas production, without establishing and implementing a statutory, regulatory and enforcement scheme that ensures the protection of New Mexico’s beautiful and healthful environment.” *Id.* ¶ 4.
- c. “New Mexicans face grave harms to their health, safety, and longevity caused by . . . oil and gas development and production without an adequate system for controlling the pollution and despoilment of natural resources from such activities.” *Id.* ¶ 8.
- d. “[T]he Legislature has not passed laws sufficient to protect the air, land, water or a beautiful and healthful environment from pollution created by oil and gas development.” *Id.* ¶ 145.
- e. “Defendants have violated the New Mexico Constitution by enacting, funding, and enforcing a statutory and regulatory framework for oil and gas extraction and development that authorizes oil and gas development yet fails to regulate oil and gas activities in a manner that protects New Mexico’s land, air, water, and natural resources, for the maximum benefit of the people.” *Id.* ¶ 156.
- f. “Each stage of oil and gas production results in air pollution, including well pad construction, drilling, well completion, fracking and maintenance, enhanced oil recovery, transportation, waste disposal, inactive wells, and abandoned infrastructure.” *Id.* ¶ 158.
- g. “Today’s [oil and gas] production creates more pollution and more environmental damage than in the past since operators must continually drill further, use fracking, and drill more wells to maintain and increase production.” *Id.* ¶ 172.
- h. “Plaintiffs are at increased risk for health harms from oil and gas production. . . .” *Id.* ¶ 308.

Each of these allegations is directly targeted at the oil and gas industry that IPANM represents.

What’s more, almost every one of the other substantive paragraphs in Plaintiffs’ Complaint also targets IPANM and IPANM members, including allegations concerning industry practices, regulations, enforcement, inspections, and the unproven impacts of the oil and gas industry on Plaintiffs. I disagree with the foregoing illustrative allegations, as well as almost every other claim in Plaintiffs’ Complaint.

12. For their remedies, Plaintiffs also target the oil and gas industry. They demand relief that will have a direct and substantial impact on IPANM and IPANM members. For example, Plaintiffs request:

- a. A declaration that the State violated the New Mexico Constitution “because they permit oil and gas extraction, production and concomitant pollution.” Complaint at Prayer for Relief, 104, ¶ 1.
- b. A declaration that the State must adopt a new “statutory, regulatory and enforcement scheme” governing “oil and gas extraction and production.” *Id.* at 104-105, ¶¶ 1-3.
- c. A declaration that “permitting of oil and gas production and concomitant pollution” violated Plaintiffs’ constitutional rights. *Id.* at 105, ¶¶ 4-5.
- d. An injunction “suspend[ing] additional permitting of oil and gas wells.” *Id.* at 106, ¶ 6.
- e. An injunction requiring the State to “enact, fund and implement a [new] statutory, regulatory and enforcement structure and plan” to govern “the oil and gas industry.” *Id.* at 106, ¶¶ 7-8.
- f. An injunction “to treat the byproduct waste of oil and gas extraction, including produced water, as Hazardous Waste and Radioactive Waste.” *Id.* at 106, ¶ 9.
- g. An injunction to “establish a [new] financial assurance system and remediation system for oil and gas wells.” *Id.* at 106, ¶ 10.
- h. An injunction to “use the best available science to detect and analyze the environmental and health impacts of pollution caused by oil and gas production and to control the release of oil and gas pollution.” *Id.* at 106, ¶ 11.
- i. That this Court “retain[] jurisdiction” over the case until all of the remedies listed above are completed to the satisfaction of the Court.

Each of these remedies would have an immediate impact on IPANM and IPANM members. If any of this relief is granted, IPANM members will suffer significant economic losses, and it is likely that some IPANM members will go out of business.

13. IPANM members are subject to the statutes and regulations that Plaintiffs challenge in this case. In essence, Plaintiffs are asking that this Court order that the entire statutory and

regulatory regime that applies to IPANM members be enjoined and rewritten. The impact on IPANM and IPANM members would be devastating. IPANM members have relied upon the existing statutory and regulatory system to make investments, obtain authorizations, and conduct their day-to-day business. If Plaintiffs are successful in this suit, it would disrupt and undermine the entire system, costing IPANM members hundreds of millions of dollars and impacting thousands of families across the State. In addition, the new statutes and regulations contemplated by Plaintiffs would quite literally govern the actions and behavior of IPANM members going forward.

14. The Oil Conservation Division (“OCD”) comprehensively regulates the oil and gas industry in New Mexico. That means that IPANM members must generally obtain approval for drilling a well, changing a well, recompletions, plugging and abandoning a well, and other aspects of their operations. Due to steep decline curves, IPANM members must maintain a consistent drilling schedule to maintain production levels and realize a return on their investments. If additional permitting of oil and gas wells were suspended, as Plaintiffs request, it would impact current operations and render many existing wells uneconomic.

15. As another example of the economic loss that would occur if Plaintiffs were successful, IPANM members make substantial investments in leaseholds with the federal and state government. These leasehold investments can cost as much as \$30,000 per acre. Many leaseholds are for short time periods and the value is lost if they are not developed expeditiously. To get value out of the upfront investments, IPANM members must be able to develop the leaseholds. If a moratorium is placed on OCD permits and authorizations, as requested by Plaintiffs, IPANM members would lose the investments that were already made in existing leaseholds.

IPANM Is Not Adequately Represented by the State Defendants

16. IPANM's interests are focused on supporting the oil and gas industry and helping its members succeed in the short and long term. The interests of the State Defendants are not so limited. Instead of focusing on the oil and gas industry, the State Defendants must balance the interests and goals of all citizens in the State. In other words, by design, the State Defendants must consider the interests of Plaintiffs and other entities that are intentionally working *against* the oil and gas industry. For that reason, I do not believe the State Defendants can adequately represent the narrow and specific interests of IPANM and IPANM members.

17. IPANM regularly engages in statutory and regulatory issues affecting the oil and gas industry. In my experience, IPANM and IPANM members regularly disagree with the State Defendants over the meaning of statutes and regulations, the need for statutes and regulations, the impact of oil and gas operations, the meaning of technical analyses, the authority and jurisdiction of regulatory agencies, how to properly balance policy governing the oil and gas industry, and numerous other issues. The State Defendants have repeatedly taken divergent positions that do not represent the best interests of IPANM, IPANM members, or the oil and gas industry.

18. Three recent examples are instructive:

- a. Ozone Precursor Rules: Defendant the Environmental Improvement Board ("EIB") has recently promulgated regulations purportedly intended to limit emissions of "ozone precursor pollutants." See 20.2.50 NMAC. Plaintiffs argue that the Ozone Precursor Rules adopted by the EIB are inadequate and should be more stringent. See Complaint, ¶ 215. IPANM opposes both the State and Plaintiffs' position. After the rulemaking proceeding, IPANM filed an appeal against the EIB over the Ozone Precursor Rules. See Ct. App. No. A-1-CA-40546. Thus, IPANM is involved in active litigation with the State Defendants over matters directly relevant to the Complaint.
- b. Financial Assurance: As part of the process for an oil and gas operator to obtain a permit to drill, the State requires a financial assurance bond. In 2018, over IPANM's objections, the State amended the Oil and Gas Act to increase the multiple well blanket bond cap from \$50,000 to a maximum of \$250,000.

Plaintiffs now claim that the financial assurance cap should be eliminated. *See* Complaint, ¶¶ 258-261. The negative impact on IPANM members would be significant. Unfortunately, the State Defendants seem to support a change in line with the Plaintiffs' allegations. The OCD has publicly indicated its intent to seek amendments to the Oil and Gas Act in the upcoming legislative session. Among the changes it will seek is an increase to the required financial assurance to an amount as high as \$10 million (40 times the current cap). Once again, IPANM opposes this State proposal that is directly relevant to the Plaintiffs' allegations.

- c. Setbacks: A number of environmental groups have advocated for arbitrary setbacks from production sites. Plaintiffs claim that setbacks are necessary for oil and gas operations. *See* Complaint, ¶¶ 305-308. In the changes being considered to the Oil and Gas Act, the State is supporting setbacks. In contrast, IPANM opposes setbacks as unnecessary and harmful to the industry. I provided comments on the draft legislation to EMNRD on December 15, 2023. Those comments are attached to this Declaration as Winchester Attachment 1.

These three examples are only intended to be illustrative. There are numerous recent instances where the State and IPANM have taken divergent positions on important statutory and regulatory matters impacting the oil and gas industry. Many of those divergent positions are directly applicable to the allegations brought by Plaintiffs in the current lawsuit.

19. The proposal to amend the Oil and Gas Act provides another good example of why the State Defendants cannot represent the interests of IPANM in this litigation. EMNRD provided a draft of the proposed amendments to both industry and the environmental community because EMNRD wanted to fulfill its role of balancing competing New Mexico interests. As I indicated to EMNRD, however, IPANM was concerned because the updated draft legislation accepted numerous suggestions offered by environmental groups to the detriment of IPANM and IPANM members. *See* Attachment 1 at 1. In contrast, EMNRD did not accept any proposed changes from IPANM. *Id.*

20. Another reason why the State Defendants cannot represent IPANM in this case is that OCD and NMED are responsible for regulating and overseeing IPANM members. For

example, Plaintiffs generally claim that the State's enforcement scheme is insufficient and unconstitutional. *See* Complaint, ¶¶ 240-253. Plaintiffs are therefore claiming that the State Defendants must conduct additional enforcement against IPANM members. In my experience, the oversight and enforcement role of OCD and NMED is inherently adversarial, and IPANM members have been the target of various inappropriate or unfounded enforcement actions.

21. Last, as it relates to the State being unable to represent IPANM's interests, there is an unfortunate trend in recent years in which the State Defendants have left IPANM out of discussions, information sessions and negotiations related to important oil and gas topics. It is hard to imagine that the State Defendants are able to represent IPANM's interests in this case when they have shown an unwillingness to receive IPANM's input on a number of related issues.

IPANM Offers a Unique Perspective

22. The Plaintiffs represent environmental interests; the Legislature, the OCC, and the EIB represent the entities responsible for adopting statutes and regulations; and EMNRD, OCD, and NMED represent the entities responsible for administering and overseeing the oil and gas industry. At present, however, there is no party in the lawsuit that actually represents the interests of the oil and gas industry. Therefore, allowing IPANM to intervene would provide the Court with an important and missing perspective as it considers the statutes and regulations governing the oil and gas industry.

23. One of the tasks the Court will be charged with is interpreting Article XX, Section 21 of the Constitution. Based on our interests and history, IPANM is almost certain to have a different interpretation of Article XX, Section 21 as the State Defendants and Plaintiffs.

24. Moreover, IPANM would bring to the case a unique understanding of the oil and gas industry, from those directly involved in the industry. This includes a practical understanding

of the methods and techniques involved, business considerations, the impacts, and relevant data and analysis.

IPANM's Motion to Intervene Is Timely

25. Last, I want to address the issue of the timing of IPANM's motion to intervene. IPANM has been monitoring this case for a couple of months. Specifically, the IPANM Board was aware that the State of New Mexico, Governor Lujan Grisham, NMED, Secretary Kenney, EMNRD, Secretary Cottrell Propose, the EIB, and the OCC filed a Motion to Dismiss and that the Legislature had filed a Motion for Judgment on the Pleadings. IPANM's understanding was (and remains) that if the Motion to Dismiss and Motion for Judgment on the Pleadings are granted, then the case will be dismissed. If the case is dismissed, it is highly unlikely to impact IPANM's interests.

26. Out of respect for the Court, IPANM therefore originally decided to wait to file a motion to intervene until the Court decided the Motion to Dismiss and the Motion for Judgment on the Pleadings. The rationale was that if the dispositive Motion to Dismiss and Motion for Judgment on the Pleadings were denied, IPANM would seek to intervene at that time and it would still be at the very beginning of the case.

27. IPANM's thinking changed after the New Mexico Chamber of Commerce ("NMCC") moved to intervene. IPANM decided it would be helpful to the Court to understand all of the interested entities and potential intervenors before the Court made a decision on who should be allowed to intervene. IPANM therefore decided to file its motion to intervene now. The short period after the NMCC motion was filed represents the holidays, the time for the IPANM Board to meet and vote, and the time to prepare the motion.

28. To be clear, IPANM supports the NMCC's motion to intervene. I am aware of the good work that the NMCC plays throughout the State, and I believe they have an important role to play in this case. However, IPANM and NMCC have different positions, interests, and roles. IPANM is not able to represent the broader economic interests of NMCC any more than NMCC can represent the specific oil and gas interests of IPANM and IPANM members.

FURTHER, DECLARANT SAYETH NAUGHT.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 12, 2024.

/s/ Jim Winchester

Jim Winchester



P.O. Box 6101
 Roswell, NM 88202
 (575) 622-2566

Final

December 15, 2023

New Mexico Oil Conservation Division
 Attn: Mr. Dylan Fuge
 1220 South St. Francis Drive
 Santa Fe, NM 87505
 (e-mail submittal)

RE: IPANM Comments Regarding Oil & Gas Act Discussions: *Setbacks & Freshwater.*

Dear Director Fuge,

On behalf of the 350+ members the Independent Petroleum Association of New Mexico (IPANM), comprised of independent oil & gas producers and associated industry members, I'd like to respectfully submit these comments regarding topics discussed for the past three months on proposed reforms to the Oil & Gas Act. This letter is in addition to comments filed by IPANM on November 17th on the topics of Financial Assurance, Civil Penalties, Well Transfers, Codifying Gas Capture, and Reclamation Funding.

The specific topics below include IPANM's input on setbacks and freshwater. Please consider the following comments, many of which we have already conveyed throughout this process.

Setbacks – Overview

For our setbacks comments, IPANM will break our written feedback into three parts:

Part 1: Setbacks – The Consequences of Implementing the Final Draft

Part 2: Setbacks – Concerns with the Stakeholder Process

Part 3: IPANM's Final & Reasonable Distance for Setbacks Moving Forward

Regarding Part 1: As expressed in November's comments on previous topics, IPANM's intention has been to listen and participate in the stakeholder process to point out the potential negative or unintended consequences of new rule proposals. This letter will not only make mention of those adverse consequences, but we are also providing strong visual illustrations and statistical research that further demonstrate the dramatic impact of the newly drafted regulations. (See expanded Part 1 comments below.)

Regarding Part 2: Regrettably, IPANM feels further compelled to express serious concerns regarding the **stakeholder process** pertaining to setbacks. In IPANM's view, these were the main problematic process issues:

- Each newly proposed conceptual draft unveiled throughout this three-month process consistently increased the regulatory scope and metrics of the setbacks.
- The number of regulatory suggestions offered by environmental groups that were incorporated into new drafts was disproportionate to IPANM's (& industry's) suggestions, which were almost entirely left out of new drafts. (IPANM does acknowledge minor improvements to some industry suggestions, but not IPANM's suggestions.)

- The lack of IPANM considerations that were incorporated into conceptual drafts generated a feeling of futility in the stakeholder process from the standpoint of IPANM members, as opposed to the OCD's stated goal of generating collaboration.
- See expanded Part 2 comments below.

Regarding Part 3: Specific comments related to setback distances that are reasonable and appropriate are detailed in our expanded Part 3 comments below. Simply stated, IPANM has not seen any credible evidence or justifiable reason or study presented by OCD on the need to increase setbacks ANY distance beyond those already in local ordinances.

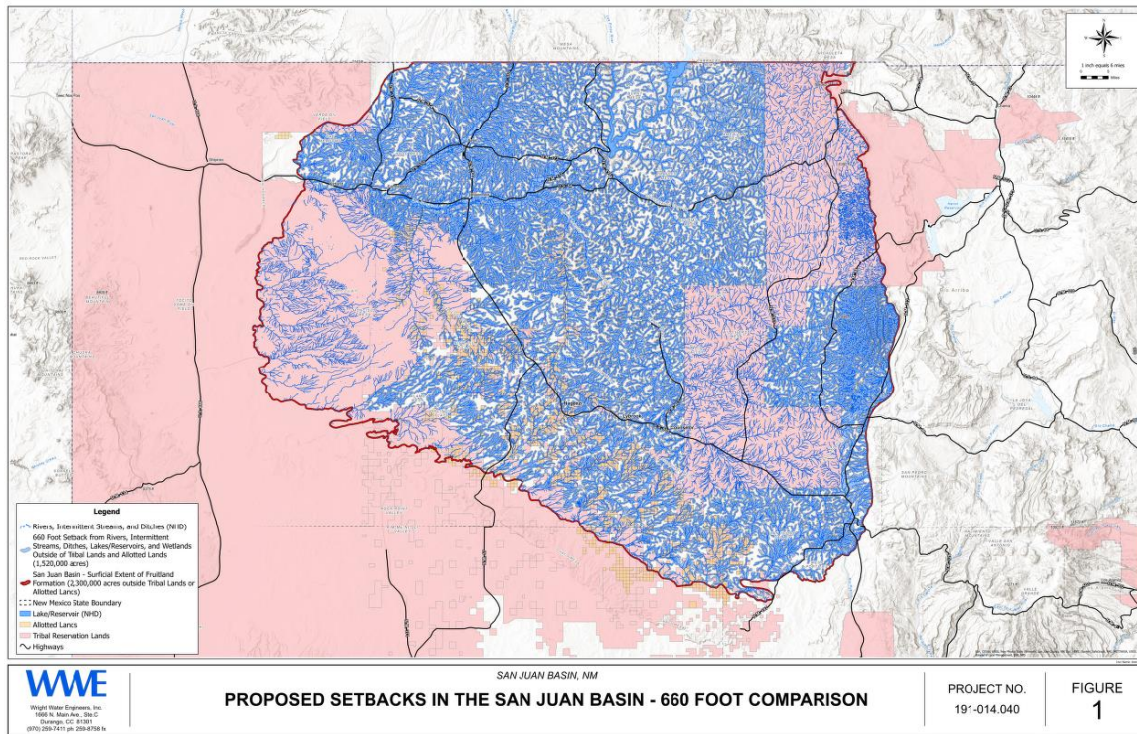
Below are IPANM's expanded comments from IPANM's perspective on each of the above parts identified above.

Setbacks – Part 1: The Consequences of Implementing the Final Draft

As mentioned, IPANM's stated goal throughout this process has been to point out the consequences that will result if the currently proposed setback distances are drafted and adopted. With the understanding that IPANM will later articulate our concerns in Parts 2 & 3 over the lack of justifiable reasons for increasing setbacks across the state, this first section will focus on the latest conceptual draft setback distances as they are currently proposed. IPANM offers the following points for serious consideration:

- **Setbacks of 2640' (1/2 Mile) from health facilities, state health institutions, correctional facilities, adult and adolescent treatment facilities, multi-family residential structures, and any public, private or charter schools have been proposed.**
 - Despite our repeated questions throughout the stakeholder process, IPANM still has yet to hear any definitive reason from OCD as to why this arbitrary and excessive distance of 2640' has been established. While we have heard environmental groups espouse particular studies, the OCD has not referenced any particular study that provides a clear, technical basis for this setback length.
 - As quickly as environmental groups point to specific studies deemed as scientific (despite mostly being funded by environmental groups), IPANM can point to [different studies](#) that come to more substantial conclusions that refute arguments that a distance as extreme as a mile or half-mile is needed as a "health bufferzone".
 - During recent commission hearings on setbacks in Colorado, multiple scientists and safety experts testified on record that there is no evidence to suggest that any setback beyond 500 feet is more protective of public health.
 - Extending the setback will increase the acreage that is off limits to new oil and gas drilling. For example, extending the setback from just 500 feet to 1,500 feet is a nine-fold increase in area and negatively impacts directional drilling.
 - 500ft setback equals an area of 785,398 sq ft.
 - 1,500ft setback equals an area of 7,068,583 sq ft.
 - 2,400ft setback equals an area of 18,095,574 sq ft – which is a development setback that is twenty-three times greater in size
 - Finally, arbitrary setback distances have been proposed absent any analysis or OCD citation of a particular study (or studies) related to associated costs for producers or economic impacts on local communities. This is an unbalanced approach to rulemaking.

- **Setbacks of 2,640' (almost a 1/2 mile) from any detached single-family permanently occupied residence, including manufactured homes, unless the homeowner provides consent in a manner provided by the division, in which case the setback in this paragraph may be reduced to one thousand (1,000) feet without prior approval from the previous version which was 1,750'.**
 - All questions and IPANM counterpoints related to the decision to arbitrarily use 2,640 feet (1/2 mile) for the previously discussed facilities setbacks (above) remain the same for this proposal to also use 2,640 feet (1/2 mile) for the homes and dwelling setbacks. These proposed setback lengths, as discussed above, are not justified. They are also more stringent than what is appropriate for public gathering spaces.
 - While IPANM appreciates the effort on the part of OCD to include a homeowner/landowner consent reduction provision to reduce it by 1,000' without going to the Commission for approval, the reduced distance of 1,640 feet still is too excessive to allow for adequate development of existing mineral rights within those proposed setback distances.
 - Neighborhoods would likely require consent on the part of multiple homeowners/landowners, which becomes more burdensome and more unlikely with multiple parties involved in a process to grant consent. This fact alone disincentivizes producers from even attempting to plan projects within setback zones despite offering consent reductions.
 - The burden on the part of operators to acquire consent permission doesn't account for the possibility of a new or different home purchaser of an already approved consent area protesting the development after it has begun. There is no deadline to provide certainty that an operator can move forward on a consented reduction that covers the risk of a landownership change whereby the new owner rejects the prior owner's consent. Thus, there are no protections in place for producers between the time of preliminary consent through drilling and production of the well.
- **Six hundred sixty (660) feet from any Continuously flowing watercourse, water of the state, lakebed, sinkhole, playa lake, seep, spring or acequia; or wetland.**
 - Upon learning of the OCD's draft considerations of 750' setbacks from waters, IPANM members hired independent consultant firm Wight Water Engineers, Inc. (WWE) to use GIS to map out the setback restrictions and analyze the land percentage impacted.
 - Figure 1 generated by WWE (inserted at the top of the next page) visually illustrates **in blue** the land that would become immediately banned from future potential development under the latest revised OCD 660' setback proposal. (Figure 1 is also available in fullpage view in Appendix A.)



- As illustrated, the setback of 660’ from water courses is extremely restrictive, especially in the San Juan Basin, and would prohibit new surface occupancy on a significantly high percentage of land.
- Table 1 provided by WVE presents the metrics on what would become newly restricted land. The figures offer numerical context to the stark visual restrictions illustrated in Figure 1.

Table 1: Area of Land Restricted from Development with 750 Foot & 660 Foot Setbacks

Total Area of San Juan Basin (acres)	Area of Tribal Lands and Allotted Lands Within the San Juan Basin (acres)	Area of San Juan Basin Outside of Tribal Lands and Allotted Lands (acres)	750 foot Setback		660 foot Setback	
			Total Area of Proposed Setback (acres)	Percent of Land Area Within Proposed Setback	Total Area of Proposed Setback (acres)	Percent of Land Area Within Proposed Setback
(8)	(9)	(10)	(11)	(12)	(13)	(14)
3,700,000	1,400,000	2,300,000	1,700,000	74%	1,520,000	66%

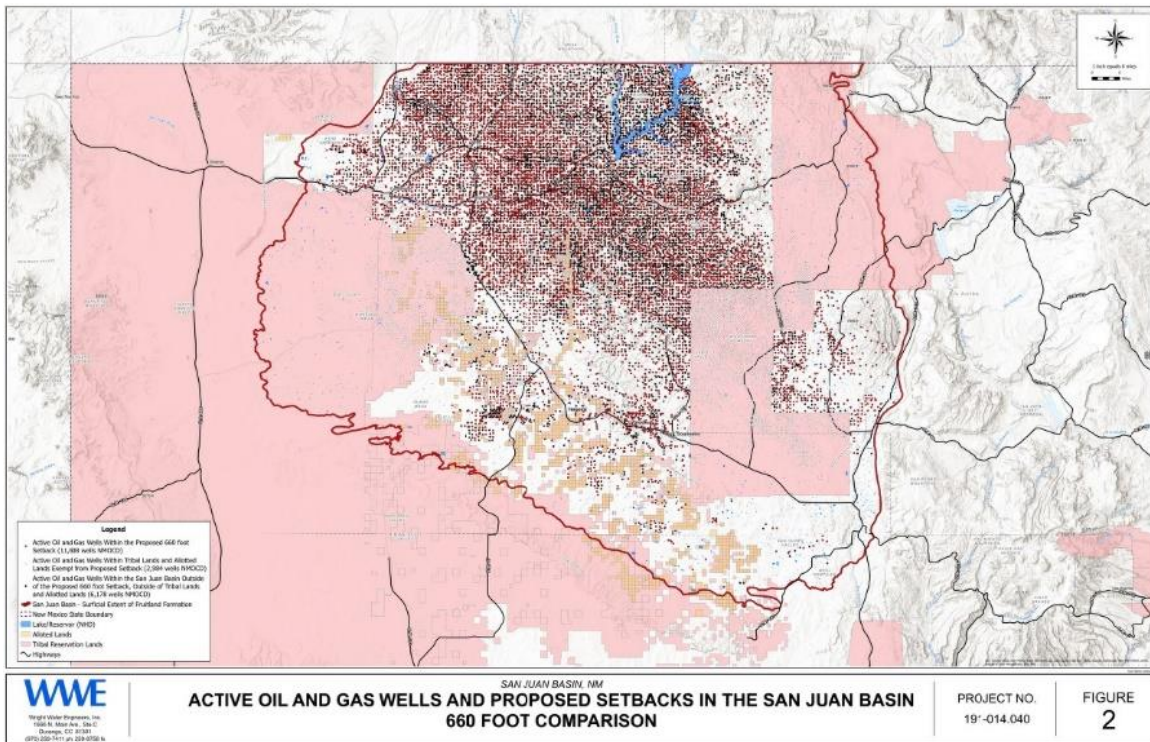
Column Notes:

- (8) Total Area of San Juan Basin based on surficial extent of the Fruitland Formation.
- (9) Area of Tribal Lands or Allotted Lands within the San Juan Basin.
- (10) Column (8) - Column (9)
- (11) Area of Land Located Within proposed 750 foot setback.
- (12) Column (11) / Column (10)
- (13) Area of Land Located Within proposed 660 foot setback.
- (14) Column (13) / Column (10)

Wright Water Engineers, Inc. 12/7/2023 Des by: TMD

- As mentioned above, the “ecological receptors” setback draft has been reworded and the setback reduced from 750’ to 660’, but, as Table 1 shows, in the San Juan Basin reduction in restricted land is still significant.
 - Under the 750’ setback proposal, WVE finds that specific new restricted surface disturbance would prohibit oil and gas development on 74% of all available acreage. However, even under the revised 660’ proposal, there would STILL be new restrictions on 66% of all available San Juan acreage.

- In real numbers, of the 3,700,000 acres available to develop right now in the San Juan Basin, the 660's setback would restrict 1,520,000 acres.
- Stating the obvious, this much of a sudden restriction would upend development in the San Juan Basin.
- The 660' proposal does include a very concerning language change to focus on live watercourses to the phrase "water of the state".
- The statutory definition of "water of the state" is found in [NM Stat § 72-1-1 \(2021\)](#): **All natural waters flowing in streams and watercourses, whether such be perennial, or torrential, within the limits of the state of New Mexico, belong to the public and are subject to appropriation for beneficial use. A watercourse is hereby defined to be any river, creek, arroyo, canyon, draw or wash, or any other channel having definite banks and bed with visible evidence of the occasional flow of water.**
- While the recent 660' proposal removed references to "dashed blue line on a USGS 7.5 minute quadrangle map or the next lower order tributary with a defined bed and bank of such watercourses" included in the 750' proposal, the inclusion of "waters of the state" has re-introduced the same problems that existed before. Virtually any drainage, ephemeral, etc, is subject to this provision. If the OCD looks to limit this **only** to live water courses, ponds, lakes, etc., the 660'setback is less problematic, albeit still to large of a setback that IPANM would consider reasonable.
- Figure 2 generated by WWE (inserted below) visually illustrates the existing producing wells **in dark red** that currently operate within the 660' setback as proposed. (Figure 2 is also available in fullpage view in Appendix B.)



- As illustrated on the previous page, the setback of 660’ impacts thousands of the existing wells in Figure 2. In addition to those existing wells, the 660’ setback ends the ability of producers to safely develop thousands of more wells that would lie within the 660’ setback.
- Table 2 provided by WWE presents the metrics on the exact number of wells within the 660’ setbacks:

Table 2: Existing Wells Within Both 750' & 660' Proposed Setbacks

Total Active Oil and Gas Wells In San Juan Basin	Active Oil and Gas Wells Located On Tribal Lands or Allotted Lands, Exempt from Setback	Active Oil and Gas Wells Outside of Tribal Lands and Allotted Lands	750 foot Setback		660 foot Setback	
			Active Wells Located In Proposed Setback	Percent Of Active Wells In Proposed Setback	Active Wells Located In Proposed Setback	Percent Of Active Wells In Proposed Setback
(1)	(2)	(3)	(4)	(5)	(6)	(7)
20,770	2,984	17,786	12,679	71%	11,608	65%

Column Notes:
 (1) Active Oil and Gas Wells Located in the San Juan Basin Per NMOCD Database.
 (2) Wells located on Tribal Lands or Allotted Lands are Exempt from Setback.
 (3) Column (1) - Column (2)
 (4) Active Oil and Gas Wells Located Within proposed 750 foot setback.
 (5) Column (4) / Column (3)
 (6) Active Oil and Gas Wells Located Within proposed 660 foot setback.
 (7) Column (6) / Column (3)

Wight Water Engineers, Inc.
12/7/2023

Des by: TMD

- As mentioned above, the “ecological receptors” setback distance was reduced from 750’ to 660’ in the latest conceptual draft, but, as Table 2 indicates, nearly two-thirds of all wells in the San Juan fall still fall within this proposed setback zone.
 - Under the 750’ setback proposal, WWE finds that 12,679 active wells of the total of 20,770 total active wells located in the San Juan Basin. That amounts to 71% of all active wells that fall within the 750’ setback.
 - Under the 660’ setback proposal, WWE finds that 11,608 active wells of the total of 20,770 total active wells located in the San Juan Basin. That still amounts to 65% of all active wells that fall within the 660’ setback.
 - What Figure 2 and Table 2 do not show is the potentially hundreds to thousands of new wells that would not be able to be developed in the San Juan Basin moving forward.
 - Likewise, Figure 2 and Table 2 do not account for the number of existing projects already in planning development phase that would suddenly be upended the moment the new 660’ setback would take effect in the San Juan Basin.
- All maps and tables have been generated by independent consultant firm Wight Water Engineers, Inc. (WWE) using hydrologic data from the USGS and wetlands information from the U.S. Fish and Wildlife Service.
- IPANM urges the OCD to perform its own GIS analysis of all proposed setbacks (not just the 660’ setback) to fully understand the major impacts these setbacks have on future development in BOTH the San Juan Basin and the New Mexico Permian Basin.
- As already mentioned, the all setback distance proposals in the latest contextual draft will essentially kill future development plans of companies that recently acquired leases with the intention to grow their businesses, including projects that IPANM members are already into the preliminary stages of analysis and planned development.
- Those new planned oil & gas development projects from existing IPANM members already amount to millions of dollars of investments thus far. Without the ability to move forward under new setback rules, IPANM members stand to lose hundreds of millions of

dollars of planned future revenue vital to the solvency of those companies, of which are both small and large producers in New Mexico.

- **Three hundred (300) feet from any other sensitive ecological or environmental receptor identified by the commission.**
 - This provision is vague and open-ended. It gives the OCD too much discretion to create new regulations under new, undefined terms that would present uncertainty and threaten all future development.

- **Measurements shall be made for the outer edge of the sensitive receptor listed above to the nearest corner of the well pad, production facility, tank battery, compressor station, or gas plant. The outer edge of the sensitive receptor shall be determined by the recorded property line boundaries unless the receptor in question is greater than fifty feet from property line boundary, in which cases the distance shall be determined from the nearest developed edge of the applicable structure in question.**
 - This is blatant, underhanded tactic used to further pushback the already overly exaggerated proposed setback boundaries. When you measure to the outer edge of the pad instead of equipment or wellheads, this will add 100' to 200' of additional buffer depending upon the dimensions of the wellpad. This is a purposeful misrepresentation of the actual setback distance from the potential emission source that is the true target point of the setback rule.
 - IPANM and industry spent considerable time and discussion on this very topic, and how using measurement from the outer edges was simply an unjustified way to further hinder oil & gas development.

- **The commission is authorized to make rules, pursuant to 70-2-12 NMSA 1978, to establish additional setbacks, to increase the setback distances established in this section, or to provide technical standards and procedures for the conduct of administrative proceedings for the processing of requests to deviate from any setback established by this section or rule, for the purposes of protecting public health and the environment.**
 - IPANM has pointed out that this provision, and others like it, are purposefully vague ways for OCD to ask the legislature to pass a statute or legislative bill first, and then OCD will determine what's in that bill at a later date. It is an open-ended invitation for this or other future administration to establish more setbacks subject to any standard, including standards based on the political whims of the administration in power.

Setbacks – Part 2: Concerns with the Stakeholder Process

- The purported purpose of a setback is to protect the public from health impacts as the direct result of proximity of wells to the public. However, IPANM believes the fundamental question of the impacts on public health remain scientifically unfounded especially as it correlates to setback distances.

- The initial August 15th Oil Conservation Division's summary page of the desired Oil & Gas Act made no mention of "ecological receptors" as a desired parameter. Furthermore, early stakeholder meetings were strictly framed as emission concerns as they pertain to public health. However, a chronological accounting of the stakeholder discussions demonstrates the massive setback

distance expansions with each subsequent conceptual draft, and the a sudden inclusion of “ecological receptor” setbacks halfway into the three-month long process.

- A month into the conversations, IPANM observed the obvious pressure applied by environmental groups on the OCD Director to consider further setback considerations beyond the originally proposed parameters.
 - At the midpoint of the stakeholder process, OCD introduced an initial draft where upon setbacks of 750 feet from the so-called “ecological receptors”, which remains an undefined term.
 - This draft was proposed by OCD without discussion or input from industry on the consequences to New Mexico production, existing wells, and future plans already years into development in both the New Mexico San Juan and Permian Basins.
 - Additional industry concerns raised after the 750 foot setbacks appeared in the drafts were noted, but the OCD used the 750’ standard as the new baseline without scientific justification. While potentially viewed as a concession, IPANM still is not satisfied on the lack any explanation as to why a public health emissions setback unduly and unjustifiably morphed into the major regulatory “ecological receptor” expansion. The lack of any scientific explanation can be viewed as yet another tactic to simply limit oil & gas development for political purposes.
 - To put it simply and succinctly: the regulatory goalposts were suddenly and inexplicably moved. IPANM finds this unacceptable, regardless of the 750’ proposal and the later 660’ proposal. IPANM will later use comparison maps and tables to demonstrate this minor distance reduction does little to change the dramatic negative impacts on the ability of industry to develop new oil & gas wells in the future.
 - The inexplicable, increasing regulatory parameters and distances, sadly, matches the pattern of “moving the regulatory goalposts” in many of the other topics under consideration in this potential legislation (See IPANM’s November 17th Comments). IPANM members already had questions about the credibility of stakeholder process’ under this administration given similar “moving the goalpost” experiences during the methane rule stakeholder meetings.
- Given the OCD’s inability to produce justifiable reasons for repeated increases of setback scope and distance parameters, IPANM members are left to conclude that these regulatory decisions were made behind closed doors and the reason for the setback increases were political and are based in desire to kill oil & gas development for independent producers.
 - Without justifiable scientific reasons for incremental setback increases in draft proposals, IPANM struggles to find another reason for setback regulatory expansion, especially considering existing regulatory authorities already exist. Consider the following:
 - Existing New Mexico Oil & Gas Act regulations already provides strict regulatory protections of lands that fall into this newly classified category of “ecological receptors”.
 - The existing New Mexico Oil & Gas Act has a robust spill rule which the department is aggressively enforcing under recently-adopted expansive authorities that ensure reporting, clean-up, and restoration.
 - The OCD is aggressively issuing civil penalties to hold operators more accountable for incidents of protection violations.

- Beyond the existing powers granted to the OCD, there are dozens of other regulatory protections that both the state and federal government have jurisdiction in numerous departments for natural resource protection.
 - Multiple state and federal agencies have regulatory authority over environmental protection of water and waterways.
 - The Bureau of Land Management also oversees numerous exclusion zones under protection from development for safe habitat development and protection of species.
 - Finally, industry voluntarily enrolls in robust Candidate Conservation Agreements (CCA's) and CCA's with Assurances (CCAA's).
- Furthermore, setbacks around live waterways or “waters of the state” do not offer any further protection for state lands that might otherwise be safely developed by responsible oil & gas producers for mutual economic benefits to local communities, tribes, and the state.
 - From the beginning, industry expressed discomfort with initial proposals calling for 1500-foot setbacks from hospitals, schools, and related public facilities. When industry repeatedly presented substantive arguments against proposed distance, each subsequent stakeholder session inexplicably led to further setback increases without explanation.
 - The incremental setback increases discussed, presented, and drafted with each new stakeholder meeting set in motion a progression upped the level of regulatory excessiveness. The chronology of increased regulatory actions demonstrates a repeated theme that occurred during previous stakeholder engagements: The administration continuing the move the regulatory goalposts when crafting new environmental rules.
 - In conclusion, the problematic patterns of the stakeholder process that became apparent to IPANM throughout this process has sadly reinforced a justified distrust on the part of IPANM in the sincerity of the OCD wanting to find collaboration. As IPANM reported back updates to members on the progression of stakeholder meetings, a frequent and repeated question posed to IPANM's representatives was, “How much further will the OCD and the environmental groups expand the regulatory parameters in the next meeting?” Sadly, each subsequent meeting proved that question as justified, as demonstrated in the points articulated in this section. Therefore, any suggestion by OCD or environmental groups that the outcome of drafts was collaborative will not only be vocally refuted by IPANM, but also be declared an overall exercise in futility on the part of our participants. We will give credit to the OCD to account for very minor considerations that did fractually dial back the excessive regulatory suggestions, proposals, and drafts. But, those considerations were given after the baseline parameters had already moved into unreasonable parameters. Thus, the examples discussed in this letter point to an inherent bias against industry and industry's right to safely and responsibly develop oil & gas resources in New Mexico. IPANM respectfully asks for further consideration of the above points.

Part 3: IPANM's Final & Reasonable Distance for Setbacks Moving Forward

- While OCD and environmental groups have been working off an assumption that increased setback distances are warranted for wells and facilities across the state, IPANM has remained clear and consistent in our position that already existing local ordinances for adequate setbacks

have already been established through thorough public input processes and require no further adjustments.

- IPANM points out that there is a plethora of environmental regulations that already exist for oil and gas operations on state, federal, and tribal lands. The OCD needs to defer to existing regulatory requirements that are being administered by other agencies, both from state and federal agencies.
- IPANM strongly believes the issue of setbacks is best and most appropriately handled by local counties and municipalities. Please see below for the current local setback ordinance already on record. (*Setbacks for Dwellings in Parenthesis*)
 - [New Mexico County & Municipal Law Pertaining to Oil & Gas Surface Operations](#)
 - [City of Farmington Municipal Setbacks](#) (200 to 300 Feet)
 - [City of Aztec Municipal Setbacks & General Provisions](#) (400 Feet)
 - [City of Carlsbad Municipal Setbacks](#) (500 Feet)
 - [City of Hobbs City Code on Production Wells](#) (300 Feet)
 - [Eddy County Oil and Natural Gas Well Setback Provisions](#) (300 Feet)
 - [Rio Arriba County Setback Provisions](#) (650 Feet)
- Environmental groups contend that established ordinances did not include thorough public input or review. To the contrary, Farmington’s municipal ordinance on setbacks was intensive and included significant public input and hearings throughout the process of which IPANM members companies were heavily involved. Furthermore, IPANM believes local ordinances serve to protect the unique needs of individual communities instead of what is dictated as policy from people who do not live and work in those communities.

Setbacks – Overall Conclusions

- Regardless of environmental groups, political groups, and media reporting, oil and natural gas is needed for the foreseeable future, and it’s being developed in New Mexico cleaner and better than anywhere else. It’s better to do it right and to do it right here, where we can ensure the already high level of safety and environmental protections that exist in the state. Further regulations continue to put IPANM producers at a disadvantage relative the rest of the country and world.
- New Mexico’s industry has been the biggest economic driver of the state and now funds over half of the state budget in addition to employing over 134,000 people within the state. Adopting these overly restrictive setbacks would be a crippling blow not just to IPANM producers, but to the overall wellbeing of its residents, the stability of the overall state economy, and is needed to power all other sectors in the decades ahead.

Freshwater

IPANM has several concerns regarding the evolving parameters related to freshwater limitations that have emerged from stakeholder discussions.

IPANM's biggest concern is the uncertainty surrounding water usage due to the absence of clearly defined regulations expected in the potential final draft:

- The rules proposed would set a troublesome precedent, giving untethered discretion to the Director and the Oil Conservation Commission regarding whether freshwater use necessary for the safe and environmentally protective practices and future development will be allowed in the future.
- For the San Juan Basin in particular, the freshwater mandates and acceleration of application of these mandates to 2030 (versus 2035 in prior drafts) fails to distinguish between the massive water production (and, consequently, potential use of recycled water) in Southeast New Mexico and leaves little room for certainty, regarding the potential for future development in Northwest New Mexico, as it would allow for the rules to be formulated in the future that would immediately disrupt the water sources used for existing and future planned operations. IPANM notes that (i) there are no assurances given that the rules impacting lands north of Township 10 North formulated beginning January 1, 2030, would be limited to those already defined for lands south of Township 10 North and (ii) the volume of produced water in the San Juan Basin would be inadequate to support reasonable development, so the San Juan Basin is placed in a much more vulnerable position than the Delaware/Permian Basin.
- Given the sensitivities around water in New Mexico, IPANM believes the legislature will demand more clarification in drafts to allow for their own legislative analysis and fiscal impacts.
- While IPANM producers are generally in favor of minimizing freshwater usage across all operations, they acknowledge the necessity for flexibility in cases where specific conditions or limitations prevent adherence to the proposed regulations. Having a provision for exceptions is crucial, especially when considering scenarios where necessary water infrastructure is unavailable, geographical constraints limit access to water, technical infeasibility exists, or unexpected circumstances arise.

IPANM also have concerns with the following language regarding the future of Northwest freshwater limitations:

Effective January 1, 2030 the commission may establish by rule additional requirements for the use of produced water, recycled produced water, treated produced water, or non-produced water that contains greater than 3,000 milligrams per liter total dissolved solids for uses north of the Township 10 North line.

- During the stakeholder meetings, the group outlined why the San Juan Basin should be excluded from the same regulations as the Southeast due to obvious differences in the two areas. The OCD proposed a January 1, 2035 rulemaking process and then later changed it to January 1, 2030. IPANM does not believe industry had the chance to weigh in on this arbitrary date change from January 1, 2030. At a minimum, the January 1, 2030 rulemaking authority should be limited to apply rules beginning on the originally-discussed January 1, 2035 date (providing an appropriate buffer for implementation of the currently-undefined rules).

Given the lack of any parameters on the Northwest, and lack of guidelines for and limitations on the commission's proposed rulemaking authority, there is nothing to stop the commission from simply adopting the same rules verbatim that will be established in the Southeast or even establishing rules that are much more stringent than those established for the Southeast. No assurance is given that the January 1, 2030 rulemaking process will give any consideration to the significant geographical constraints, geologic differences, the comparatively minor (compared to Southeast production) volumes of produced water available or infrastructure necessary to collect and distribute that produced water for use in operations, or the significant environmental impairment considerations that would appropriately be given to increased trucking of produced water that would almost certainly become necessary in the event the rules currently proposed for the Southeast wells (or a more restrictive suite of rules, as discussed above) are implemented for the Northwest wells. Nor are these differences expected to change by 2030 or 2035.

Next, IPANM has concerns around disagreeing with the presumed consensus regarding restrictions on higher-quality water usage. While most IPANM members feedback indicates that non-produced waters that contain 3,000 parts per million of total dissolved solids (ppm TDS) is workable, IPANM prefers a 1,000 parts per million threshold, which is adequate to protect the higher quality freshwater in the state, while allowing better access to water that is actually available around a well sites.

Finally, IPANM insists on the necessity of a comprehensive exemption process authorizable through an administrative rule that must be in place as opposed to requiring the petitioning for a hearing on a case-by-case basis.

- This will allow for certainty with established parameters that will not delay projects, as well as make clear what water quality that may be used in each specific basin.
- IPANM operations have substantial concerns that exemptions being handled through a hearing process will unnecessarily delay the already-backlogged OCD and OCC suite of hearings. Further, given the tone of stakeholder discussions, waivers would potentially be contested at every level and the ability to obtain a final waiver would be extremely costly and lengthy even where the exemption is based upon a reasonable request and is ultimately found to be meritorious.

Freshwater – Overall Conclusion

The data provided by the OCD during the stakeholder process shows the volume of water used in the San Juan Basin is less than 0.1% of the total water used in the New Mexico Delaware/Permian Basin. This nearly complete difference in the volume of used water has not been adequately accounted for in the present proposals for freshwater restrictions, given the acceleration of the "rulemaking date" from 2035 back to 2030 and the lack of guidelines for and limitations to the commission's rulemaking authority for regulating freshwater use in the San Juan Basin beginning January 1, 2030 (without legislative action). While it may be argued that the lack of definitive guidelines for the San Juan Basin today is preferential to the defined suite of regulations applicable to the Permian/Delaware Basin (beginning January 1, 2030), the complete lack of transparency regarding the rules that may be created and applied to the San Juan Basin beginning January 1, 2030 (the same date defined regulations begin to apply to the Permian/Delaware Basin) combined with the unavailability of the produced water that would be necessary to comply with the defined suite of regulations applicable to the Permian/Delaware Basin creates an untenably risky situation for San Juan Basin producers – one that is even more risky than the currently-defined suite of proposed regulations applicable to the Permian/Delaware Basin.

Final Summary

In summary, IPANM urges the department to hold off on all proposed reforms to the New Mexico Oil & Gas Act until further progress can be made to fully consider the impacts to not only industry, but all New Mexicans. IPANM is sincerely grateful for the invitation to participate in these discussions, and have provided input with the hope there would be at least some opportunities to find common ground. Unfortunately, there has been little, if any, common ground found in this process. While IPANM appreciated the attempt at a collaborative process, the end results were not collaborative.

However, we respect the authority of the Oil Conservation Division as regulator, regardless of policy differences. While we may strongly disagree with the results in these proposals, IPANM's operators will always continue to strive for regulatory compliance. If such proposals are written into law, or developed through future administrative rulemaking hearings, we do hope such regulations will be executed with careful consideration of the circumstances independent operators will need to safely and efficiently produce oil & gas in New Mexico.

Highest Regards,



Jim Winchester
Executive Director
Independent Petroleum Association of New Mexico

Attachments:

- Appendix A (Separate Document)
- Appendix B (Separate Document)

The Independent Petroleum Association of New Mexico (IPANM) is a non-profit 501c(6) that serves as the voice of the independent oil and gas producers in New Mexico, and advances and preserves the interests of independents to safely and responsibly produce oil and gas while educating the public to the importance of these natural resources to the state and all our lives.

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

**MARIO ATENCIO, PAUL and MARY ANN
ATENCIO, DANIEL TSO, SAMUEL SAGE,
CHEYENNE ATENCIO, KENDRA PINTO,
JULIA BERNAL, JONATHAN ALONZO,
PASTOR DAVID ROGERS, YOUTH UNITED
FOR CLIMATE CRISIS ACTION, PUEBLO
ACTION ALLIANCE, INDIGENOUS
LIFEWAYS, THE CENTER FOR
BIOLOGICAL DIVERSITY, and
WILDEARTH GUARDIANS,**

Plaintiffs,

v.

No. D-101-CV-2023-01038

**STATE OF NEW MEXICO, NEW MEXICO
LEGISLATURE, GOVERNOR MICHELLE
JUAN GRISHAM, NEW MEXICO
ENVIRONMENT DEPARTMENT,
SECRETARY JAMES KENNEY, in his official
capacity, ENERGY NMINERALS AND
NATURAL RESOURCES DEPARTMENT,
SECRETARY SARAH COTTRELL PROPST,
in her official capacity, ENVIRONMENTAL
IMPROVEMENT BOARD, and OIL
CONSERVATION COMMISSION**

Defendants,

and

**INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO,**

Proposed Intervenor-Defendant.

**DECLARATION OF KYLE ARMSTRONG IN SUPPORT OF
INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO'S
MOTION TO INTERVENE**

I Kyle Armstrong, pursuant to Rule 1-011 NMRA, state as follows:

1. I affirm in writing under penalty of perjury under the laws of the State of New Mexico that the following statements are true and correct.

2. I am over 18 years of age and have personal knowledge of the facts stated herein.

3. I hold a bachelor's degree from Georgetown University and a JD from the University of Pennsylvania School of Law.

4. I have worked in the oil and gas industry for approximately eight years. I previously served on Governor Lujan Grisham's Energy, Minerals and Natural Resources Team, on the New Mexico State Land Office Oil & Gas Advisory Committee, and am a past president of the Independent Petroleum Association of New Mexico ("IPANM").

5. I am currently employed by Armstrong Energy Corporation ("AEC") as President and Chief Executive Officer ("CEO"). As President and CEO, I am responsible for all of AEC's oil and gas operations in New Mexico and elsewhere.

6. AEC is a small independent oil and gas exploration and production company that was incorporated in New Mexico on December 27, 1976. Since it was established, AEC has participated in over 600 wells across several states. AEC currently operates approximately 77 producing wells in New Mexico in Chaves, Eddy, Lea, and Roosevelt Counties, as well as several injection wells. It also owns non-operated interests in more than 400 properties and holds more than 80,000 acres of leasehold interests.

7. AEC is a member of IPANM.

8. As an operator, AEC is subject to the statutes and regulations that govern oil and gas development in New Mexico. As it relates to the *Atencio v. New Mexico* lawsuit, AEC is

directly regulated and governed by the statutes and regulations that the Plaintiffs claim are unconstitutional.

9. I understand that the Plaintiffs in this case are asking the Court to declare that the statutory, regulatory, and enforcement scheme that applies to AEC violates the New Mexico Constitution. *See* Complaint to Enforce Constitutional Rights at 104-105, Prayer for Relief ¶¶ 1-5. I also understand that the Plaintiffs have requested that the Court enjoin the State Defendants to establish a new statutory, regulatory, and enforcement scheme under the Court's direction. *See id.* at 106, Prayer for Relief ¶¶ 7-8.

10. AEC is authorized to operate under the existing statutes and regulations governing oil and gas operations, and it makes every effort to comply with the existing statutory and regulatory regime. If Plaintiffs were successful in the relief that they seek, it would be highly disruptive to AEC's operations and would directly and substantially impact AEC's business. At the very least, it would substantially devalue AEC's assets and increase operating costs to the point that AEC might not be able to continue its operations. Based on my understanding of the oil and gas industry, if the existing statutory and regulatory regime were declared unconstitutional and replaced, it would have a major impact across the industry.

11. I am familiar with relevant regulations in other states. Oil and gas operations in New Mexico are already subject to regulations on par with or more stringent than many other states. Increasing the regulatory burden as requested by Plaintiffs in this case would disproportionately impact independent operators who have more limited resources.

12. I understand that another form of relief sought by the Plaintiffs in this case is to suspend additional permitting of oil and gas wells. *See* Complaint to Enforce Constitutional Rights at 104-105, Prayer for Relief ¶ 6. In New Mexico, drilling a new well and most recompletions in

an existing well require a permit. A moratorium on issuing permits would effectively prevent new and continued development while the Court oversees the adoption of new, more stringent statutes and regulations. Independent operators do not have the money to move operations to other states and will suffer severe economic damage if a moratorium is imposed.

13. For example, AEC's wells, like most oil and gas wells, face steep decline curves. This means that AEC must maintain a consistent drilling and recompletion program to maintain production levels. As production in wells declines, AEC must obtain authorization to recomplete its wells on an ongoing and regular basis. Permission to recomplete a well requires a new permit from the Oil Conservation Division ("OCD") of the Energy, Minerals and Natural Resources Department. If Plaintiffs were successful in the present lawsuit, it would prevent AEC from obtaining permits, substantially impair AEC's current operations, and render many existing wells uneconomic, leading to premature plugging of such wells and waste.

14. If Plaintiffs were successful in suspending permitting on oil and gas wells, it would also substantially devalue AEC's existing assets. This is true because AEC participates in a number of horizontal well projects. If permitting were suspended, it would call into question the ability of AEC or another company to develop horizontally. For existing leaseholds, that would diminish the value of those leaseholds to AEC's detriment.

15. One last example of the potential far-reaching impact of Plaintiffs' lawsuit on AEC and other IPANM members is Plaintiffs' request regarding produced water. Produced water is water that is produced as a byproduct during the extraction of oil and natural gas. Plaintiffs ask this Court to enjoin the State to treat produced water as hazardous and radioactive waste. *See* Complaint to Enforce Constitutional Rights at 104-105, Prayer for Relief ¶ 9.

16. AEC produces up to 3,400 barrels of produced water a day. As an illustration, in 2022, AEC produced 609,338 barrels of produced water. That translates to approximately 25.6 million gallons of produced water that year. The bulk of AEC's water is disposed in three permitted saltwater disposal wells under existing regulations. The existing regulations do not treat produced water as hazardous or radioactive waste. Such hazardous waste is subject to substantial additional permitting and other requirements. If the Plaintiffs were successful, it would place substantial additional regulatory burdens on AEC, and would render many wells immediately uneconomical. Based on my current understanding, these burdens would be insurmountable for AEC and many other IPANM members.

17. The interests of AEC are often different from the interests of the State of New Mexico. Indeed, as an oil and gas exploration and production company, AEC is directly regulated by several State agencies, including OCD, the New Mexico Environment Department ("NMED") and the other Defendants in this lawsuit. While I respect OCD, NMED, and the other Defendants, our interests are frequently divergent.

18. For example, the Oil Conservation Commission ("OCC") recently adopted rules governing venting and flaring. While AEC supports some regulation of venting and flaring, the new rules are "one size fits all" and do not take into account the location, type, or history of wells. As a result, these new venting and flaring rules impose difficult problems on AEC.

19. In fact, AEC is currently involved in an ongoing dispute with OCD, among others, over a state lease that AEC briefly operated almost 40 years ago. The State and AEC have different interests in that dispute, just as they do in the present case.

20. In short, AEC's interest in *Atencio v. State* is different than the State Defendants and other members of the general public. I do not believe that AEC will be adequately represented

without IPANM's intervention. The Plaintiffs request relief which will directly and negatively impact operations and profitability of independent operators statewide by delaying, preventing or rendering future operations in New Mexico uneconomical.

FURTHER, DECLARANT SAYETH NAUGHT.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 12, 2024.

/s/ Kyle Armstrong

Kyle Armstrong

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

**MARIO ATENCIO, PAUL and MARY ANN
ATENCIO, DANIEL TSO, SAMUEL SAGE,
CHEYENNE ATENCIO, KENDRA PINTO,
JULIA BERNAL, JONATHAN ALONZO,
PASTOR DAVID ROGERS, YOUTH UNITED
FOR CLIMATE CRISIS ACTION, PUEBLO
ACTION ALLIANCE, INDIGENOUS
LIFEWAYS, THE CENTER FOR
BIOLOGICAL DIVERSITY, and
WILDEARTH GUARDIANS,**

Plaintiffs,

v.

No. D-101-CV-2023-01038

**STATE OF NEW MEXICO, NEW MEXICO
LEGISLATURE, GOVERNOR MICHELLE
LUJAN GRISHAM, NEW MEXICO
ENVIRONMENT DEPARTMENT,
SECRETARY JAMES KENNEY, in his official
capacity, ENERGY NMINERALS AND
NATURAL RESOURCES DEPARTMENT,
SECRETARY SARAH COTTRELL PROPST,
in her official capacity, ENVIRONMENTAL
IMPROVEMENT BOARD, and OIL
CONSERVATION COMMISSION**

Defendants,

and

**INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO,**

Proposed Intervenor-Defendant.

**DECLARATION OF EMMONS YATES IN SUPPORT OF
INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO'S
MOTION TO INTERVENE**

I Emmons Yates, pursuant to Rule 1-011 NMRA, state as follows:

1. I affirm in writing under penalty of perjury under the laws of the State of New Mexico that the following statements are true and correct.

2. I am over 18 years of age and have personal knowledge of the facts stated herein.

3. I hold a bachelor's degree from Boston University.

4. I have worked in the oil and gas industry for approximately 14 years.

5. I am currently employed by Jalapeno Corporation as Vice President. As Vice President I am responsible for Jalapeno's oil and gas operations in New Mexico and elsewhere.

6. Jalapeno is an independent oil and gas exploration and production company that was incorporated in New Mexico in 1993.

7. Jalapeno is a member of IPANM.

8. Jalapeno is subject to the statutes and regulations that Plaintiffs claim are unconstitutional. As a general matter, if the Plaintiffs were successful and the statutes and regulations governing oil and gas operations in New Mexico were deemed unlawful, it would significantly disrupt Jalapeno's operations and cause substantial economic harm to Jalapeno.

9. I understand that the Plaintiffs have requested that the Court oversee the adoption of replacement statutes and regulations. If that were to occur, Jalapeno would be subject to the new laws. As I understand the Complaint, the new laws that Plaintiffs claim must be adopted would impose numerous novel obligations on Jalapeno and other oil and gas companies. The replacement statutes and regulations that Plaintiffs allege should be adopted would place substantial burdens on Jalapeno that are unnecessary and unauthorized.

10. Based on my experience in other states, New Mexico is already a challenging regulatory environment for oil and gas operations. Recent rules adopted by the Oil Conservation

Commission (“OCC”) have caused Jalapeno to transfer some of our resources to Texas. Additional changes would likely have a similar effect.

11. Nonetheless, Jalapeno continues to operate in New Mexico. We hold interests in the southeast, northwest and in Valencia County. These interests represent significant financial investments. But those investments would be lost or considerably diminished if the Court grants the relief requested by Plaintiffs.

12. A large part of our current business model is to investigate new areas for oil and gas production. Jalapeno conducts research and drills wells to prove that certain areas will be productive. Rather than develop the wells and operate the leases ourselves, however, Jalapeno sells its interests in the area and moves on to discover and develop the next project.

13. As part of that business model, Jalapeno makes a significant upfront investment. If the relief requested by Plaintiff, including the permitting moratorium, were imposed by the Court, that upfront investment would be lost.

14. Plaintiffs ask the Court to enjoin the State Defendants to establish a new financial assurance system and remediation system. Under the current system, there is a bonding cap of \$250,000 for an oil and gas company like Jalapeno. As I understand it, Plaintiffs would require increased financial assurance and would remove the bonding cap. Such a plan, if adopted by the Court, would tie up significant resources in bonds or other financial assurance mechanisms. As a smaller company, Jalapeno would struggle with the resources or capital that Plaintiffs’ system would require. As a result, Plaintiffs’ system would cause Jalapeno to reduce activity in New Mexico.

15. The State Defendants include the entities responsible for overseeing and regulating Jalapeno and other oil and gas companies. In my experience, it is typical for Jalapeno to disagree

with the Oil Conservation Division of the Energy, Minerals and Natural Resources Department, New Mexico Environment Department and other agencies on the adoption, meaning, and application of statutes and regulations. Similarly, Jalapeno frequently disagrees with the statutes and regulations adopted or supported by the Legislature, the Environmental Improvement Board, and the OCC. For that reason, I do not believe that the State Defendants can represent the interests of Jalapeno or the oil and gas industry in this case.

FURTHER, DECLARANT SAYETH NAUGHT.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 12, 2024.

/s/ Emmons Yates

Emmons Yates

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

**MARIO ATENCIO, PAUL and MARY ANN
ATENCIO, DANIEL TSO, SAMUEL SAGE,
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FOR CLIMATE CRISIS ACTION, PUEBLO
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Plaintiffs,

v.

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NATURAL RESOURCES DEPARTMENT,
SECRETARY SARAH COTTRELL PROPST,
in her official capacity, ENVIRONMENTAL
IMPROVEMENT BOARD, and OIL
CONSERVATION COMMISSION**

Defendants,

and

**INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO,**

Proposed Intervenor-Defendant.

**DECLARATION OF JEROME P. MCHUGH, JR. IN SUPPORT OF
INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO'S
MOTION TO INTERVENE**

I, Jerome P. McHugh, Jr., pursuant to Rule 1-011 NMRA, state as follows:

1. I affirm in writing under penalty of perjury under the laws of the State of New Mexico that the following statements are true and correct.

2. I am over 18 years of age and have personal knowledge of the facts stated herein.

3. I hold a bachelor's degree from Colorado College in economics.

4. I have worked in the oil and gas industry in the San Juan Basin of New Mexico for approximately 45 years.

5. I am the President and owner of San Juan Resources, Inc. ("SJR"). I am responsible for all of SJR's oil and gas operations, including exploration and leasing, project formation, drilling and completing, and production of new gas and oil reserves.

6. SJR is a member of IPANM, where I previously served as a board member.

7. SJR is a small independent oil and gas exploration and production company that was founded in 1990. Since it was established, SJR has participated either as operated or non-operated in over 115 wells in New Mexico. SJR currently operates approximately 40 producing wells in New Mexico in San Juan, Rio Arriba, and Sandoval Counties. SJR has fee and federal leasehold interests in approximately 45,000 acres in the San Juan Basin. SJR has two Mancos Shale drilling projects, one in the oil window (25,000 acres) and the other in the Carson National Forest (7,000 acres). Recently, SJR has been working through the Federal regulatory processes to get these projects ready-to-drill and has seven federal permits pending. Once the federal permits are approved, they will be submitted to OCD for final approval.

8. Like all companies in the oil and gas industry, SJR must comply with the statutes and regulations governing oil and gas development in New Mexico. SJR is directly regulated and

governed by the statutes and regulations that the Plaintiffs claim are unconstitutional in this lawsuit.

9. I understand that the Plaintiffs in this case are asking the Court to declare that the statutory, regulatory, and enforcement scheme that applies to SJR violates the New Mexico Constitution and to require the State to implement a new regulatory system.

10. SJR is authorized to operate under the existing statutes and regulations governing oil and gas operations, and it makes every effort to comply with the existing statutory and regulatory regime. SJR would be significantly and substantially impacted, if Plaintiffs were successful in the relief that they seek. The resulting economic costs to SJR could destroy its economic viability.

11. I understand that the Plaintiffs also ask that additional permitting of oil and gas wells be suspended. If permitting for oil and gas is suspended, it would be devastating for SJR as it has no projects in any other state. The resources expended in the current new projects would be in limbo and the related assets would be devalued at best and possibly lost due to expired leases. Stated simply, SJR's investments in its current projects would be substantially at risk.

12. Plaintiffs also want the State to impose new financial assurance requirements for wells and other facilities, with no maximum cap. Currently, many bonding companies are requiring cash deposits that are unavailable for any other purpose. Increasing the financial assurance requirements without a maximum cap will force small operators out of business.

13. SJR's interests are different from the interests of the State of New Mexico. The State enforces the requirements on the oil and gas industry, and disputes can arise. For example, SJR was recently fined by OCD for a casing leak discovered in a well test, which had previously been undetected.

14. Imposing more stringent regulations affects the economic viability of SJR's wells, and SJR itself, because it lacks the financial resources to engage the environmental consultants that are necessary to comply with more stringent regulations without consideration of the location, type, and history of a well.

/s/ Jerome P. McHugh, Jr.
Jerome P. McHugh, Jr.

January 11, 2024
Date

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

**MARIO ATENCIO, PAUL and MARY ANN
ATENCIO, DANIEL TSO, SAMUEL SAGE,
CHEYENNE ATENCIO, KENDRA PINTO,
JULIA BERNAL, JONATHAN ALONZO,
PASTOR DAVID ROGERS, YOUTH UNITED
FOR CLIMATE CRISIS ACTION, PUEBLO
ACTION ALLIANCE, INDIGENOUS
LIFEWAYS, THE CENTER FOR
BIOLOGICAL DIVERSITY, and
WILDEARTH GUARDIANS,**

Plaintiffs,

v.

No. D-101-CV-2023-01038

**STATE OF NEW MEXICO, NEW MEXICO
LEGISLATURE, GOVERNOR MICHELLE
LUJAN GRISHAM, NEW MEXICO
ENVIRONMENT DEPARTMENT,
SECRETARY JAMES KENNEY, in his official
capacity, ENERGY NMINERALS AND
NATURAL RESOURCES DEPARTMENT,
SECRETARY SARAH COTTRELL PROPST,
in her official capacity, ENVIRONMENTAL
IMPROVEMENT BOARD, and OIL
CONSERVATION COMMISSION**

Defendants,

and

**INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO,**

Proposed Intervenor-Defendant.

**DECLARATION OF RORY MCMINN IN SUPPORT OF
INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO'S
MOTION TO INTERVENE**

I, Rory McMinn, pursuant to Rule 1-011 NMRA, hereby state as follows:

1. I am over the age of 18, and have the capacity to execute this affirmation, which is based on my personal knowledge.
2. I am the Manager-President and one of three owners of Quatro Osos E&P, LLC (“Quatro”), which is a member of the Independent Petroleum Association of New Mexico.
3. I am also a VP-Operations of EOR Operating Company (“EOR”).
4. Quatro and EOR are authorized by the Oil Conservation Division to operate wells in New Mexico.
5. Prior to working in oil and gas business through Quatro and EOR, I worked in the oil and gas industry in New Mexico for other companies for approximately 35 years.
6. Quatro has been operating in New Mexico for approximately 6-7 years. It operates approximately 60 wells and 9 facilities in Chavez Company. The wells produce minerals underlying approximately 2300 acres in 3 different parcels.
7. Approximately 50 wells operated by Quatro are located on state lands and produce state minerals. Approximately 10 wells are located on fee lands located and produce fee minerals.
8. Quatro pays between \$6,500 and \$10,000 per month in royalties to owners of mineral interests, including the State Land Office and fee owners.
9. Quatro disposes of its produced water by truck and by pipeline to saltwater disposal wells.
10. Up to two months ago, I personally did the pumping for the Quatro wells. My wife and I pay the bills, do the accounting, and perform the office administrative tasks associated with Quatro’s business.

11. EOR has been operating in New Mexico since approximately 2007. The current owners acquired the stock in EOR in August 2023.

12. EOR currently operates approximately 37 wells on approximately 8,400 acres in New Mexico. These wells are within the Milnesand San Andres Unit in Roosevelt County, which is located on fee land and produces federal minerals under an approved waterflood injection project. EOR reinjects its produced water into the waterflood injection system to enhance oil production in the Milnesand San Andres Unit.

13. EOR pays between \$3,500 and \$5,500 in royalties to owners of mineral interests, including the federal government.

14. The members and owners of Quatro and EOR personally finance Quatro and EOR's operations.

15. Recently, EOR invested approximately \$100,000 to repair the waterflood injection system that it operates in the Milnesand San Andres Unit.

16. As operators, Quatro and EOR are subject to the statutes and regulations that govern oil and gas development in New Mexico. As it relates to the *Atencio v. New Mexico* lawsuit, Quatro and EOR are directly regulated and governed by the statutes and regulations that Plaintiffs claim are unconstitutional.

17. Quatro and EOR is authorized to operate under the existing statutes and regulations governing oil and gas operations, and it makes every effort to comply with the existing statutory and regulatory regime. EOR and Quatro operate wells that were drilled decades ago and operated by other companies under historic regulations in effect at that time. If Plaintiffs were successful in the relief that they seek, the operations of both companies would be significantly impacted.

18. Since I acquired my interests in EOR and Quatro, we have worked with the Division to ensure that EOR and Quatro's operations are in compliance with the current statutory and regulatory requirements. The original investments were made in reliance on requirements in place at the time of drilling and historic production from the wells and on current requirements.

19. I understand that Plaintiffs also want the State to stop permitting until the new oil and gas requirements are in place. At times, Quatro and EOR must submit sundry notices for approval of any changes to a well, in order to comply with statutes and regulations enforced by the Division. Suspending approval of sundry notices will impact Quatro and EOR's operations.

20. The interests of Quatro and EOR are different from the interests of the State of New Mexico. The State enforces the requirements that companies must comply with and disputes can arise. For example, prior to our acquisition of interest in EOR, it received a notice of violation and now has an agreed compliance order with the Division. As another example, the new venting and flaring rules are particularly onerous for smaller operators like Quatro and EOR who personally perform the work and finance the operations because they cannot afford to hire the specialized help necessary to comply with more and more stringent regulation, like that requested by Plaintiffs.

21. Plaintiffs' request for relief to enjoin the State to regulate produced water as hazardous and radioactive waste also has the potential for far-reaching impact, particularly on EOR. *See* Complaint to Enforce Constitutional Rights at 104-105, Prayer for Relief ¶ 9. Treating produced water as hazardous waste would likely preclude the efficient re-use of such water for purposes of secondary recovery, as is EOR's practice.

22. I have substantial concerns about the lawsuit's impact on companies such as Quatro and EOR. Both companies are closely managed by the members and owners, who operate efficiently and effectively, balancing costs that results in a reasonable but small profit margin.

23. As small oil and gas companies in New Mexico, Quatro and EOR's interests could be severely impaired by the changes in law and the relief requested by Plaintiffs in this matter. Quatro and EOR's profit margins are not large enough to pay for the additional costs that could arise if the Court awarded Plaintiffs their requested relief. The costs of treating produced water as hazardous waste alone would preclude profitable operations.

24. Further, Quatro and EOR's inability to operate and produce under the pertinent leases could result in the loss of valuable leasehold interests.

25. Simply put, companies like Quatro and EOR would be forced out of business and may face the loss of valuable leasehold assets, if Plaintiffs were awarded the relief requested in this matter.

I affirm under penalty of perjury under the laws of the State of New Mexico that this statement is true and correct.

/s/ Rory McMinn
Rory McMinn

January 11, 2024
Date

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

**MARIO ATENCIO, PAUL and MARY ANN
ATENCIO, DANIEL TSO, SAMUEL SAGE,
CHEYENNE ATENCIO, KENDRA PINTO,
JULIA BERNAL, JONATHAN ALONZO,
PASTOR DAVID ROGERS, YOUTH UNITED
FOR CLIMATE CRISIS ACTION, PUEBLO
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WILDEARTH GUARDIANS,**

Plaintiffs,

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No. D-101-CV-2023-01038

**STATE OF NEW MEXICO, NEW MEXICO
LEGISLATURE, GOVERNOR MICHELLE
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IMPROVEMENT BOARD, and OIL
CONSERVATION COMMISSION**

Defendants,

and

**INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO,**

Proposed Intervenor-Defendant.

IPANM'S REPLY IN SUPPORT OF MOTION TO INTERVENE

Independent Petroleum Association of New Mexico ("IPANM") hereby files this reply in support of its Motion to Intervene and, pursuant to Rule 1-024(C) NMRA, its proposed Answer to Complaint as IPANM Exhibit G.

ARGUMENT

I. IPANM MAY INTERVENE AS A MATTER OF RIGHT

New Mexico law governing intervention is settled. Rule 1-024(A)(2) NMRA supplies the standard for intervention of right. Under Rule 1-024(A)(2), the Court *must* permit intervention where the applicant timely files an application and satisfies a “three-part test showing that (1) the applicant has an interest in the subject matter of the action; (2) protection of the applicant’s interest may be impaired or impeded by disposition of the action; and (3) the interest sought to be protected is not adequately represented by existing parties.” *Chino Mines Co. v. Del Curto*, 1992-NMCA-108, ¶ 7, 114 N.M. 521. For the reasons that follow, and as stated in IPANM’s Motion, IPANM has satisfied this standard and intervention should be granted.

Plaintiffs make three arguments in support of their position that IPANM has not satisfied the requirements for intervention as a matter of right: (1) IPANM and its members lack a significant and direct interest, (2) IPANM and its members do not have independent defenses or claims in this case, and (3) IPANM and its members’ interests are adequately represented by the State Defendants. Each argument fails for the reasons that follow.

A. IPANM Has a Protectible Interest that May Be Impaired by the Outcome of this Action

Plaintiffs’ first argument is that IPANM is not entitled to intervene because it did not establish a sufficient interest in this case. Resp. at 2. To make this point, Plaintiffs claim that IPANM *must have standing* to establish a sufficient interest in the case. Plaintiffs then try to demonstrate that IPANM and its members lack standing “because they fail to demonstrate an injury that is actual or imminent.” Resp. at 3. This argument should be dismissed for two reasons.

1. Standing Is Not Required for Intervention

Rule 1-024(A)(2) makes no mention of standing. Plaintiffs' novel interpretation of Rule 1-024(A)(2) to nevertheless require an intervenor defendant to establish "standing to intervene" should first be dismissed because it is at odds with the core "purpose of the standing question ...— to protect against improper *plaintiffs*." *De Vargas Sav. & Loan Ass'n of Santa Fe v. Campbell*, 1975-NMSC-026, ¶ 6, 87 N.M. 469, 535 P.2d 1320 (emphasis added); accord *ACLU of N.M. v. City of Albuquerque*, 2008-NMSC-045 ¶ 11, 144 N.M. 471 (citing *De Vargas*).

Plaintiffs' argument on standing is also at odds with established law on intervention. Plaintiffs assert that New Mexico courts *interpret* Rule 1-024(A)(2) to require standing. See Resp. at 2. Plaintiffs cite to *N.M. Right to Choose/NARAL v. Johnson*, 1999-NMSC-005, ¶ 17, 126 N.M. 788, [(hereinafter *NARAL*)] as authority for this assertion. But that opinion does not establish that an intervenor "must have standing." Rather, the Court merely observed that the requirements under Rule 1-024 to demonstrate an interest in the action "*seem to accord with* the general requirements of standing." *Id.* (emphasis added). "Seem to accord with" does not mean that requirements for standing are applicable to intervention. In fact, the Court's opinion makes clear that standing is not equal to intervention: "[W]hile [the court] may confer standing to decide an issue of great public importance, this power to confer standing, does not equate with rights of indiscriminate intervention. The bounds of Rule 1-24 are to be observed." *Id.* ¶ 17 (internal quotation marks, citation, and brackets omitted).

Even federal courts subject to jurisdictional limitations under Article III do not require intervenors to have standing unless the intervenor by right seeks relief different from a litigant with standing. See, e.g., *Town of Chester, N.Y. v. Laroe Estates, Inc.*, 581 U.S. 433, 440 (2017) (determining that an intervenor of right must demonstrate Article III standing when it seeks additional relief beyond that which plaintiff requests); *Purnell v. City of Akron*, 925 F.2d 941, 948

(6th Cir.1991) (“[A] party seeking to intervene need not possess the standing necessary to initiate the lawsuit.”); *Am. Ass’n of People with Disabilities v. Herrera*, 257 F.R.D. 236, 249 (D.N.M. 2008) (“Intervenors are not required to establish standing” (citing *San Juan County, Utah v. United States*, 503 F.3d 1163, 1172 (10th Cir. 2007)); see also *Rivera-Platte v. First Colony Life Insurance Co.*, 2007-NMCA-158, ¶ 89, 143 N.M. 158 (stating that “the district court may utilize federal case law in its analysis” of Rule 1-024).

In sum, standing is not a requirement for IPANM’s intervention. Plaintiffs’ injury argument, derived from the standard for standing, is thus not applicable.

2. IPANM Meets the Minimal Burden to Show “Standing to Intervene”

Even if IPANM is required to show “standing to intervene,” it has done so. Plaintiffs’ injury/impairment arguments conflate an injury in fact analysis under the test for standing and a demonstration of interest analysis under Rule 1-024(A)(2). Nevertheless, IPANM’s Motion, supported by 25 pages of testimony (in the form of affidavits), exceeds the minimal burden under either standard to show that IPANM, and its over 350 members representing over 120 distinct member companies working in all aspects of the oil and gas industry in New Mexico, have a protectable interest, and that Plaintiffs’ allegations in this action concerning industry practices, regulations, enforcement, inspections, and the unproven impacts of the oil and gas industry on Plaintiffs threatens injury and impairment to IPANM and its members’ interests. See, e.g., Winchester Decl., Mot. Exh. B, ¶¶ 8-10; see also *ACLU of N.M. v. City of Albuquerque*, 2008–NMSC–045, ¶ 11, 144 N.M. 471 (recognizing that “the litigant need only show that . . . “he is faced with a real risk of future injury, as a result of the challenged action or statute and that “once the party seeking review alleges he himself is among the injured, the extent of injury can be very slight”); *Kane Cnty, Utah v. United States*, 928 F.3d 877 (10th Cir. 2021) (“To meet the interest

requirement, an applicant ‘must have an interest that *could* be adversely affected by the litigation.’” (emphasis added); *Utah Ass’n of Cmty. v. Clinton*, 255 F.3d 1246, 1253 (10th Cir. 2001) (stating that a would-be intervenor must meet the minimal burden of showing that impairment “is possible if intervention is denied”).

For example, in his declaration, IPANM’s Executive Director Jim Winchester states that “[Plaintiffs’] Complaint takes direct aim at IPANM and IPANM members” and highlights eight illustrative allegations directly targeted at the oil and gas industry that IPANM members represent. In addition, Mr. Winchester identifies at least nine examples of remedies sought by Plaintiffs that, if granted, “would have an immediate impact on IPANM and IPANM members,” cause significant economic losses to IPANM and its members, and put some IPANM members out of business.

For their part, Plaintiffs do not directly attack IPANM’s interest and showing of injury or impairment as a result of this action. Instead, Plaintiffs attempt to establish that IPANM’s interest and risk of injury or impairment as a result of Plaintiffs’ lawsuit is too speculative to support intervention under New Mexico law. *See, e.g.*, Resp. at 3-5. These arguments should be dismissed for two reasons. First, Plaintiffs ignore the detailed facts and examples provided in IPANM’s declarations. Second, they again rely on a manufactured standard for intervention without supporting authority. *See Robey v. Parnell*, 2017-NMCA-038, ¶ 40, 392 P.3d 642 (“[T]his Court will not consider propositions that are unsupported by citation to authority.”).

Contrary to Plaintiffs’ arguments, the burden to meet the interest requirement is minimal and does not demand detailed cost calculations and other evidentiary support. *Kane Cnty*, 928 F.3d at 891 (“We apply ‘practical judgment’ when ‘determining whether the strength of the interest and the potential risk of injury to that interest justify intervention.’ Establishing the potential impairment of such an interest ‘presents a minimal burden,’ and such an impairment may be

‘contingent upon the outcome of litigation.’”); see *Dominguez v. Rogers*, 1983-NMCA-135, ¶ 11, 100 N.M. 605 (acknowledging “that courts ordinarily interpret Rule 24(a) liberally”), *superseded by statute on other grounds as stated in Spoon v. Mata*, 2014-NMCA-115, ¶ 23, 338 P.3d 113.

Plaintiffs do not establish otherwise or demonstrate under the applicable standard that this Court can or should deny intervention by right. Plaintiffs rely on inapposite cases in support of their position. *American Federation of State, County & Municipal Employees v. Board of County Commissioners of Bernalillo County* discusses the standing requirements under the New Mexico Declaratory Judgment Act, which are also inapplicable here. 2016-NMSC-017, ¶¶ 31-32. Further, the facts in *NARAL* are distinguishable. The Court’s holding in *NARAL* does not rest on the sufficiency of information the intervenor provided to show impairment. Instead, the Court found that the proposed intervenors had not met the interest requirement because they failed to allege *any way* in which their tax liability would be changed by the challenged expenditure. *NARAL*, 1999-NMSC-005, ¶ 18. Here, that is not the case. IPANM undoubtedly exceeds the minimal burden applied in *NARAL* by alleging several ways in which IPANM’s interest will be impaired by this action. Indeed, Plaintiffs quote IPANM’s pertinent allegations here—IPANM members “will suffer significant economic losses and it is likely that some IPANM members will go out of business” as a result of Plaintiffs’ requests for relief. Resp. at 3.

In sum, review under the correct standard for intervention by right reveals that the threat of economic injury to IPANM and its members as a result of the outcome of litigation “undoubtedly gives a petitioner the requisite interest” to intervene. *Utahns for Better Transp. v. U.S. Dep’t of Transp.*, 295 F.3d 1111, 1115-16 (10th Cir. 2002).

3. Participation in Subsequent Rulemaking and Legislation Does Not Negate the Impairment that Would Result from a Verdict for Plaintiffs

Plaintiffs argue throughout the Response that “most of” the relief sought by Plaintiffs in this case “would require further legislative and executive action in which [IPANM] will have ample opportunity to participate.” Resp. at 7. Plaintiffs attempt to justify the harm that its requested relief will undoubtedly cause to IPANM and its members by rationalizing that IPANM will have the opportunity to participate in the re-drafting of legislation after Plaintiffs succeed in having all current regulations and statutes declared unconstitutional. This argument is nonsensical.

The ability to participate in rulemaking and legislation following the declaration of oil and gas regulations as unconstitutional does not rectify the harm that will come to IPANM and its members as a result of Plaintiffs’ requested relief. As described in detail in the Motion, the injunctive relief sought by Plaintiffs will disrupt the operations of IPANM members, *see* Armstrong Decl., Mot. Exh. C, ¶ 10; Yates Decl., Mot. Exh. D, ¶ 19; McHugh Decl., Mot. Exh. E, ¶ 10; McMinn Decl., Mot. Exh. F, ¶ 19; create insurmountable costs for many IPANM members, *see* Armstrong Decl., Mot. Exh. C, ¶¶ 15-16; McMinn Decl., Mot. Exh. F, ¶ 23; and result in losses of investments and devaluations of assets and leasehold interests. *See* Armstrong Decl., Mot. Exh. C, ¶ 14; Yates Decl., Mot. Exh. D, ¶¶ 11, 14; McHugh Decl., Mot. Exh. E, ¶ 11; McMinn Decl., Mot. Exh. F, ¶ 26; *see also* Mot. at 7-8.

The above-described harm to IPANM and its members will not be limited by their ability to participate in subsequent rulemaking and legislation. In summary, the 25 pages of testimony provided by IPANM meets the standard of proving that IPANM has a protectible interest in this action and the “disposition of the action may as a practical matter impair or impede [IPANM’s] ability to protect” that interest. The first and second prongs of Rule 1-024(A)(2) are thus satisfied.

B. IPANM Has Demonstrated Its Own Claims

Plaintiffs’ second argument generally contends that IPANM should not be granted intervention in this case because it is not a proper defendant. To support this claim, Plaintiffs

generally assert that IPANM does not have its own independent claims or defenses and is instead trying to stand in place of or alongside the State to defend the State. Resp. at 6-7. As a threshold matter, Plaintiffs make this assertion without citation to any supporting authority and it should be dismissed on that basis. *See Robey*, 2017-NMCA-038, ¶ 40, 392 P.3d 642.

Plaintiffs also argue that IPANM has not asserted independent claims or “specific harms from the relief sought in this case.” Resp. at 7. This assertion is patently false. *See, e.g.*, Mot. Ex. B, Winchester Decl. ¶¶ 8, 9, 12, 13, 16-24 (identifying IPANM’s unique interest and providing at least nine examples of remedies sought by Plaintiffs that, if granted, “would have an immediate impact on IPANM and IPANM members,” cause significant economic losses to IPANM and its members, and put some IPANM members out of business); Mot. Ex. C, Armstrong Decl. ¶¶ 10-20 (identifying specific impairment to AEC’s and differences from State Defendants); Mot. Ex. D, Yates Decl. ¶¶ 9-15 (identifying specific impairment to Jalapeno and differences from State Defendants); Mot. Ex. F, McMinn Decl. ¶¶ 16-23 (identifying specific impairment to Quatro and EOR and differences from State Defendants). In fact, IPANM would be the only party to this lawsuit with on the ground experience in the oil and gas industry. This knowledge and understanding of oil and gas production in New Mexico is vitally important to the issues and claims brought by Plaintiffs and fundamentally differs from the State Defendants’ experience.

C. IPANM’s Interest Is Not Adequately Represented by the State Defendants

Plaintiffs argue that IPANM has not overcome the presumption that the State Defendants adequately represent its interests in this litigation. Resp. at 7. Similar to Plaintiffs’ argument discussed above, Plaintiffs support this assertion with the sweeping claim that IPANM “has made no showing that its or its members’ interests are not adequately protected by the governmental defendants.” Resp. at 8. Again, Plaintiffs’ assertion is patently false. IPANM provided 25 pages of declarations identifying its and its members’ unique interests and the specific and numerous

ways in which those interests cannot be adequately protected by the State Defendants. *See, e.g.* Mot. Ex. B, Winchester Decl. ¶¶ 16 to 21; Mot. Ex. C, Armstrong Decl. ¶¶ 10-20; Mot. Ex. D, Yates Decl. ¶¶ 9-15; Mot. Ex. E, McMinn Decl. ¶¶ 16-23.

Plaintiffs also contend that IPANM had claimed but “has failed to show any actual adversity.” Mot. at 8. This argument also fails. Plaintiffs’ primary argument is that IPANM and the State Defendants cannot establish adversity of interest because they share the same objective. Resp. at 9. Plaintiffs assert this is true because “a large part of the State’s defense is—and will continue to be—promoting oil and gas development because of the economic importance of the industry to the state.” *Id.* Plaintiffs provide no support for their theory of the State Defendants’ litigation strategy. Moreover, Plaintiffs conflate the State’s economic interest and risk of impairment to the State and IPANM’s economic interest and potential impairment to IPANM and its members. Contrary to Plaintiffs’ assertions, those interests are not the same. Again, this is made clear in the declarations provided with IPANM’s Motion explaining why IPANM cannot be adequately represented by the State Defendants. *Supra* at 8. As one example, Mr. Winchester explained that “IPANM’s interests are focused on supporting the oil and gas industry and helping its members succeed in the short and long term,” whereas the “State Defendants must balance the interests and goals of all citizens in the State” which, by design, includes “the interests of Plaintiffs and other entities that are intentionally working against the oil and gas industry.” Mot. Ex. B, Winchester Decl. ¶¶ 16; *see* Mot. Ex. C, Armstrong Decl. ¶ 5 (identifying specific economic impact on AEC that would not necessarily impact the economic interest of the State).

Plaintiffs’ lack of adversity argument also fails because the adversity of interest between State Defendants and private entities is what gives Plaintiffs standing to bring this action. If Plaintiffs are correct that the State Defendants’ interests “adequately represent” IPANM, then it

necessarily follows that the State Defendants interests also “adequately represent” Plaintiffs and this lawsuit must be dismissed. Plaintiffs have not established otherwise.

II. IPANM ALSO MEETS THE STANDARD FOR PERMISSIVE INTERVENTION

IPANM’s Motion demonstrates that IPANM should be permitted to intervene under Rule 1-024(B). For their argument in opposition, Plaintiffs simply restate the assertions that IPANM’s “claims of possible future economic harm are entirely speculative” and that IPANM “has not demonstrated any claim or defenses that the governmental Defendants are not already making.” Resp. at 10. These arguments were responded to above and should be dismissed because they are belied by the actual showing in IPANM’s Motion and supporting Declarations and because they misapply the standard for decision.

Finally, Plaintiffs assert that IPANM’s filings will result in duplication and delay. This assertion is also unfounded. Resp. at 2, 10. As discussed in the Motion, IPANM represents over 350 businesses, owners, operators, workers, and families in the oil and gas industry across New Mexico. Mot. at 1 If granted intervention by this Court, IPANM will be the only party in this lawsuit with boots on the ground experience in the oil and gas industry. Moreover, IPANM and its members will be the parties subject to the requested permitting stay and the demanded extensive controls and requirements. This knowledge and understanding of oil and gas production in New Mexico is vitally important to the issues and claims brought by Plaintiffs. Finally, as explained above, IPANM’s interests are not the same as, and are not adequately represented by, the State Defendants. Because IPANM’s interests are specific to its members, its filings will undoubtedly be individualized and divergent to the filings of the other parties. For these reasons, and the reasons stated in the Motion, permissive intervention should be granted.

CONCLUSION

For the foregoing reasons, IPANM respectfully requests that the Court grant the Motion, allow intervention, and permit IPANM to file the pleading attached hereto as Exhibit G.

Respectfully submitted,

MONTGOMERY & ANDREWS, P.A.

By: /s/ Jeffrey J. Wechsler

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*Attorneys for Independent Petroleum Association of
New Mexico*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 11, 2024, the foregoing was filed through the Court's electronic filing system, which caused all parties or counsel of record to be served by electronic means.

/s/ Jeffrey J. Wechsler

Jeffrey J. Wechsler

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

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LIFEWAYS, THE CENTER FOR
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in her official capacity, ENVIRONMENTAL
IMPROVEMENT BOARD, and OIL
CONSERVATION COMMISSION**

Defendants,

and

**INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO,**

Proposed Intervenor-Defendant.

**PROPOSED INTERVENOR-DEFENDANT INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO'S
ANSWER TO COMPLAINT**

Proposed Intervenor-Defendant Independent Petroleum Association of New Mexico (“IPANM”) hereby responds to Plaintiffs’ Complaint.

PRELIMINARY STATEMENT

Plaintiffs’ prefatory paragraph is a summary of the complaint and the relief requested to which no response is required. To the extent a response is required, IPANM denies the allegations therein.

INTRODUCTION

1. Paragraph 1 states a legal argument and conclusion for which no answer is required. To the extent an answer is required, IPANM denies the same.

2. IPANM admits that the State has authorized oil and gas production. IPANM denies the remaining allegations of Paragraph 2.

3. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 3 regarding Plaintiffs’ place of residence and therefore denies the same. IPANM denies the remaining allegations of Paragraph 3.

4. Paragraph 4 states in part a legal argument and conclusion for which no answer is required. To the extent an answer is required, IPANM denies the same. IPANM admits that the State authorizes oil and gas production. IPANM denies the remaining factual allegations in Paragraph 4.

5. IPANM denies the allegations in Paragraph 5.

6. IPANM admits that the State approves permits for oil and gas production and promulgates rules relating to such production. IPANM denies the remaining allegations in Paragraph 6.

7. IPANM admits that the State authorizes oil and gas production. IPANM denies

the remaining allegations in Paragraph 7.

8. IPANM admits that the State authorizes oil and gas production. IPANM denies the allegations in Paragraph 8.

9. Paragraph 9 states Plaintiffs' alleged reasons for filing this lawsuit, to which no response is required. To the extent a response is required, the allegations of Paragraph 9 are denied.

PARTIES

I. Plaintiffs

10. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 10 and therefore denies the same.

11. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 11 and therefore denies the same.

12. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 12 and therefore denies the same.

A. Dine Family Plaintiffs

1) Paul, Mary Ann and Mario Atencio

13. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 13 and therefore denies the same.

14. IPANM denies that any harm to the Atencios was caused by Defendants' authorization of oil and gas development. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 14 and therefore denies the same.

15. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 15 and therefore denies the same.

16. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 16 and therefore denies the same.

17. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 17 and therefore denies the same.

18. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 18 and therefore denies the same.

19. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 19 and therefore denies the same.

20. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 20 and therefore denies the same.

21. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 21 and therefore denies the same.

22. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 22 and therefore denies the same.

23. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 23 and therefore denies the same.

24. IPANM denies that any harm to the Atencio family was caused by Defendants' authorization or permitting of oil and gas development. IPANM denies that Defendants authorize or permit "pollution." IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 24 and therefore denies the same.

2) Daniel Tso

25. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 25 and therefore denies the same.

26. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 26 and therefore denies the same.

27. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 27 and therefore denies the same.

28. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 28 and therefore denies the same.

29. IPANM denies that Defendants' authorizing of oil and gas development has caused harm to Plaintiff Tso. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 29 and therefore denies the same.

30. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 30 and therefore denies the same.

31. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 31 and therefore denies the same.

3) Samuel Sage

32. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 32 and therefore denies the same.

33. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 33 and therefore denies the same.

34. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 34 and therefore denies the same.

35. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 35 and therefore denies the same.

36. IPANM denies that any harm to Mr. Sage was caused by Defendants'

authorization or permitting of oil and gas development. IPANM denies that Defendants authorize or permit “pollution.” IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 36 and therefore denies the same.

37. IPANM denies that any harm to Mr. Sage was caused by Defendants’ authorization of oil and gas development. IPANM lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37 of the Complaint.

4) Cheyenne Antonio

38. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 38 and therefore denies the same.

39. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 39 and therefore denies the same.

40. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 40 and therefore denies the same.

41. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 41 and therefore denies the same.

42. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 42 and therefore denies the same.

43. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 43 and therefore denies the same.

44. IPANM denies that Defendants’ permitting of oil and gas production resulted in threats to Ms. Antonio’s safety or social-environmental harm to the community. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 44 and therefore denies the same.

45. IPANM denies the allegations in Paragraph 45.

5) Kendra Pinto

46. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 46 and therefore denies the same.

47. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 47 and therefore denies the same.

48. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 48 and therefore denies the same.

49. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 49 and therefore denies the same.

50. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 50 and therefore denies the same.

51. IPANM denies that Defendants' authorizing of oil and gas development caused harm to Ms. Pinto's sense of safety. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 51 and therefore denies the same.

52. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 52 and therefore denies the same.

53. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 53 and therefore denies the same.

54. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 54 and therefore denies the same.

55. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 55 and therefore denies the same.

56. IPANM denies the allegations of Paragraph 56.

57. IPANM denies the allegations of Paragraph 57.

6) Common Harm to the Diné Family Plaintiffs

58. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 58 and therefore denies the same.

59. IPANM denies that Defendants authorize and permit VOCs and hazardous air pollutants to be released into the air by oil and gas operators. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 59 and therefore denies the same.

60. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 50 and therefore denies the same.

61. IPANM denies that Defendants permit pollution and that Defendants' authorization of oil and gas production has caused the air quality to worsen. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 61 and therefore denies the same.

62. IPANM denies that the State's authorization of oil and gas production impacts freshwater resources or makes it increasingly difficult to access clean water. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 62 and therefore denies the same.

63. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 63 and therefore denies the same.

64. IPANM denies that Defendants' increased permitting of oil and gas development has resulted in a loss of plants and animals. IPANM lacks sufficient information to admit or

deny the remaining allegations in Paragraph 64 and therefore denies the same.

65. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 65 and therefore denies the same.

66. IPANM denies that Defendants' authorization of oil and gas development caused the destruction of the Diné Family Plaintiffs' ancestral lands. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 66 and therefore denies the same.

67. IPANM denies that Defendants' permitting of oil and gas activities has caused the destruction of sacred places, ancestral landscapes and traditional cultural resources or impeded the Diné Family Plaintiffs' ability to practice traditional ceremonies. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 67 and therefore denies the same.

68. IPANM denies that oil and gas operations and pollution harm the sacred and spiritually significant sites of the Navajo people and their traditionally practicing members. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 68 and therefore denies the same.

69. IPANM is without sufficient information to admit or deny the allegations in the first sentence and the first half of the second sentence of Paragraph 69 and therefore denies the same. IPANM denies the remaining allegations of Paragraph 69.

70. IPANM denies the allegations of Paragraph 70.

71. IPANM denies the first sentence of Paragraph 71. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 71 and therefore denies the same.

B. Pueblo Family Plaintiffs

1) Julia Bernal

72. IPANM lacks sufficient information to admit or deny the allegations of Paragraph 72 and therefore denies the same.

73. IPANM lacks sufficient information to admit or deny the allegations of Paragraph 73 and therefore denies the same.

74. IPANM lacks sufficient information to admit or deny the allegations of Paragraph 74 and therefore denies the same.

75. IPANM denies the allegations of Paragraph 75.

2) Jonathan Alonzo

76. IPANM lacks sufficient information to admit or deny the allegations of Paragraph 76 and therefore denies the same.

77. IPANM lacks sufficient information to admit or deny the allegations of Paragraph 77 and therefore denies the same.

78. IPANM denies the allegations of Paragraph 78.

79. IPANM denies the allegations in the first and second sentences of Paragraph 79. IPANM denies that oil and gas development has degraded Mr. Alonzo's ancestral lands. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 79.

80. IPANM denies the allegations of Paragraph 80.

3) Common Harm to the Pueblo Family Plaintiffs

81. IPANM is without sufficient information to admit or deny the allegations in Paragraph 81 and therefore denies the same.

82. IPANM is without sufficient information to admit or deny the allegations in Paragraph 82 and therefore denies the same.

83. IPANM denies the allegations of Paragraph 83.

84. IPANM denies the allegations of Paragraph 84.

C. Permian Family Plaintiff

85. IPANM is without sufficient information to admit or deny the allegations in Paragraph 85 and therefore denies the same.

86. IPANM admits that Eddy County is located in the Greater Carlsbad region of southeast New Mexico, which is part of the Permian Basin.

87. IPANM admits that horizontal drilling opened up significant areas of hydrocarbons that were previously uneconomical to extract, resulting in an increase in oil and gas production in the Permian Basin, including Eddy County, starting about ten years ago. IPANM denies the remaining allegations in Paragraph 87.

88. IPANM admits that truck traffic exists in Eddy County as a result of oil and gas production. IPANM denies the remaining allegations in Paragraph 88.

89. IPANM is without sufficient information to admit or deny the allegations in Paragraph 89 and therefore denies the same.

90. IPANM denies the allegations in Paragraph 90.

91. In response to Paragraph 91, IPANM denies that Defendants' permitting or regulation has caused pollution and destruction of the environment. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 91 and therefore denies the same.

92. IPANM is without sufficient information to admit or deny the allegations in

Paragraph 92 and therefore denies the same.

93. IPANM denies that oil and gas wells harm the health of children in schools. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 82 and therefore denies the same.

94. IPANM denies the allegations of Paragraph 94.

D. Organizational Plaintiffs

1) Youth United for Climate Crisis Action (YUCCA)

95. IPANM denies that Defendants' permitting of oil and gas production caused harm to YUCCA or is a threat to life on earth, the future of YUCCA's members, and their children and grandchildren's ability to live in New Mexico. IPANM denies that Defendants permit pollution. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 95 and therefore denies the same.

96. IPANM is without sufficient information to admit or deny the allegations in Paragraph 96 and therefore denies the same.

97. IPANM denies that Defendants' permitting caused harm to YUCCA or is a threat to life on earth, the future of YUCCA's members, and their children and grandchildren's ability to live in New Mexico. IPANM denies that pollution controls are inadequate. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 97 and therefore denies the same.

98. IPANM denies that Defendants' authorizing of oil and gas development caused harm to YUCCA members. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 98 and therefore denies the same.

99. IPANM denies that Defendants' permitting of oil and gas development caused

harm to YUCCA members. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 99 and therefore denies the same.

100. IPANM denies that Defendants' authorization of oil and gas development caused harm to YUCCA members, contamination, pollution, or despoilment. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 100 and therefore denies the same.

2) Pueblo Action Alliance

101. IPANM is without sufficient information to admit or deny the allegations in Paragraph 101 and therefore denies the same.

102. IPANM denies that the State authorizes pollution. IPANM denies that Pueblo Action Alliance's staff members and board members are harmed by the State's permitting of oil and gas production. IPANM denies that the State's authorizing of oil and gas extraction destroys cultural and spiritual ties to land and landscapes. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 102 and therefore denies the same.

103. IPANM denies that the Greater Chaco Landscape of northwestern New Mexico has been despoiled by the State's authorization of oil and gas production without controlling for pollution. IPANM denies that the livable futures of Pueblo Action Alliance staff and board members are threatened by Defendants' authorization of oil and gas production. IPANM denies that Defendants authorize pollution. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 103 and therefore denies the same.

104. IPANM is without sufficient information to admit or deny the allegations in Paragraph 104 and therefore denies the same.

105. IPANM is without sufficient information to admit or deny the allegations in

Paragraph 105 and therefore denies the same.

106. IPANM is without sufficient information to admit or deny the allegations in Paragraph 106 and therefore denies the same.

3) Pueblo Action Alliance

107. IPANM is without sufficient information to admit or deny the allegations in Paragraph 107 and therefore denies the same.

108. IPANM denies that the State's authorizing of oil and gas development has harmed Plaintiff Indigenous Lifeways' staff, board members, volunteers and members; that indigenous ways of life are harmed by the State's actions to permit oil and gas development; and that the State's permitting of oil and gas development is without adequate pollution control and harm management. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 108 and therefore denies the same.

109. IPANM is without sufficient information to admit or deny the allegations in Paragraph 109 and therefore denies the same.

4) Center for Biological Diversity

110. IPANM is without sufficient information to admit or deny the allegations in Paragraph 110 and therefore denies the same.

111. IPANM is without sufficient information to admit or deny the allegations in Paragraph 111 and therefore denies the same.

112. IPANM denies that the State authorizes oil and gas development without controlling pollution and denies that the Center's members are harmed by the same. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 112 and therefore denies the same.

113. IPANM denies that inadequately regulated oil and gas production in New Mexico is a leading contributor to the global climate crisis. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 113 and therefore denies the same.

114. IPANM is without sufficient information to admit or deny the allegations in Paragraph 114 and therefore denies the same.

5) WildEarth Guardians

115. IPANM is without sufficient information to admit or deny the allegations in Paragraph 115 and therefore denies the same.

116. IPANM denies that the State authorizes oil and gas development without sufficient pollution controls. IPANM denies the last sentence of Paragraph 116. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 116 and therefore denies the same.

117. IPANM is without sufficient information to admit or deny the allegations in Paragraph 117 and therefore denies the same.

7) Common Harms to Organizational Plaintiffs

118. IPANM is without sufficient information to admit or deny the allegations in Paragraph 118 and therefore denies the same.

119. IPANM denies that Defendants permit oil and gas pollution. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 119 and therefore denies the same.

8) Common Harm to All Plaintiffs

120. IPANM denies the allegations in Paragraph 120.

121. IPANM denies the allegations in Paragraph 121.

II. Defendants

122. The allegations in the first sentence of Paragraph 122 are statements of law to which no response is required. To the extent the allegations therein are inconsistent with the law, IPANM denies those allegations. IPANM denies the allegations in the second sentence of Paragraph 122.

123. The allegations in the first sentence of Paragraph 123 are statements of law to which no response is required. To the extent the allegations therein are inconsistent with the law, IPANM denies those allegations. IPANM denies the remaining allegations in Paragraph 123.

124. IPANM is without sufficient information to admit or deny the allegation in the first sentence of Paragraph 124 and therefore denies the same. The allegations in the second, third, and fourth sentences of Paragraph 124 are statements of law to which no response is required. To the extent the allegations therein are inconsistent with the law, IPANM denies those allegations. IPANM admits that the Governor proposes a state budget, leads state policy matters, and exercises veto power over legislation, including the budget. IPANM denies that the Governor is ultimately responsible for all State agency actions, denies that the State authorizes oil and gas production with inadequate pollution controls, and denies that the Governor has failed to prevent substantial impairment to the environment and to effectively implement and enforce the laws and constitution causing injury to plaintiffs.

125. IPANM admits the allegations of Paragraph 125.

126. IPANM admits that the Oil Conservation Division (“Division”) is part of the New Mexico Energy, Minerals and Natural Resources Department. The remaining allegations in the first sentence and the allegations in the second sentence of Paragraph 126 are statements of

law to which no response is required; to the extent the allegations therein are inconsistent with the law, IPANM denies those allegations. IPANM is without sufficient information to admit or deny the allegations in the third sentence of Paragraph 126 and therefore denies the same. IPANM admits that the Division's website has language similar to that alleged in the fourth sentence of Paragraph 126. Such language speaks for itself. IPANM denies any allegation in Paragraph 126 that is inconsistent with the language on the website.

127. IPANM is without sufficient information to admit or deny the allegations in the first sentence of Paragraph 127 and therefore denies the same. The remaining allegations in Paragraph 127 are statements of law to which no response is required; to the extent the allegations therein are inconsistent with the law, IPANM denies those allegations.

128. The allegations in Paragraph 128 are statements of law to which no response is required; to the extent the allegations therein are inconsistent with the law, IPANM denies those allegations.

129. IPANM denies the allegations in Paragraph 129.

130. The allegations in Paragraph 130 are statements of law to which no response is required; to the extent the allegations therein are inconsistent with the law, IPANM denies those allegations.

131. IPANM is without sufficient information to admit or deny the allegations in the first sentence of Paragraph 131 and therefore denies the same. The remaining allegations in Paragraph 131 are statements of law to which no response is required; to the extent the allegations therein are inconsistent with the law, IPANM denies those allegations.

132. The allegations in Paragraph 132 are statements of law to which no response is required; to the extent the allegations therein are inconsistent with the law, IPANM denies those

allegations.

133. The allegations in Paragraph 133 through “regulations” are statements of law to which no response is required; to the extent the allegations are inconsistent with the law, IPNAM denies those allegations. IPANM denies the remaining allegations in Paragraph 133.

134. The allegations in the first sentence of Paragraph 134 are statements of law to which no response is required; to the extent the allegations are inconsistent with the law, IPNAM denies those allegations. IPANM denies the remaining allegations in Paragraph 134.

JURISDICTION AND VENUE

135. In response to Paragraph 135, IPANM denies that the court has jurisdiction to consider the political questions raised by Plaintiffs’ complaint. IPANM is without sufficient information to admit or deny the remaining allegations and therefore denies the same.

136. In response to Paragraph 136, IPANM admits that the court has jurisdiction to review actions of the executive branch of any executive branch for which a statute provides for judicial review. IPANM denies that the court has jurisdiction to consider the political questions raised by Plaintiffs’ complaint.

137. In response to Paragraph 137, IPANM admits that venue is proper.

STATEMENT OF FACTS

I. Plaintiffs’ Rights Under the New Mexico Constitution

138. The allegations in Paragraph 138-144 are statements of law to which no response is required. To the extent the allegations are inconsistent with the law, IPNAM denies the same.

139. IPANM denies the first sentence of Paragraph 145. IPANM denies that the State is not complying with its own statutes. The remaining allegations in Paragraph 145 are statements of law to which no response is required; to the extent these allegations are

inconsistent with the law, IPNAM denies the same.

140. IPANM denies the allegations of Paragraph 146.

141. The allegations in Paragraphs 147-153 are statements of law to which no response is required. To the extent the allegations are inconsistent with the law, IPNAM denies the same.

142. IPANM denies the allegations of Paragraph 154.

143. The allegations in Paragraph 155 are statements of law to which no response is required. To the extent the allegations are inconsistent with the law, IPNAM denies the same.

144. IPANM denies the allegations in Paragraph 156.

II. Oil and Gas Production in New Mexico

145. In response to Paragraph 157, IPANM admits that oil and gas production in New Mexico has increased in the past decade and continues to increase. IPANM denies the remaining allegations in Paragraph 157.

146. IPANM denies the allegations in Paragraph 158.

147. In response to Paragraph 159, IPANM admits that chemicals are used in some stages of production and that such chemicals, if used improperly, can cause adverse health impacts. IPANM admits that hydrocarbons can be harmful to human health, if handled improperly. IPANM denies that the proper use and handling of chemicals and hydrocarbons will cause adverse health impacts or otherwise be harmful to human health. IPANM denies any remaining allegations in Paragraph 159.

148. In response to Paragraph 160, IPANM admits that oil and gas production in New Mexico may result in the release of substances into the air if, during certain stages of production, operations are conducted improperly. IPANM denies that these releases lead to poor air quality

and immediate negative health impacts and accelerate a climate crisis.

149. In response to Paragraph 161, IPANM admits that most new oil and gas production in New Mexico is done using hydraulic fracturing, which involves the injection of water, sand, or other proppant, and sometimes chemicals into the ground under pressure, and that the resulting fracture to underground bedrock allows recovery of oil or gas. IPANM denies any remaining allegations in Paragraph 161.

150. In response to Paragraph 162, IPANM admits that fracking liquids may return to the surface along with water from the target formation. IPANM denies the remaining allegations in Paragraph 162.

151. In response to Paragraph 163, IPANM admits that barrels of water may be produced along with each barrel of oil. IPANM denies that all such water is toxic. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 163 and therefore denies such allegations.

152. In response to Paragraph 164, IPANM admits that “produced water” must be stored, disposed, or re-used. IPANM denies the remaining allegations in Paragraph 164.

153. In response to Paragraph 165, IPANM admits that there are numerous storage and disposal ponds or pits in New Mexico that contain liquid, other than oil, resulting from the production of oil and gas production. IPANM denies that all of these ponds or pits emit volatile chemicals, leak, or contaminate the land and ground water. IPANM denies any remaining allegations in Paragraph 165.

154. IPANM is without sufficient information to admit or deny Paragraph 166 and therefore deny the same.

155. In response to Paragraph 167, IPANM admits that a spill may contaminate land

where the spill occurs. IPANM denies that “many [spills] contaminate or threaten to contaminate” fresh water. IPANM denies that “[m]ost of these spills are not remediated.”

156. In response to Paragraph 168, IPANM admits that an inactive well could, under some circumstances, result in a release to the land, and it is possible that an inactive well could cause a release to water. IPANM denies that such releases are “typical” or that all such releases are “chemical.” IPANM denies any remaining allegations in Paragraph 168.

157. In response to Paragraph 169, IPANM denies that tens of thousands of inactive, unplugged wells in New Mexico emit dangerous pollutants into the air. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 169 and therefore denies these allegations.

158. In response to Paragraph 170, IPANM admits that the State has a record budget surplus due to oil and gas production. IPANM denies the remaining allegations in Paragraph 170.

159. IPANM denies the allegations in Paragraphs 171-174.

III. Defendants Authorize Oil and Gas Production and Pollution Without Protecting New Mexico’s Beautiful and Healthful Environment, in Violation of the New Mexico Constitution.

A. The Legislature has exempted oil and gas pollution from key environmental protections.

160. The allegations in Paragraph 175 consist of argument and statements of the law, to which a response is not required. To the extent that a response is required, IPANM denies those allegations in Paragraph 175 containing argument and denies any allegation that is inconsistent with New Mexico law.

1) Environmental Improvement Act and the 1971 Legislative Session

161. IPANM admits the first sentence of Paragraph 176. The second sentence of

Paragraph 176 is a statement of law to which no response is required. To the extent the allegations are inconsistent with the law, IPNAM denies the same.

162. The allegations in Paragraphs 177-178 are statements of law to which no response is required. To the extent the allegations are inconsistent with the law, IPNAM denies the same.

163. IPANM admits that the State enacted the NM NEPA during the 1971 legislative session. The remaining allegations of Paragraph 179 are a statement of law to which no response is required. To the extent the allegations are inconsistent with the law, IPNAM denies the same.

164. IPANM is without sufficient information to admit or deny the allegations in the first sentence and in the second sentence up to “1971” of Paragraph 180 and therefore denies the same. The allegation in the last sentence of Paragraph 180, beginning with “thus,” is a statement of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

165. IPANM is without sufficient information to admit or deny the allegations in the first sentence of Paragraph 181 and therefore denies the same. The allegations in the second sentence of Paragraph 181 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

2) Hazardous Waste Act

166. In response to Paragraph 182, IPANM admits that the Hazardous Waste Act was passed by the Legislature in 1977. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 182 and therefore denies the same.

167. The allegations in Paragraphs 183-185 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM

denies them.

3) Hazardous and Radioactive Materials Act

168. IPANM is without sufficient information to admit or deny the allegations in Paragraph 186 and therefore denies the same.

169. The allegations in Paragraphs 187-188 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

4) Solid Waste Act

170. In response to Paragraph 189, IPANM admits that the Solid Waste Act was passed in 1990. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 189 and therefore denies the same.

171. The allegations in Paragraphs 190-191 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

5) Groundwater Protection Act

172. In response to Paragraph 192, IPANM admits that the Legislature passed the Groundwater Protection Act in 1990. The remaining allegations in Paragraph 192 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

173. The allegations in Paragraphs 193-194 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

6) Water Quality Act

174. In response to Paragraph 195, IPANM admits that the Legislature passed the Water Quality Act in 1967. IPANM is without sufficient information with which to admit or deny the remaining allegations in Paragraph 195 and therefore denies them.

175. The allegations in Paragraphs 196-197 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

176. The allegations in Paragraph 198 up to “oil and gas pollution” on the fourth line are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

B. Defendants fail to fulfill their duties under the New Mexico Air Quality Control Act.

177. In response to Paragraph 199, IPANM admits that the Air Quality Control Act was passed in 1967. IPANM is without sufficient information to admit or deny the remaining allegations in the first two lines of Paragraph 199, up to “clause,” and therefore denies the same. IPANM denies the remaining allegations in Paragraph 199.

178. The allegations in Paragraphs 200-202 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

179. IPANM denies the allegations in Paragraph 203.

180. IPANM is without sufficient information to admit or deny the allegations in Paragraph 204 and therefore denies the same.

181. IPANM denies the allegations in Paragraph 205.

182. The allegations in Paragraphs 206-208 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM

denies them.

183. IPANM is without sufficient information to admit or deny the allegations in Paragraph 209 and therefore denies the same.

184. IPANM denies the allegations in Paragraph 210.

185. The allegations in Paragraph 211 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

186. IPANM denies the allegations in Paragraph 212.

187. IPANM is without sufficient information to admit or deny the allegations in Paragraph 213 and therefore denies the same.

188. The allegations in Paragraph 214 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

189. In response to Paragraph 215, IPANM admits that the Environmental Improvement Board has promulgated regulations limiting emissions of ozone precursor pollutants and requiring self-reporting and self-inspections. IPANM denies the remaining allegations in Paragraph 215.

190. IPANM denies the allegations in Paragraph 216.

C. The New Mexico Oil and Gas Act is not a pollution control statute.

191. The allegations in Paragraph 217 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

192. IPANM is without sufficient information to admit or deny the allegations in the first sentence of Paragraph 218 and therefore denies the same. The remaining allegations in Paragraph 218 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

193. The allegations in Paragraphs 219-220 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

194. The allegations in the first six lines of Paragraph 221, up to “limit pollution,” are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them. IPANM admits that some, but not all, regulations provide for self-reporting. IPANM denies the remaining allegations in Paragraph 221.

195. In response to Paragraph 222, IPANM admits that the Oil Conservation Commission promulgated regulations regarding the venting and flaring of gas and requiring operators to submit related reports. IPANM denies that the rules are unenforced. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 222 and therefore denies the same.

196. The allegations in Paragraphs 223 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

197. IPANM denies the allegations in Paragraph 224.

D. The Legislature provides regulatory agencies with insufficient resources to regulate, monitor and control pollution from oil and gas production.

198. IPANM denies the allegations in Paragraphs 225-226.

1) Insufficient oversight and enforcement by New Mexico Environment Department.

199. IPANM denies the allegations in Paragraph 227.

200. IPANM is without sufficient information to admit or deny the allegations in Paragraph 228 and therefore denies the same.

201. The allegations in Paragraphs 229-231 reference documents, which speak for themselves. IPANM denies any allegations in Paragraphs 229-231 that are inconsistent with the referenced documents.

202. IPANM is without sufficient information to admit or deny the allegations in Paragraph 232-234 and therefore denies the same.

203. The allegations in Paragraph 235 reference documents, which speak for themselves. IPANM denies any allegations in Paragraph 235 that are inconsistent with the referenced documents.

204. IPANM is without sufficient information to admit or deny the allegations in Paragraph 236 and therefore denies the same.

205. The allegations in Paragraph 237-238 reference documents, which speak for themselves. IPANM denies any allegations in Paragraphs 237-238 that are inconsistent with the referenced documents.

206. IPANM denies the allegations in Paragraph 239.

2) Insufficient oversight and enforcement by the Natural Resources Department

207. IPANM is without sufficient information to admit or deny the allegations in Paragraph 240-244 and therefore denies the same.

208. IPANM denies the allegations in Paragraph 245.

209. In response to Paragraph 246, IPANM denies that the Commission waited until the summer of 2021 to promulgate rules prohibiting releases. IPANM admits that operators are required to self-report spills. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 246 and therefore denies the same.

210. In response to Paragraph 247, IPANM admits that some operators have been

responsible for more than one release. IPANM denies that Defendants allow all operators who are responsible for multiple releases to continue to operate in New Mexico.

211. In response to Paragraph 248, IPANM admits that unremediated spills could adversely impact groundwater, land, and air. IPANM is without sufficient information to admit or deny the allegations in Paragraph 248 and therefore denies the same.

212. IPANM is without sufficient information to admit or deny the allegations in Paragraph 249 and therefore denies the same.

213. The allegations in Paragraph 250 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

214. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 251-252 and therefore denies the same.

215. IPANM denies the allegations of Paragraph 253.

3) Insufficient resources to clean up and remediate well sites

216. In response to Paragraph 254, IPANM denies that New Mexico has tens of thousands of inactive wells that must be plugged. IPANM further denies that inactive unplugged wells “typically continue to release air pollution and threaten contamination of land and water after production has stopped.” IPANM denies that all inactive wells need to be plugged. IPANM admits that well sites of plugged wells should be reclaimed in accordance with State law. IPANM denies any remaining allegations in Paragraph 254.

217. In response to Paragraph 255, IPANM admits that operators are responsible for plugging wells at the end-of-life and reclaiming the related well sites. IPANM denies the remaining allegations in Paragraph 255.

218. IPANM denies the allegations of Paragraphs 256-257.

219. The allegations in the first sentence of Paragraph 258 are a statement of law to which no response is required. To the extent such allegations are inconsistent with the law, IPANM denies those allegations. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 258 and therefore denies the same.

220. IPANM denies the allegations in the first sentence of Paragraph 259. IPANM is without sufficient information to admit or deny the allegations in the second sentence, up to “unplugged wells,” of Paragraph 259 and therefore denies the same. The allegation in the remainder of the second sentence of Paragraph 259 is a statement of law to which no response is required. To the extent that such allegation is inconsistent with the law, IPANM denies the allegation.

221. IPANM denies the allegations of Paragraphs 261-263.

222. IPANM is without sufficient information to admit or deny the allegations in Paragraph 264-266 and therefore denies the same.

223. In response to Paragraph 267, IPANM admits that some inactive unplugged wells are “orphan wells” whose operators are no longer in existence or financially viable and that such wells may need to be plugged by a third party or the State. IPANM denies any remaining allegations in Paragraphs 267.

224. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 268-270 and therefore denies the same.

225. The allegation in the first two lines of Paragraph 271 is a statement of law to which no response is required. To the extent the allegation is inconsistent with the law, IPANM denies such allegation. IPANM is without sufficient information to admit or deny the allegation that the Division has not brought any lawsuit for indemnification and therefore denies the same.

IPANM denies the remaining allegations in Paragraph 271.

226. IPANM is without sufficient information to admit or deny the allegations in Paragraph 272 and therefore denies the same.

227. In response to Paragraph 273, IPANM admits that the State may need to plug some orphan wells and thereby protect the State's environment. IPANM denies the remaining allegations in Paragraph 273.

IV. Defendants' Authorization of Oil and Gas Development and Pollution Despoils the Environment and Infringes on the Fundamental Rights of Frontline Communities, Indigenous Peoples and Youth, in Violation of the New Mexico Constitution.

A. Air pollution from oil and gas development and pollution authorized by Defendants injures Plaintiffs.

228. IPANM denies the allegations of Paragraphs 274-276.

229. In response to Paragraphs 277-278, IPANM denies that all wells create air pollution. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraphs 277-278 and therefore denies the same.

230. The allegations in Paragraph 279 reference a document that purportedly reflects statements made by Secretary Kenney. The document speaks for itself. To the extent the allegations in Paragraph 290 are inconsistent with the representations in the document of Secretary Kenney's statements, IPANM denies such allegations. IPANM denies the facts stated in the purported statements of Secretary Kenney.

231. In response to Paragraph 280, IPANM denies that fracking, properly conducted, results in a release of dangerous and toxic substances into the environment. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 280 and therefore denies the same.

232. IPANM is without sufficient information to admit or deny the allegations in

Paragraph 281 and therefore denies the same.

233. In response to Paragraph 282, IPANM denies that all oil and gas extraction activities result in the emission of the hydrocarbons identified therein. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 282 and therefore denies the same.

234. In response to Paragraph 283, IPANM denies that all oil and gas extraction activities result in the production of gases that cause harm. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 283 and therefore denies the same.

235. In response to Paragraph 284, IPANM denies that all oil and gas extraction activities result in the uncontrolled emission of harmful liquids. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 284 and therefore denies the same.

236. In response to Paragraph 285, IPANM denies that all oil and gas extraction activities result in the production of damaging particulate matter. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 285 and therefore denies the same.

237. IPANM is without sufficient information to admit or deny the allegations in Paragraph 286 and therefore denies the same.

238. In response to Paragraph 287, IPANM admits that an operator may be required to vent or flare methane under certain circumstances. IPANM denies that methane is always emitted at multiple points in the production and transportation process. IPANM denies any remaining allegations in Paragraph 287.

239. In response to Paragraph 288, IPANM denies that all venting and flaring of methane causes environmental damage.

240. In response to Paragraph 289, IPANM denies that all flaring causes health harms. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 289 and therefore denies the same.

241. In response to Paragraph 290, IPANM denies that properly conducted oil and gas production results in liquid waste that contributes to air pollution.

242. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 291-292 and therefore denies the same.

243. IPANM denies the allegations of Paragraph 293.

l) Frontline Plaintiffs are particularly injured by air pollution from oil and gas production.

244. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 294-303 and therefore denies the same.

245. IPANM is without sufficient information to admit or deny the allegations in the first and second sentences of Paragraph 304 and therefore denies the same. IPANM denies the allegations of the third sentence in Paragraph 304.

246. In response to Paragraph 305, IPANM denies that setbacks are required to protect public health near oil and gas development. IPANM admits that public health can be protected with engineering controls and with environmental monitoring and remediation if a release occurs.

247. IPANM denies the allegations in Paragraph 306.

248. In response to Paragraph 307, IPANM denies that existing county level requirements are inadequate to protect public health. The remaining allegations in Paragraph

307 are statements of law that do not require a response; to the extent that the allegations are inconsistent with the law, IPANM denies such allegations.

249. IPANM denies the allegations of Paragraph 308.

2) Youth Plaintiffs are particularly vulnerable to air pollution from oil and gas production.

250. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 309-313 and therefore denies the same.

3) Indigenous Plaintiffs are particularly injured by air pollution from oil and gas production.

251. In response to Paragraph 314, IPANM denies that the Greater Chaco region is experiencing deteriorating air quality from oil and gas extraction. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 314 and therefore denies the same.

252. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 315-323 and therefore denies the same.

253. IPANM denies the allegations of Paragraph 324.

B. Toxic liquid waste from oil and gas development authorized by Defendants contaminates land and water and harms Plaintiffs.

254. In response to Paragraph 325, IPANM admits that fracking involves the injection of water, sand, or other proppant, and sometimes chemicals into the ground under pressure to fracture underground bedrock, allowing recovery of oil or gas, and that some of the water used to frack returns to the surface along with water produced from the underground formation. IPANM denies any remaining allegations in Paragraph 326.

255. In response to Paragraph 326, IPANM admits that some produced water has a high saline content and may include naturally occurring radioactive materials and that frack fluid

and other constituents may return to the surface with produced water. IPANM denies that produced water is harmful to health when oil and gas operations are properly conducted in accordance with existing law. IPANM denies any remaining allegations in Paragraph 326.

256. The allegations in Paragraph 327 are a statement of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies the same.

257. In response to Paragraph 328, IPANM admits that produced water may contain VOCs or mid-weight organic compounds. IPANM denies that produced water poses a great risk to the environment or causes health problems when oil and gas operations are properly conducted in accordance with existing law. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraphs 328 and therefore denies the same.

258. In response to the first sentence of Paragraph 329, IPANM admits that one or more oil and gas companies may have used PFAS or PFAS precursors in their fracking operation in New Mexico. IPANM is without sufficient information to admit or deny the allegations in the second and third sentences of Paragraph 329, and in the first part of the fourth sentence, up to “into PFAS,” and therefore denies the same. The remaining allegations in the fourth sentence of Paragraph 329 are a statement of law to which no response is required. To the extent such allegations are inconsistent with the law, IPANM denies the same. Paragraphs 291-292 and therefore denies the same.

259. In response to Paragraph 330, IPANM admits that PFAS have been referred to as “forever chemicals.” IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 330 and therefore denies the same.

260. In response to Paragraph 331, IPANM admits that the amount of produced water

increases as oil production increases. IPANM further admits that a barrel is equivalent to approximately 42 gallons. The remaining allegations in Paragraph 331 appear to be based on unspecified data, which speaks for itself. IPANM denies any allegations in Paragraph 331 that are inconsistent with the data.

261. In response to Paragraph 332, IPANM admits that produced water is disposed of in ponds or pits or disposal wells or re-used in oil and gas operations. IPANM denies that produced water is intentionally spilled or leaked into the ground and water. IPANM denies the remaining allegations in Paragraph 332.

262. In response to Paragraph 333, IPANM admits that the amount of fracking water re-used in oil and gas operations is less than the amount of fracking water that is disposed of. IPANM denies the remaining allegations of Paragraph 333.

263. In response to Paragraph 334, IPANM admits that injection of produced water in certain deep formations has been linked to increased seismic activity and that industry, together with the Oil Conservation Division, has developed protocols to mitigate and prevent seismic activity resulting from injection of produced water.

264. IPANM is without sufficient information to admit or deny the allegations in Paragraph 335 and therefore denies the same.

265. The allegations in Paragraph 336 are a statement of law to which no response is required. To the extent the allegations in Paragraph 336 are inconsistent with law, IPANM denies such allegations.

266. The allegations in Paragraph 337 refer to data maintained by the Oil Conservation Division. Such data speaks for itself. To the extent the allegations in Paragraph 337 are inconsistent with the data or contrary to other more reliable data, IPANM denies the

same.

267. The allegations in the first sentence of Paragraph 338 appear to be based on unspecified data. To the extent the allegations are inconsistent with the data or contrary to other more reliable data, IPANM denies the same. IPANM is without sufficient information to admit or deny the allegations in the second sentence of Paragraph 338 and therefore denies the same.

268. The allegations in Paragraphs 339-343 appear to be based on unspecified data. To the extent the allegations are inconsistent with the data or contrary to other more reliable data, IPANM denies the same.

269. IPANM denies the allegations of Paragraph 344.

270. IPANM denies the allegation in the prepositional phrase of the first sentence in Paragraph 345, that the Commission rule regarding releases was adopted in 2021. IPANM is without sufficient information to admit or deny the allegations in the remainder of the first sentence of Paragraph 345 and therefore denies the same. The remaining allegations in Paragraph 345 appear to be based on unspecified data. To the extent the allegations are inconsistent with the data or contrary to other more reliable data, IPANM denies the same.

271. The allegations in the first two lines of the first sentence of Paragraph 346 are a statement of law to which a response is not required. To the extent such allegations are inconsistent with the law, IPANM denies such allegations. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 346 and therefore denies the same.

272. In response to Paragraph 347, IPANM admits that some produced water may be discharged in pits, subject to applicable requirements. IPANM denies that produced water is intentionally “spilt or leaked into the ground” and denies that significant amounts of produced

water is “spilt or leaked into the ground. IPANM denies any remaining allegations in Paragraph 347.

273. The allegations in Paragraph 348 appear to be based on unspecified data, which speaks for itself. To the extent the allegations are inconsistent with the data or contrary to other more reliable data, IPANM denies the same.

274. IPANM denies the allegations of Paragraph 349.

275. The allegations in Paragraph 350 appear to be based on unspecified data, which speaks for itself. To the extent the allegations are inconsistent with the data or contrary to other more reliable data, IPANM denies the same.

276. The allegations of Paragraph 351 are a statement of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies the same.

277. IPANM is without sufficient information to admit or deny the allegations of Paragraph 352 and therefore denies the same.

278. IPANM is without sufficient information to admit or deny the allegations in the first three lines of Paragraph 353 and therefore denies the same. IPANM denies the last four lines of Paragraph 353.

279. IPANM denies the allegations of Paragraph 354.

C. Defendants’ authorization of oil and gas development and pollution harms and depletes New Mexico’s freshwater resources.

280. In response to Paragraph 355, IPANM admits that fresh water can be scarce in New Mexico. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 355 and therefore denies the same.

281. The allegations in Paragraphs 356-359 appear to be based on unspecified data or

documents, which speaks for itself. To the extent the allegations are inconsistent with the document or data, or contrary to other more reliable data, IPANM denies the same.

282. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 360-361 and therefore denies the same.

283. IPANM denies the allegations in paragraph 362.

284. The allegations in Paragraph 363 is based on a document, which speaks for itself. To the extent the allegations are inconsistent with the document, IPANM denies the same.

285. The allegations in Paragraphs 364-368 appear to be based on unspecified data or documents, which speaks for itself. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

286. In response to Paragraph 369, IPANM admits that the overall amount of produced water has increased as oil production has increased.

287. IPANM is without sufficient information to admit or deny the allegations in Paragraph 370 and therefore denies the same.

288. IPANM denies the allegations of Paragraph 371.

289. In response to Paragraph 372, IPANM admits that the industry is not required to reuse produced water.

290. IPANM denies the allegations of Paragraph 373.

291. IPANM is without sufficient information to admit or deny the allegations in Paragraph 374 and therefore denies the same.

292. In response to Paragraph 375, IPANM states that the allegations in the first two lines are a statement of law to which a response is not required. To the extent that the allegations are inconsistent with the law, IPANM denies the same. IPANM denies that the agencies have

not been provided enough funding to catalog and monitor the State's water resources.

293. In response to Paragraph 376, IPANM admits that freshwater remains in the underground formation or is returned to the surface in a condition that may require treatment before re-use. IPANM denies the remaining allegations in Paragraph 376.

294. IPANM denies the allegations in Paragraphs 377-379.

D. Defendants' authorization of oil and gas development and pollution imperils native plants and wildlife.

295. The allegation in the first sentence of Paragraph 380 is a statement of law to which no response is required. To the extent that the allegations therein are inconsistent with the law, IPANM denies the same. The remaining allegations in Paragraph 380 are based on unspecified data or documents, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

296. The allegations in Paragraph 381 are based on unspecified data or documents, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

297. The allegations in Paragraph 382 are a statement of law to which no response is required. To the extent that the allegations therein are inconsistent with the law, IPANM denies the same.

298. IPANM denies the allegations in Paragraphs 383-385.

299. In response to Paragraph 386, IPANM admits that the lesser prairie chicken has been a focus of conservation efforts for years. The remaining allegations are based on unspecified data or documents, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the

same.

300. IPANM denies the allegations in Paragraph 387.

301. IPANM is without sufficient information to admit or deny the allegations in Paragraph 388 and therefore denies the same.

302. IPANM denies the allegations of Paragraph 389.

E. Defendants' authorization of oil and gas development and pollution contributes to catastrophic climate damage and harms Plaintiffs.

303. The allegations in Paragraph 390 appear to be based on unspecified data or documents, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

304. IPANM is without sufficient information to admit or deny the allegations in Paragraph 391 and therefore denies the same.

305. IPANM denies the allegations in Paragraph 392.

306. IPANM is without sufficient information to admit or deny the allegations in Paragraph 393 and therefore denies the same.

307. IPANM denies the allegations of Paragraph 394.

308. IPANM is without sufficient information to admit or deny the allegations in Paragraph 396 and therefore denies the same.

309. The allegations in Paragraph 397 relate to a statement available in writing, which speaks for itself. To the extent the allegations are inconsistent with the writing, IPANM denies the same.

310. In response to Paragraph 398, IPANM admits that the largest fire in New Mexico's recorded history occurred in 2022. IPANM denies the remaining allegations in Paragraph 398.

311. The allegations in Paragraph 399 reference a document that appears to rely on unspecified data, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

312. The allegations in Paragraphs 400-402 appear to rely on unspecified data, which speak for themselves. To the extent the allegations are inconsistent with the data or contrary to other more reliable data, IPANM denies the same.

313. IPANM is without sufficient information to admit or deny the allegations in Paragraph 403 and therefore denies the same.

314. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 404-408 and therefore denies the same.

315. In response to Paragraph 409, IPANM admits that methane may be emitted during production, storage, transmission, and use of oil and gas. IPANM denies the remaining allegations in Paragraph 409.

316. In response to Paragraph 410, IPANM denies that greenhouse gas pollution from the extraction and combustion of oil and gas produced in New Mexico is a significant contributor to the climate crisis. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 410 and therefore denies the same.

317. The allegations in Paragraphs 411-412 reference a document that appears to rely on unspecified data, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

318. The allegations in Paragraph 413 appear to rely on unspecified documents or data, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

319. The allegations in Paragraph 414 relies on an unspecified document that appears to rely on unspecified data, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

320. IPANM denies the allegations in the first sentence of Paragraph 415. The allegations in the second sentence of Paragraph 415 relies on an unspecified document or data, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

321. The allegations of Paragraph 416-418 appear to rely on unspecified documents or data, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

322. IPANM denies the fourth sentence of Paragraph 419. The remaining allegations of Paragraph 419 appear to rely on unspecified documents or data, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

323. IPANM denies the allegations of Paragraph 420.

324. In response to Paragraph 421, IPANM admits that Defendants continue to permit oil and gas extraction and development. IPANM denies the remaining allegations in Paragraph 421.

F. Defendants' authorization of oil and gas development and pollution destroys Indigenous ancestral landscapes, sacred places and traditional cultural resources, harming Indigenous Plaintiffs.

325. IPANM denies the allegations of Paragraph 422.

326. IPANM is without sufficient information to admit or deny the allegations in

Paragraphs 423-425 and therefore denies the same.

327. IPANM denies the allegations in the last sentence of Paragraph 425. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 425 and therefore denies the same.

328. The allegations of Paragraphs 426-427 appear to rely on unspecified documents or data, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

329. IPANM denies the allegations in Paragraphs 428-429.

330. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 430-431 and therefore denies the same.

331. IPANM is without sufficient information to admit or deny the allegations in the first and second sentences of Paragraph 432 and therefore denies the same. IPANM denies the remaining allegations of Paragraph 432.

332. IPANM denies the allegations of Paragraph 433.

333. IPANM is without sufficient information to admit or deny the allegations in the first two sentences of Paragraph 434 and therefore denies the same. IPANM denies the remaining allegations in Paragraph 434.

334. IPANM is without sufficient information to admit or deny the allegations in Paragraph 435 and therefore denies the same.

335. IPANM denies the allegations in the first and last sentences of Paragraph 436. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 436 and therefore denies the same.

336. IPANM denies the allegations in Paragraph 437.

337. IPANM is without sufficient information to admit or deny the allegations in Paragraph 438 and therefore denies the same.

338. The allegations in paragraphs 439-440 rely on unspecified documents, which speak for themselves. To the extent the allegations are inconsistent with the documents, IPANM denies the same.

339. IPANM is without sufficient information to admit or deny the allegations in Paragraph 441 and therefore denies the same.

340. In response to Paragraph 442, IPANM denies that oil and gas development causes harm to the Diné or Pueblo Plaintiffs. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 442 and therefore denies the same.

341. IPANM denies the allegations of Paragraph 443.

CAUSES OF ACTION

COUNT I

Violation of Pollution Control Clause, Article XX, Section 21 of the New Mexico Constitution

1. In response to Paragraph 1, IPANM incorporates its responses above.
2. The allegations in Paragraph 2 are a statement of law, to which no response is required. To the extent that the allegations in Paragraph 2 are inconsistent with the law, IPANM denies the same.
3. IPANM denies the allegations in Paragraphs 3-11.

COUNT II

Violation of the Frontline, Indigenous and Youth Plaintiffs' Inherent Rights and Substantive Due Process Rights Under Article II, Sections 4 and 18, of the New Mexico Constitution, and the New Mexico Civil Rights Act, NMSA 1978 §§ 41-4A-1 – 41-4A-13

1. In response to Paragraph 1, IPANM incorporates its responses above.
2. The allegations in Paragraphs 2-3 are statements of law, to which no response is

required. To the extent that the allegations in Paragraphs 2-3 are inconsistent with the law, IPANM denies the same.

3. IPANM denies the allegations in Paragraphs 4-9.

COUNT III

Disparate and Discriminatory Impact on Frontline Community Member Plaintiffs from Oil and Gas Pollution Permitted by the State: Violation of the Equal Protection Clause, Article II, Section 18, of the New Mexico Constitution, and the New Mexico Civil Rights Act, NMSA 1978 §§ 41-4A-1 – 41-4A-13

1. In response to Paragraph 1, IPANM incorporates its responses above.
2. The allegations in Paragraph 2 are statements of law, to which no response is required. To the extent that the allegations in Paragraph 2 are inconsistent with the law, IPANM denies the same.

3. IPANM denies the allegations in Paragraph 3.

4. In response to Paragraph 4, IPANM is without sufficient information to admit or deny that Frontline community member Plaintiffs are residents of the State of New Mexico. IPANM denies the remaining allegations in Paragraph 4.

5. IPANM denies the allegations in Paragraphs 5-8.

COUNT IV

Disparate and Discriminatory Impact on Indigenous Plaintiffs from Oil and Gas Pollution Permitted by the State: Violation of the Equal Protection Clause, Article II, Section 18, of the New Mexico Constitution, and the New Mexico Civil Rights Act, NMSA 1978 §§ 41-4A-1 – 41-4A-13

1. In response to Paragraph 1, IPANM incorporates its responses above.
2. IPANM denies the allegations in Paragraph 2.
3. In response to Paragraph 3, IPANM is without sufficient information to admit or deny that Indigenous Plaintiffs are residents of the State of New Mexico. IPANM denies the remaining allegations in Paragraph 3.

4. IPANM denies the allegations in Paragraphs 4-7.

COUNT V

Disparate and Discriminatory Impact on Youth Plaintiffs from Oil and Gas Pollution Permitted by the State: Violation of the Equal Protection Clause, Article II, Section 18, of the New Mexico Constitution, and the New Mexico Civil Rights Act, NMSA 1978 §§ 41-4A-1 – 41-4A-13

1. In response to Paragraph 1, IPANM incorporates its responses above.
2. IPANM denies the allegations in Paragraph 2.
3. In response to Paragraph 3, IPANM is without sufficient information to admit or deny that Youth Plaintiffs are residents of the State of New Mexico. IPANM denies the remaining allegations in Paragraph 3.
4. IPANM denies the allegations in Paragraphs 4-8.

RESPONSE TO PRAYER FOR RELIEF

IPANM denies that Plaintiffs are entitled to the relief requested in Paragraphs 1-15.

To the extent that IPANM has not responded to any of the allegations of the Complaint, those allegations are denied.

DEFENSES

1. IPANM affirmatively alleges that in carrying out its constitutional duties, the New Mexico Legislature possesses the exclusive discretion to determine what programs and what levels of funding are necessary and appropriate and the current statutes, programs and funding meet those constitutional obligations.
2. IPANM affirmatively alleges that Defendants can adequately protect the environment of New Mexico with the funding provided by the New Mexico Legislature.
3. IPANM affirmatively alleges that the claims stated in Plaintiffs' Complaint raise questions that are non-justiciable

4. IPANM affirmatively alleges that this Court lacks jurisdiction to award any relief to Plaintiffs other than a simple declaration that the State is, or is not, complying with its constitutional duties. The means of satisfying its constitutional duties rest exclusively with the New Mexico legislature.

5. IPANM affirmatively alleges that the Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

6. IPANM affirmatively alleges that Plaintiffs' claims are barred because Plaintiffs lack standing.

7. IPANM affirmatively alleges that Plaintiffs' claims are barred because Plaintiffs' claims are not judicially redressable.

8. IPANM affirmatively alleges that Plaintiffs' claim for attorney fees is barred in whole or in part by law.

9. IPANM may have additional defenses available to them of which they are not now aware. IPANM reserves the right to assert additional defenses as may be revealed to be appropriate through discovery or otherwise in the course of this litigation.

WHEREFORE, having fully answered each and every allegation in the Complaint, IPANM requests that the Court deny the requested relief, dismiss Plaintiffs' claims with prejudice, enter judgment in favor of IPANM and Defendants, award IPANM and Defendants with their costs of suit in defense of this action, and grant IPANM and Defendants such other and further relief as the Court deems proper.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on _____ the foregoing was filed through the Court's electronic filing system, which caused all parties or counsel of record to be served by electronic means.

**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 Water Reuse*

No. WQCC 23 - 84 (R)

NEW MEXICO ENVIRONMENT DEPARTMENT,
WATER PROTECTION DIVISION,

Petitioner.

**JOINT MOTION TO DISQUALIFY
WATER QUALITY CONTROL COMMISSIONER KRISTA McWILLIAMS**

COMES NOW, New Energy Economy, Daniel Tso and Samuel Sage (“Movants”), pursuant to 20.1.6.102 NMAC and New Mexico’s Governmental Conduct Act, NMSA 1978, § 10-16-1 *et seq.*, Financial Disclosure Act, NMSA 1978, §10-16A-1 *et seq.*, and the Water Quality Act, NMSA 1978 § 74-6-1, *et seq.*, respectfully request that Krista McWilliams, a member of the Water Quality Control Commission (“WQCC”) disqualify herself for personal and professional conflicts of interest and her failure as a Commissioner to file financial disclosures required under law, or in the alternative, that the Commission moves to disqualify Commissioner McWilliams. Given the apparent “real and potential conflicts of interest” a Commission member shall not participate in any action in which his or her impartiality of fairness may reasonably be questioned, and the member shall recuse herself in any such action by giving notice to the commission and the general public by announcing this recusal on the record.

§20.1.6.102 NMAC.

The activities of Commissioner McWilliams, who, as described below and in the attached, has conflicts of interest arising from her and her husband’s interests and affiliations with their

company, [LOGOS Energy, LLC.](#), (also known as LOGOS Resources II and LOGOS Operating, LLC) (“LOGOS”), associations with New Mexico Oil & Gas Association (“NMOGA”), the Montgomery & Andrews law firm, and the Independent Petroleum Association of New Mexico (“IPA NM”), certainly cause the appearance of impropriety and bias, and may include violations of the Governmental Conduct Act, Financial Disclosure Act, and the Water Quality Act.

Movants respectfully requests that Commissioner McWilliams recuse herself from participation in this rulemaking case and announce this recusal on the record.

I. Background

1. On or about December 27, 2023 the Water Protection Division of the New Mexico Environment Department (“Department”) filed a Petition, Case No. WQCC 23 - 84 (R), with the WQCC to adopt a new part within Title 20, Chapter 6 of the New Mexico Administrative Code (“NMAC”). The proposed Part 8 is entitled “Ground and Surface Water Protection – Supplemental Requirements for Water Reuse,” and proposes to supplement the existing Ground and Surface Water Protection Regulations found at 20.6.2 NMAC. (“Reuse Rule”)

2. The Reuse Rule applies to all persons intending to reuse produced wastewater in their operations outside of the oil fields.¹

3. For every barrel of oil produced in New Mexico, four to six barrels of “fluid oil and gas waste”, redefined by the O&G industry as “produced water” are produced; while the waste contains “water,” it is highly contaminated. Produced water is highly saline and contains a

¹ *First Amended Petition, Statement of Reasons*, p. 3, ¶4; <https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/03/2024-03-20-WQCC-23-84-First-Amended-Petition-pj.pdf>

toxic soup of suspended particles, dissolved mineral salts, organic compounds (e.g., volatile and semi-volatile organic compounds (VOCs and SVOCs), petroleum hydrocarbons, organic acids, and oils), naturally- occurring radioactive material (NORM), other inorganic constituents (e.g., sulfide and ammonia), and chemical additives which endanger human health and the environment.

4. “Reuse” is defined in the Reuse Rule, in relevant part, as originating from produced water sources, that has undergone a level of treatment appropriate for an application such as agriculture, irrigation, potable water supplies, aquifer recharge, industrial processes, or environmental restoration.²

5. Krista McWilliams is a member of the Water Quality Control Commission.³ Despite being appointed on April 14, 2023 (retroactive to January 1, 2023),⁴ Commissioner McWilliams has not filed a financial disclosure statement with the Secretary of State since the appointment.

6. On January 9, 2024, a meeting of the WQCC was held. Among the official business, a vote was held to proceed on the Department’s proposed Reuse Rule.⁵ In accordance with the approved vote, Bruce Thomson, as Commission Chair of the WQCC, issued an Order Designating a Hearing Officer and ordered the Hearing Officer to issue a scheduling order setting the date, time, and location of a hearing.⁶

² *Second Amended Petition*, proposed 20.6.8.7(R)(4); <https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/05/Second-Amended-Proposed-Reuse-Rule-2024-05-06-Txt-of-Current-Prpsd-Rule.pdf> (“appropriate” treatment is not defined.) See, Exhibit A, attached and incorporated herein.

³ <https://www.env.nm.gov/opf/water-quality-control-commission/>

⁴ https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2023/04/23-041923-Ltr-to-K.-McWilliams_Redacted.pdf

⁵ <https://www.youtube.com/watch?v=XGtu7p9Jcw>.

⁶ <https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/01/2024-01-30-WQCC-23-84-Order-Appointing-HO-pj.pdf>

7. On April 16, 2024, independent party Nicholas Maxwell filed into the record a *Maxwell’s Motion to Disqualify and Memorandum Brief in Support*, moving to disqualify WQCC members for failing to disclose their financial interests; among those members Mr. Maxwell listed was Krista McWilliams.⁷ Mr. Maxwell relied on, among other authorities, the Governmental Conduct Act, the Financial Disclosure Act, and the Water Quality Act. There were numerous filings in response.

8. On May 10, 2024, New Energy Economy, the Center for Biological Diversity, and WildEarth Guardians filed into the record, *Motion to Cure Jurisdictional Infirmity in Order to Avoid Undue Delay*, moving to cancel the hearing, “dismiss this case, [] each commissioner file the financial disclosures required under NMSA 1978, § 74-6-3(B), and that NMED, in consultation with stakeholders, reissue a proposed rule and petition for hearing.”⁸ Joint Movants specifically listed Ms. McWilliams’ failure to financial disclosure statement.⁹

9. On May 13, 2024, Krista McWilliams was present for the commencement of the hearing. At the beginning of the proceedings, the WQCC Chair asked each Commissioner to state whether he or she had “any real or perceived conflict of interest”.¹⁰ Ms. McWilliams stated the following: “*Krista McWilliams, I have no conflicts of interests, professional or otherwise.*”¹¹

10. The first part of the hearing on the Reuse Rule took place on May 13-17, 2024. The hearing was unable to be completed within the allotted time and is scheduled to resume on August 5, 2024.

⁷ <https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/04/2024-04-16-WQCC-23-84-Maxwell-Motion-to-Disqualify-pj.pdf>, at 2.

⁸ <https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/05/2024-05-10-WQCC-23-84-2024-5-10-Motion-to-Cure-Jursidictional-Infirmity-with-Exhibits-pj.pdf>, at 1.

⁹ *Id.*, at 4.

¹⁰ <https://www.youtube.com/watch?v=zMl-xVFj324>, at 8:40.

¹¹ *Id.*, at 9:53.

11. New Mexico Oil & Gas Association (“NMOGA”) is an intervening party in Case No. WQCC 23 - 84 (R). NMOGA is represented by attorneys from the Montgomery & Andrews law firm.¹²

II. Relevant Facts at Issue

12. The WQCC Commissioner in question is Krista McWilliams, who is currently the [“Vice President of Operations Engineering,”](#) for Logos Energy. Her husband Jay Paul McWilliams is the [Chief Executive Officer](#) of [Logos Energy](#) (“LOGOS”).

13. LOGOS controls approximately 165,000 net acres and 550 oil and gas wells, which produce approximately 40 million cubic feet of natural gas equivalent per day, making LOGOS one of the largest operators in the San Juan Basin.¹³

14. LOGOS operates four saltwater disposal wells (aka produced water disposal wells).¹⁴ In 2023, they used these four wells to dispose of 2,112,279 barrels (over 88 million gallons) of produced water. LOGOS’ need to dispose of millions of barrels of produced water every year will be directly impacted by the WQCC’s ruling on the reuse rule.

15. “LOGOS is a privately held natural gas and oil company.”¹⁵

16. [“LOGOS is an oil and gas acquisitions, development, and exploitation company focused on the San Juan Basin.”](#)¹⁶

¹² <https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/02/2024-02-12-WQCC-23-84-NMOGA-EOA-pj.pdf>

¹³ <https://web.archive.org/web/20221203124729/https://www.daily-times.com/story/money/industries/oil-gas/2017/04/22/logos-resources-drilling-into-future/100302034/>

¹⁴ Well 30-039-27055: 1,113,157 barrels, Well 30-039-30812: 604,718 barrels, Well 30-045-26970: 166,239 barrels, and Well 30-045-34426: 228,165 barrels. See Exhibit B, attached and incorporated herein.

¹⁵ <https://www.logosenergyllc.com/>

¹⁶ https://www.nmt.edu/academics/petreng/advisory_board.php; See, profile of Jay Paul McWilliams.

17. LOGOS is a member of NMOGA, and is an active participant in NMOGA member advocacy.¹⁷

18. From 2017 to 2021, Jay Paul McWilliams, Commissioner McWilliams's husband,¹⁸ was on NMOGA's Board. ¹⁹ NMOGA is a party in the rulemaking at issue.

19. WQCC Commissioner McWilliams is [on the Board](#) and is "[an active member of the Four Corners Economic Development Center Board](#)" of which [NMOGA is a prominent member](#).²⁰

20. Montgomery & Andrews, P.A. has represented LOGOS,²¹ the firm owned and operated by Jay Paul McWilliams and Krista McWilliams, and is the same legal firm that represents NMOGA, in Case No. WQCC 23-84(R). Both Montgomery & Andrews, P.A. and NMOGA also actively engage in lobbying on oil and gas and energy issues before the New Mexico Legislature.²²

21. In Case No. 16069, before the Oil Conservation Division, LOGOS testified, according to the transcript attached and incorporated herein as Exhibit D, that it operates the Rosa Recycling and Containment Facility, a six-acre surface area lined pit that has the capacity for 600,000 barrels of produced water.²³

¹⁷ https://www.nmoga.org/logos_resources_ii_announces_record-breaking_production_from_two_horizontal_mancos_shale_wells;_and

¹⁸ https://www.nmoga.org/listicle_oil_and_gas_companies_supporting_new_mexico_communities
¹⁸ <https://web.archive.org/web/20221203124729/https://www.daily-times.com/story/money/industries/oil-gas/2017/04/22/logos-resources-drilling-into-future/100302034/>

¹⁹ See, Group Exhibit C; and https://www.fuelingusjobs.com/library/public/Letters/09_24_19-President-Trump-Refineries.pdf

²⁰ <https://www.4cornersed.com/membership/our-members/p/item/22994/new-mexico-oil-&-gas-association>

²¹ See, Exhibit D.

²² https://montand.com/practice_areas/oil-and-gas/; <https://www.dropbox.com/scl/fi/oileuhr4fn70bt197fn5/NMO-GA-lobbiest-Balzano.pdf?rlkey=0ouf5dl9z4gv78s50ovxr7vxn&dl=0>
and <https://www.dropbox.com/scl/fi/v0wv876z8gjwy4iqizud4/NMO-GA-lobbiest-Howard.pdf?rlkey=iobdkm9tii2wsbehpjgkcg&dl=0>

²³ See, Exhibit D at 6.

22. LOGOS testified that the “purpose” for the Rosa Recycling and Containment Facility is “to minimize any freshwater usage.”²⁴ This is precisely the reason given for the Reuse Rule provided for by NMED, NMOGA, and the New Mexico Produced Water Research Consortium (“Consortium”),²⁵ another party to the No. WQCC 23-84(R) case.²⁶

²⁴ See, Exhibit D at 6, 15-16.

²⁵ <https://cloud.env.nm.gov/resources/translator.php/HKA~sl~mnAhFiTd2yWeBAialqR+PaKNAPF7cV5CrouZmQGSMalxtmEITWCy3k4G9M1+I3qqXcSrzd4Yb5QcSGYXpHTsh9MkcxjGH~sl~KHdbuImetrdwvdeawd8Q==.pdf> (At NMED Exhibit 037, Bates stamp number 001170: “Overall, there have been calls to increase the use of alternative water sources such as brackish water or recycling produced water, minimizing the strain on local freshwater resources. [] The BLM encourages the use of recycled water in hydraulic fracturing techniques, and in 2019, the State of New Mexico passed the Produced Water Act, which encourages oil and gas producers to reuse produced water for oil and gas extraction when possible rather than rely on freshwater sources.” At NMED Exhibit 051, Bates stamp number 001627, NMED Cabinet Secretary writes: “During the first phase of our work to implement the Produced Water Act, the Department is assessing how to draft rules concerning the treatment of produced water for the protection of the environment and public health. Such rules will assist in preserving precious freshwater resources while offering opportunities to add water to the environment for agricultural, conservation, and cultural purposes.” At NMED Exhibit 139, Bates stamp number 0013858, New Mexico State University prepared a February 21, 2024 report for NMED: “New Mexico is considering alternate pathways for produced water management and reuse that address: • Growing challenges of current PW underground disposal practices that have been linked to environmental issues such as earthquakes and are not sustainable in the long-term. • Water scarcity and groundwater depletion, which are forecast to increase due to climate change. • Providing additional water supplies to enable continued or expanded economic development. • Reducing the use of freshwater for industrial and commercial applications and conserving limited freshwater resources to support communities, including as drinking water.”

<https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/04/2024-04-15-WQCC-23-84-NMOGA-Notice-of-Intent-pj-1.pdf> (At NMOGA Bates stamp number 000051-52: “while produced water can be treated to be used as a source for green hydrogen production, this provides an additional water source to attract new industry to New Mexico but does not help alleviate existing and future freshwater demands within the State. Using treated produced water to replace some amount of current freshwater usage does. Lastly, if produced water can ultimately be treated to an ultrapure quality.” At NMOGA Bates stamp number 000086: “Provide technical support and advice to customers in the fields of chemicals (primarily those used in completion, production and workover activities), and conservation as related to the treatment and reuse of produced water to offset freshwater usage.)

<https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/04/2024-04-15-WQCC-23-84-NMPWRC-Testimony-and-Exhibit-pj-1.pdf> (At 26: “Identify all potential reuse applications that you would support for the use of treated produced water to conserve the use of New Mexico’s freshwater supplies, if the water is treated and regulated to standards that prove it to be safe to use and protect human health and the environment?”)

²⁶ <https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2024/04/2024-04-15-WQCC-23-84-NMPWRC-Testimony-and-Exhibit-pj-1.pdf>

23. LOGOS testified that the Rosa Recycling and Containment Facility had 11 leaks that they were working to repair.²⁷ As a result of the “breach” chlorides and a high number of total dissolved solids were detected.²⁸

24. LOGOS testified that the Rosa Recycling and Containment Facility would help the company realize its “significant [financial] development potential and would want to get into virtually a continuous drilling program[.]”²⁹ Also, later in the testimony, LOGOS testified specifically about the commercial benefit of the Rosa produced water containment Facility, including “the total capital of the well could be saved ... [a]nd improved project economics is going to support the production of further hydrocarbon resources.”³⁰

25. Before working at LOGOS, Ms. McWilliams worked at ConocoPhillips.³¹ Prior to joining Logos, she “founded Diamond Derrick Consulting, a Farmington, NM-based provider of high-quality oil and gas project and data management services. Since forming Diamond Derrick in 2008, Krista and her team have provided support for local and national clients including ConocoPhillips, LINN Energy, Pioneer Resources and Logos Resources.”³²

26. According to Exhibit D, John Bruner, a senior vice president with LOGOS Resources,³³ also previously worked at ConocoPhillips.³⁴ ConocoPhillips is a member of NMOGA.³⁵ Per a press release found on the New Mexico Produced Water Research

²⁷ See, Exhibit D at 13.

²⁸ Id at 24.

²⁹ Id at 15.

³⁰ Id at 16.

³¹ <https://www.logosenergyllc.com/teams/krista-mcwilliams/>

³² <https://www.linkedin.com/in/krista-mcwilliams-38a6a69/>

³³ See, Exhibit D at 3.

³⁴ Id at 4.

³⁵ https://www.nmoga.org/lots_to_love_about_louie; and https://www.nmoga.org/conocophillips_donates_100_000_to_support_new_mexico_wildfire_relief_efforts; and

Consortium’s website³⁶: “ConocoPhillips seek[s] to develop cost-effective and scalable solutions of treating produced water for non-consumptive agricultural, alternative power generation and other industrial and commercial applications.” ConocoPhillips is also a member of the New Mexico Produced Water Research Consortium,³⁷ a party in the No. WQCC 23-84(R) case.

27. A LOGOS PowerPoint given to the Legislature, available at:

<https://www.nmlegis.gov/handouts/WNR%20080723%20Item%2010%20LOGOS.pdf>

admits that risk to the Company includes:

- a) regulatory or legislative actions on LOGOS or the oil and gas exploration and production industry;³⁸
- b) new restrictions impacting LOGOS’s development activities, *including restrictions on water sourcing and/or disposal, restrictions on LOGOS’s water business;*³⁹ and
- c) risks associated with the ownership and operations of LOGOS’s water and compression services.⁴⁰

(Emphasis supplied.)

28. In fact, the U.S. Environmental Protection Agency (EPA) has [issued penalties](#) against LOGOS which it identified back in 2020.⁴¹

29. According to the Oil Conservation Division’s website there have been a number a number of spills and discharges of produced water (and crude oil and other materials, including

https://www.nmoga.org/top_new_mexico_oil_and_natural_gas_producers_partner_to_slash_methane_emissions

³⁶ “Aris Water Solutions, Inc. announced today that ExxonMobil has joined Aris’s previously announced strategic agreement with Chevron U.S.A. Inc. and ConocoPhillips Company to develop and pilot technologies and processes to treat produced water for potential beneficial reuse opportunities. (02/27/23)” found at:

<https://nmpwrc.nmsu.edu/news-events/press-release.html>

³⁷ <https://static.conocophillips.com/files/resources/conocophillips-2021-sustainability-report.pdf> at 97.

³⁸ See, Exhibit E, excerpt of PowerPoint presentation at pdf page 2 of 6. Highlight added.

³⁹ Id. Highlight added.

⁴⁰ Id. Highlight added.

⁴¹ <https://www.epa.gov/newsreleases/epa-announces-nearly-700000-settlements-clean-air-act-violations-companies-san-juan>

condensate) by LOGOS. Exhibit F, contains important and highly relevant information, including:

- a) Over 625 barrels of produced water discharged – which is the equivalent of 26,250 gallons of produced water contaminating the land;
- b) At least 15 of the produced water discharges were “major”, meaning that 25 barrels or more contaminated the land or water;
- c) The data is incomplete because even though the “severity” of the spill was characterized as “major” certain cells in the spreadsheet remain empty: the “volume released” and “volume lost” columns indicate zero amount;
- d) The “spill cause” is quite often explained away due to “equipment failure”;
- e) One “spill cause” resulted from “normal operations”;
- f) At least three incidents contaminated a waterway, and two of the three were caused by “human error” and involved 120 barrels of toxic produced water; and
- g) Five of the spills were referred, not by LOGOS itself, but by an Oil Conservation Division Representative.

30. Commissioner McWilliams is on the board of the Independent Petroleum Association of New Mexico (“IPA NM”).⁴² Among the issues of concern to IPA NM is “produced water,” and when one goes to that website page the instruction is that it is only accessible via “MEMBER ONLY CONTENT”.⁴³ The same applies to the “spill rule.”⁴⁴ Does Ms. McWilliams’ IPA NM board participation violate the WQCC rules against *ex parte* communication?

31. The IPA NM booklet⁴⁵ also shows Krista McWilliams’ name on pg. 10 under 2023 Board Members. It states on p. 3, “we advance and preserve the interests of independent oil and gas producers.” And, under the heading, “Rulemaking Hearings – IPA NM insists on

⁴² <https://ipanm.org/board-of-directors/> (2023-2024 Elected Board Members); <https://www.dropbox.com/scl/fi/hy3wyzhdaexj8ylmw8jk5/McWilliams-Director-Ind-Petro-Assoc.pdf?rlkey=wrzjqcn3c978d3rrk4uky8q2l&dl=0>

⁴³ <https://ipanm.org/member-only-content/>

⁴⁴ Id.

⁴⁵ <https://ipanm.org/wp-content/uploads/2022/10/IPANM-Booklet-2023-READABLE-FINAL-for-WEB.pdf>

specific representation for independents during rulemaking. We push hard to ensure new rules will not impact the bottom-line of our members.”

32. Further, like NMOGA, IPA NM actively lobbies on oil and gas and energy issues before the New Mexico Legislature.⁴⁶

33. Remarkably, Attorney Jeffrey Wechsler, with Montgomery & Andrews, P.A., represents IPA NM, the Board on which Commissioner McWilliams sits, in a pending NM lawsuit D-101-CV-202301038. As stated above Attorney Jeffrey Wechsler, with Montgomery & Andrews, P.A. represents NMOGA in *this* case before the Water Quality Control Commission.⁴⁷ “The IPANM Board unanimously voted to move to intervene in *Atencio v. State of New Mexico*, No. D-101-CV-2023-01038 to protect the interests of IPANM and its members.”⁴⁸ So, Mr. Wechsler’s client is IPA NM in a pending case and Mr. Wechsler is appearing before his client, Commissioner McWilliams in *this* case. The issue of produced water is also an issue in Case No. D-101-CV-2023-01038.

- a) Mr. Wechsler, on behalf of IPA NM argued successfully that IPANM’s Interests could not be adequately by the State of New Mexico; yet in the WQCC case Commissioner McWilliams is acting on behalf of the State.⁴⁹
- b) IPA NM members oppose the characterization of produced water as hazardous waste and aver that if the State treated produced water as hazardous waste it would “place substantial additional regulatory burdens on AEC [Armstrong Energy

⁴⁶ <https://www.dropbox.com/scl/fi/hy3wyzhdaexj8ylmw8jk5/McWilliams-Director-Ind-Petro-Assoc.pdf?rlkey=wrzjqcn3e978d3rrk4uky8q2l&dl=0>

⁴⁷ <https://nmpoliticalreport.com/news/district-court-judge-allows-industry-groups-to-intervene-in-oil-and-gas-lawsuit/> (“But Jeff Wechsler, an attorney representing IPANM, argued that the IPANM should be allowed to intervene because the outcomes will lead to a complete overhaul of the existing regulatory framework and that will have a direct impact on the association. He gave the example of the plaintiffs’ request that produced water—a byproduct of oil and gas production—be treated as hazardous waste. Wechsler said that would upend existing industry practices for disposing of produced water.”)

⁴⁸ See Exhibit G, *Independent Petroleum Association of New Mexico’s Motion to Intervene*, D-101-CV-202301038, Exhibit B at 3, ¶ 10.

⁴⁹ *Id.* at 8-10.

Corporation, a member of IPANM], and would render many wells immediately uneconomical.”⁵⁰

- c) In 2022, just one of IPA NM members, AEC, produced approximately 25.6 million gallons of produced water.⁵¹
- d) “The costs of treating produced water as hazardous waste alone would preclude profitable operations.”⁵²
- e) “...IPANM admits that some produced water has a high saline content and may include naturally occurring radioactive materials and that frack fluid and other constituents may return to the surface with produced water. IPANM denies that produced water is harmful to health when oil and gas operations are properly conducted in accordance with existing law.”⁵³ IPANM’s denial that produced water doesn’t pose a great risk to the environment or cause health problems is in direct contradiction to the testimony of NMED in the WQCC case.
- f) “... IPANM admits that produced water may contain VOCs or mid-weight organic compounds. IPANM denies that produced water poses a great risk to the environment or causes health problems when oil and gas operations are properly conducted in accordance with existing law.” Again, IPANM’s denial that produced water doesn’t pose a great risk to the environment or cause health problems is inapposite to the testimony of NMED in the WQCC case.⁵⁴
- g) “...IPANM admits that injection of produced water in certain deep formations has been linked to increased seismic activity[.]”⁵⁵

III. Applicable Law

34. New Mexico’s Governmental Conduct Act, NMSA 1978 Sections 10-16-1 through 10-16-18, provides for ethical principles of public service and states that public officers shall treat “the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests.”⁵⁶ This duty means that public officers

⁵⁰ Id. at Exhibit C at 4-5, ¶¶ 15-16.

⁵¹ Id.

⁵² Id. at Exhibit F at 5, ¶23.

⁵³ See Exhibit H, IPANM’s Reply in Support of Motion to Intervene, D-101-CV-202301038, Exhibit G at 33, ¶ 255.

⁵⁴ Id., at Exhibit G at 34, ¶ 257.

⁵⁵ Id., at Exhibit G at 35, ¶ 263.

⁵⁶ NMSA 10-16-3(A)

“shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service.”⁵⁷ Furthermore, public officials must use “full disclosure of real or potential conflicts of interest” as a “guiding principle for determining appropriate conduct” and must take “reasonable efforts [] to avoid undue influence and abuse of office in public service.”⁵⁸

35. The Financial Disclosure Act was enacted in 1993 as part of a broad set of statutory enactments and amendments related to governmental ethics. See Laws 1993, Chapter 46, §§ 39-45; see also *id.* §§ 1-60. The Financial Disclosure Act, §10-16A-4 further underscores the twin purposes of public service. See NMSA 1978, § 10-16-3. First, as stated above, financial disclosure requirements provide state officials and employees with a formal means of disclosing “real and potential conflicts of interest” NMSA 1978, § 10-16-3(C) (1993). Second, financial disclosure requirements provide the public with a means to check that a public officer is using “the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests.” NMSA 1978, § 10-16-3(A) (1993, as amended 2011).⁵⁹

36. Water Quality Control Commissioners are required, upon the acceptance of the member’s appointment and prior to the performance of any of the members’ duties, to file a financial disclosure statement with the New Mexico Secretary of State under the Water Quality Act. NMSA 1978 § 74-6-3(B). This subsection requires commissioners to submit a financial disclosure statement “prior to the performance of any of the member’s duties.” The full text of Section 74-6-3(B) states:

⁵⁷ NMSA 10-16-3(B)

⁵⁸ NMSA 10-16-3(C)

⁵⁹ See 2021 Op. Ethics Comm’n No. 2021-10, <https://www.nmonesource.com/nmos/secap/en/item/18187/index.do>.

B. A member of the commission shall not receive, or shall not have received during the previous two years, a significant portion of the member's income directly or indirectly from permit holders or applicants for a permit. *A member of the commission shall, upon the acceptance of the member's appointment and prior to the performance of any of the member's duties, file a statement of disclosure with the secretary of state disclosing any amount of money or other valuable consideration, and its source, the value of which is in excess of ten percent of the member's gross personal income in each of the preceding two years, that the member received directly or indirectly from permit holders or applicants for permits required under the Water Quality Act.* A member of the commission shall not participate in the consideration of an appeal if the subject of the appeal is an application filed or a permit held by an entity that either employs the commission member or from which the commission member received more than ten percent of the member's gross personal income in either of the preceding two years.

(Emphasis supplied).

Until the financial disclosure statement is filed with the Secretary of State, a WQCC member is not permitted to perform any of the member's duties. Thus, actions taken after a WQCC member's appointment but prior to filing a financial disclosure with the Secretary of State are unlawful and void. Furthermore, the mere participation in the rulemaking by a conflicted member may taint the non-conflicted members by her participation and advocacy for her own interest rather than the public interest due to the conflict.

37. Section 20.1.6 et seq. of the New Mexico Administrative Code governs the procedures to be followed by the WQCC, and by participants before the commission, in connection with all rulemaking hearings before the commission. In particular, provisions for recusal, **20.1.6.102 NMAC** are stated as follows:

RECUSAL: No commission member shall participate in any action in which his or her impartiality or fairness may reasonably be questioned, and the member shall recuse himself or herself in any such action by giving notice to the commission and the general public by announcing this recusal on the record. In making a decision to recuse himself or herself, the commission member may rely upon the Governmental Conduct Act, Sections 10-16-1

through 10-16-18 NMSA 1978, the Financial Disclosures Act, Sections 10-16A-1 through 10-16A-8 NMSA 1978, or any other relevant authority.

38. Administrative bodies acting as decision-makers in quasi-judicial processes are held to the same ethical standards comparable to those that apply to a court exercising the same function. *See, e.g., High Ridge Hinkle Joint Venture v. City of Albuquerque*, 1994-NMCA-139, ¶ 40, 119 N.M. 29, 888 P.2d 475. As described in *High Ridge Hinkle Joint Venture*, 1994-NMCA-139 at ¶ 40:

In general, a judge should be disqualified from deciding a matter ‘if an objective observer would entertain reasonable questions about the judge's impartiality.’ *Liteky v. United States*, 510 U.S. 540, 114 S.Ct. 1147, 1162, 127 L.Ed.2d 474 (1994) (Kennedy, J., concurring). The test is an objective one, ‘so that what matters is not the reality of bias or prejudice but its appearance.’ *Id.* 114 S.Ct. at 1154 (majority opinion). ‘[J]ustice should not only be done, but should manifestly and undoubtedly be seen to be done.’ *Id.* 114 S.Ct. at 1162 (Kennedy, J., concurring) (quoting *Ex parte McCarthy* [1924] 1 K.B. 256, 259 (1923)).

39. The parties before quasi-judicial bodies are therefore entitled to “an opportunity to be heard, to an opportunity to present and rebut evidence, to a tribunal which is impartial in the matter — i.e., having had no pre-hearing or ex parte contacts concerning the question at issue — and to a record made and adequate findings executed.” *Albuquerque Commons P'ship*, 2008-NMSC-025 at ¶ 34 (internal quotation marks and citations omitted). *See also* Rule 21-206 NMRA at committee commentary ¶ 1 (“The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.”).

40. Like judicial processes, quasi-judicial processes are subject to rules and regulations prohibiting the adjudicatory body and its members from engaging in unfair or biased conduct, which includes the *appearance* of bias in favor of one party over another. *See generally* Rule 21-

102 NMRA (“A judge shall act at all times in a manner that promotes public confidence in the independent, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety.”). Courts have recognized that the appearance and practice of neutrality (which requires avoidance of the *ex parte* communications) is fundamental to fairness and due process. *See, e.g., In re Naranjo*, 2013-NMSC-026, ¶ 15, 303 P.3d 849 (holding a judge who engaged in *ex parte* communications with another judge presiding over the case of a relative committed willful misconduct); *In re Rael*, No. S-1-SC-33,633, N.M. Sup. Ct. Oct. 3, 2012 (non-precedential) (holding a judge engaging in *ex parte* proceedings and taking action in the case based off the *ex parte* proceeding committed willful misconduct).

41. These statutes and rules aim to prevent any undue influence, bias, or the perception thereof, by ensuring that all parties have an equal opportunity to present their case and be heard by an impartial tribunal in accordance with due process protections. *See* U.S. Const. Amends. V, XIV. *See generally, Albuquerque Commons P’ship v. Albuquerque City Council*, 2009-NMCA-065, ¶ 32, 146 N.M. 568, 212 P.3d 1122 (“It is well established that ‘a fair trial in a fair tribunal is a basic requirement of due process.’” (quoting *Withrow v. Larkin*, 421 U.S. 35, 46 (1975))); *NM Bd. of Veterinary Med. v. Riegger*, 2007-NMSC-044, ¶ 27, 142 N.M. 248, 164 P.3d 947 (“Procedural due process requires a fair and impartial hearing before a trier of fact who is disinterested and free from any form of bias or predisposition regarding the outcome of the case. ‘The inquiry is not whether the Board members are actually biased or prejudiced, but whether, in the natural course of events, there is an indication of a possible temptation to an average [person] sitting as a judge to try the case with bias for or against any issue presented to him [or her].’ Furthermore, these due process protections apply to administrative proceedings.” (internal citations omitted)).

42. When administrative agencies adjudicate or make binding determinations, especially ones that will have enormous short and long-term impact on human health and the environment, “[t]he rigidity of the requirement that the trier be impartial and unconcerned in the result applies more strictly to an administrative adjudication where many of the customary safeguards affiliated with court proceedings have, in the interest of expedition and a supposed administrative efficiency, been relaxed.” *Reid v. N.M. Bd. Of Exam’rs of Optometry*, 1979-NMSC-005, ¶8, 92 N.M. 414, 416, 589 P.2d 198, 200. Our Supreme Court stated,

At a minimum, a fair and impartial tribunal requires that the trier of fact be disinterested and free from any form of bias or predisposition regarding the outcome of the case. *See Tumey v. Ohio*, 273 U.S. 510, 47 S.Ct. 437, 71 L.Ed. 749 (1927); *National Labor Relations Board v. Phelps*, 136 F.2d 562 (5th Cir.1943). In addition, our system of justice requires that the appearance of complete fairness be present. *See Wall v. American Optometric Association, Inc.*, 379 F. Supp. 175 (N.D.Ga. 1974), *aff’d*, 419 U.S. 888, 95 S.Ct. 166, 42 L.Ed.2d 134 (1974). The inquiry is not whether the Board members are actually biased or prejudiced, but whether, in the natural course of events, there is an indication of a possible temptation to an average man sitting as a judge to try the case with bias for or against any issue presented to him. *See generally Gibson v. Berryhill*, 411 U.S. 564, 93 S.Ct. 1689, 36 L.Ed.2d 488 (1974).

These principles apply to administrative proceedings as well as to trials.

43. Here, applying an objective standard, it is clear that as a WQCC Commissioner who has an actual appearance of bias Ms. McWilliams should not preside over any proceedings in this matter. *See, e.g.*, Rule 21-211 NMRA (“A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned....”); NM JUDICIAL ETHICS HANDBOOK at 6-720 (recusal when impartiality may be reasonably questioned in the mind of a person with knowledge of the circumstances).

44. Despite these duties, the facts outlined herein demonstrate likely violations of these laws, statutes and rules and Ms. McWilliams’ obligations to uphold public trust placed upon her by the people of New Mexico.

IV. Highly technical and complicated matters must be free from conflict of interest or monetary gain

44. Commissioner McWilliams is currently serving as a decisionmaker in this rulemaking proceeding, which poses a direct conflict of interest (or at the very least an apparent conflict of interest) to the business she and her husband own and operate. The outcome of this rulemaking, will substantially, favorably or unfavorably, directly impact her business and financial interests and that of her husband, and the organizations of which their business is a member, including the New Mexico Oil & Gas Association (“NMOGA”). NMOGA is a party in this case and is represented by the same law firm that her business has also employed. Further, her business has been caught releasing produced water illegally and repeatedly⁶⁰ on the oil field, which is the primary issue of contention in this case – whether *any* treated or untreated produced water should be released *off* the oil fields. Thus, there is significant question as to her ability to put public service above her fiduciary duty and personal bias toward her company and its associations.

45. The fact that the same law firm is representing NMOGA, IPA NM and Commissioner McWilliams’ business, LOGOS, would imply a common interest or alignment of interest between NMOGA and Commissioner McWilliams and her business, LOGOS. To that extent, the attorneys representing NMOGA and Commissioner McWilliams’ business, LOGOS, at least indirectly represent Commissioner McWilliams’ financial interests in the rulemaking. Thus, she is both the regulator and regulated with regard to her financial interests; and the same attorneys directly or indirectly represent both Commissioner McWilliams financial interests and other interests in the oil and gas industry with which she is aligned, before the Commission.

⁶⁰ See, LOGOS spills and discharges according to OCD, attached and incorporated herein as Exhibit F.

46. According to 20.1.6.6 NMAC, the WQCC must “assure that commission hearings are conducted in a fair and equitable manner.”

47. The Proposed Reuse Rule is a “Regulatory change” meaning that its adoption will change regulation to authorize the reuse of treated produced water off the oil field, and this change will directly and substantially impact Commissioner McWilliams financial interests.⁶¹

48. Movants acknowledge that they don’t have evidence of unlawful *ex parte* communications, however, it strains credulity to think that since January 9, 2024 Ms. McWilliams has not spoken with any interested parties, including her husband, anyone else at LOGOS or NMOGA about the ramifications of the proposed Reuse Rule. Or that given her fiduciary duties as a Board member of IPA NM she hasn’t discussed the consequences, favorably or unfavorably, of the proposed Reuse Rule in Case No. WQCC 23-84(R). Given that near impossibility, and improbability, Ms. McWilliams would have already violated the WQCC rule against *ex parte* communications. “At no time after the commission’s determination to hold a public hearing on a petition and before the issuance of the commission's written decision under this part, shall the department, or any other party, interested participant or their representatives discuss *ex parte* the merits of the proceeding with any commission member or the hearing officer.”⁶²

50. **Conflicts of Interest/Favored Treatment:** A Conflict of Interest exists when the employee (or organization) has some personal kinship, friendship, financial or political interest that may cause the employee (or organization) to place personal and/or organizational interests above the duty of public service.⁶³ Acts related to the purposeful misstatement or omission of

⁶¹ 20.1.6.7 S NMAC; Exhibit A, *Second Amended Petition*, proposed 20.6.8.400 B&C.

⁶² 20.1.6.103 NMAC.

⁶³ <https://www.saonm.org/auditing/special-audits-and-investigations/issues-we-handle/>

financial position may be considered. Acts that fraudulently influence, manipulate, or mislead the public, regulators, decision-makers, and others who rely on the accuracy and completeness of reporting may be considered.⁶⁴

51. Movants represent thousands of members in New Mexico who are deeply concerned about the rulemaking and its ramifications on public health and the environment and whether the public will be afforded a fair hearing by unbiased and impartial Commissioners. On June 10, 2024, Movants along with 16 non-profit and community groups across New Mexico filed a complaint with the Ethics Commission based on the same allegations as stated herein.

52. Via the press⁶⁵ and social media outlets⁶⁶ the public has already begun to enunciate its skepticism and distrust of the rulemaking process. WQCC Commissioner McWilliams was one of the Commissioners mentioned in a blog post questioning the ethical qualifications of WQCC Commissioners, including because of hefty raises received immediately preceding the filing of the NMED proposed Reuse Rule. Those Commissioners are now sitting in judgment of this case.⁶⁷

53. Commissioners, like judges, can uphold important safeguards and be the guardians against state and federal enforcement of unjust, harmful, discriminatory policies, and the adoption of unlawful regulation but they may also be fallible, weak in judgement and character, personally and professionally indifferent to systemic injustice, or corruptible. Here, we

⁶⁴ Id.

⁶⁵ <https://sourcennm.com/2024/05/23/wqcc-unclear-disclosure-rules/> and <https://thecandlepublishing.com/wqcc-member-mcwilliams-claims-no-conflict-of-interest-but-husbands-company-had-11-major-produced-water-releases-according-to-state-records/>

⁶⁶ For instance, <https://www.facebook.com/share/v/LdVe2PmjvxHTv6BS/?mibextid=oFDknk> and <https://www.instagram.com/reel/C7kEu0vP-9l/?igsh=cW9hMGhvaXNqMG5x>.

⁶⁷ <https://thecandlepublishing.com/among-wqcc-members-expected-to-decide-produced-water-rule-oil-biz-executive-and-three-state-employees-given-big-pay-raises-in-the-days-leading-to-nmed-filing-rule/>

see, the administrative process may be corrupted by external political, financial or associational pressures and influence.

56. Given the facts more fully articulated above Ms. Mc William’s “impartiality of fairness may reasonably be questioned, and the member shall recuse herself.”⁶⁸

57. Movants sought the position of the parties and can report: **NMED?**
NMOGA opposes the Motion. Nick Maxwell takes no position on the Motion. No other party provided its position prior to the filing of this Motion.

V. Conclusion

By their very nature the “issues” regarding whether any produced water should be permitted outside the oil field are strongly contested and thus require consideration of the views of all opposing parties to avoid disadvantaging any party. Yet Commissioner McWilliams’ impartiality is questionable at best. The adjudicatory system depends on adversaries to help its neutral decision-makers arrive at fair and just decisions. When that process is not honored, the outcome is inherently one-sided, and unfairly advantaging one party (O&G interests) over others.⁶⁹ Even the most vigilant and conscientious of judges may be subtly influenced by such contacts.⁷⁰

⁶⁸ 20.1.6.102 NMAC.

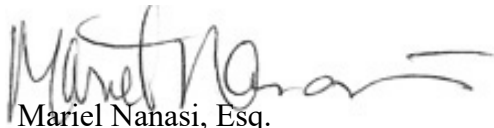
⁶⁹ John Allen, *Combinations of Decision-making Functions, Ex Parte Communications, and Related Biasing Influences: A Process-Value Analysis*, 1993 UTAH LAW REVIEW 1135, 1197 (1993) (“Unchallenged evidence or arguments are more salient, more likely to be recalled by the decision maker, and more likely to carry inordinate weight in the mental process of reaching a final conclusion.”).

⁷⁰ *Rose v. Florida*, 601 So. 2d 1181 (Fla. 1992).

Further, the public’s right to an unbiased and conflicted Commissioner is paramount; a quasi-judicial body bound by “ethical standards comparable to those that govern a court in performing the same function.” *Albuquerque Commons P’ship*, 2008-NMSC-025, ¶ 33 (quoting *High Ridge Hinkle Joint Venture*, 1994-NMCA-139 at ¶ 40). Here, the public trust has been violated by Ms. McWilliams because it is clear that the outcome of the underlying Reuse Rule in the WQCC 23 - 84 (R) will financially impact her, her company, and the organizations which she and her husband serve.

Wherefore, because Commissioner McWilliams activities give the appearance of impropriety and bias Movants respectfully requests that she recuse herself from participation in Case No. WQCC 23-84 (R).

Respectfully submitted this 10th day of June, 2024.



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**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 Water Reuse*

No. WQCC 23 - 84 (R)

NEW MEXICO ENVIRONMENT DEPARTMENT,
WATER PROTECTION DIVISION,

Petitioner.

Certificate of Service

I hereby certify that on June 10, 2024, a copy of the foregoing Motion to Disqualify Commissioner Krista McWilliams was emailed to the persons listed below.

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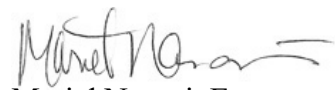
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TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 6 WATER QUALITY
PART 8 GROUND AND SURFACE WATER PROTECTION –
SUPPLEMENTAL REQUIREMENTS FOR WATER REUSE

20.6.8.1 ISSUING AGENCY: Water Quality Control Commission.
[20.6.8.1 NMAC - N, mm-dd-yy]

20.6.8.2 SCOPE: All persons subject to regulation implemented through the department pursuant to the Water Quality Act, Sections 74-6-1 et seq, NMSA 1978 and specifically to persons intending to reuse wastewater and their operations.
[20.6.7.2 NMAC - N, mm-dd-yy]

20.6.8.3 STATUTORY AUTHORITY: Standards and regulations are adopted by the commission under the authority of the Water Quality Act, Sections 74-6-1 through 74-6-17 NMSA 1978 and the Produced Water Act, Subsection B of Section 70-13-3 NMSA 1978 and Subsection D of Section 70-13-4 NMSA 1978.
[20.6.8.3 NMAC - N, mm/dd/yy]

20.6.8.4 DURATION: Permanent.
[20.6.8.4 NMAC - N, mm-dd-yy]

20.6.8.5 EFFECTIVE DATE: Month Day, Year, unless a later date is cited at the end of a section.
[20.6.8.5 NMAC - N, mm-dd-yy]

20.6.8.6 OBJECTIVE: The objective of 20.6.8 NMAC is to supplement the general requirements of 20.6.2.1200 through 20.6.2.2201 NMAC and 20.6.4.8 through 20.6.4.900 NMAC, and the general groundwater permitting requirements of 20.6.2.3000 through 20.6.2.3114 NMAC to control the discharges of water contaminants specific to water reuse.
[20.6.8.6 NMAC - N, mm-dd-yy]

20.6.8.7 DEFINITIONS: The following terms as used in this part shall have the following meanings: terms defined in the Water Quality Act, but not defined in this part, will have the meaning given in the act.

A. Terms beginning with numerals or the letter “A,” and abbreviations for units.

(1) **“Agricultural application”** means the application of reuse water for cultivating the soil and growing crops or irrigating pasture for livestock grazing. Agricultural application includes the use of water in connection with the operation or maintenance of feedlots or animal feeding operations (“AFOs”), but not those activities defined as livestock application.

(2) **“Application”** means a final disposition of a treated wastewater for reuse. Applications include, but are not limited to industrial, agricultural, direct potable, indirect potable, recreational turf, rangeland, or ecological restoration water reuse. Applications may have effluent criteria to protect ground water, surface water, and aquatic health.

B. Terms beginning with the letter “B”.

(1) **“Bench-scale project”** means a project or study conducted in a laboratory.

C. Terms beginning with the letter “C”.

(1) **“Commercial application”** means the application of reuse water in connection with any activity that provides, or offers to provide, goods or services for incidental use, such as but not limited to car washes, laundry facilities, window washing, chemical mixing, where public access is not restricted or limited.

D. Terms beginning with the letter “D”.

(1) **“Demonstration project”** means a bench-scale or pilot project, as defined in this Part.

(2) **“Department”** means the New Mexico environment department.

(3) **“Direct potable application”** means the application of reclaimed wastewater for drinking water purposes through delivery directly to a drinking water plant or a drinking water distribution system without an environmental buffer. Additional treatment, monitoring, or an engineered buffer would be used in place of an environmental buffer to provide equivalent protection of public health and response time if the purified water does not meet specifications.

(4) **“Discharge permit”** as defined in 20.6.2 NMAC.

(5) **“Discharge plan”** as defined in 20.6.2 NMAC.

(6) **“Discharge site”** as defined in 20.6.2 NMAC.

(7) **“Disposal”** as defined in 20.6.2 NMAC.

(8) **“Domestic wastewater”** means untreated wastewater containing human excreta and

water-carried waste from typical residential plumbing fixtures and activities, including but not limited to, wastes from toilets, sinks, bath fixtures, clothes or dishwashing machines and floor drains.

E. Terms beginning with the letter “E”.

(1) **“Environmental buffer”** means any ground water, streams, lakes, or impoundments used for reuse water storage or conveyance purposes related to an indirect potable application.

F. Terms beginning with the letter “F”.

(1) **“Feasibility study”** means a study conducted by a person to determine if a new or modified domestic wastewater treatment technology will be technically, economically, or financially viable for use in a direct or indirect potable application.

(2) **“Flood irrigation application”** means land application of reuse water by ditches, furrows, pipelines, low flow emitters, and other non-sprinkler methods.

(3) **“Flowback water”** means the fluid returned after the hydraulic fracturing process is completed, where the internal pressure of the rock formation causes fluid to return to the surface through the wellbore. Flowback water is a component of produced water.

(4) **“Food crop application”** means application of reuse water to domestic plants which are produced for the purpose of or may be used in whole or in part for, consumption by people or livestock, including, but not limited to nursery, root, seedstock to be used for the production of food crops.

(5) **“Formation water”** means water that occurs naturally within the pores of rock.

G. Terms beginning with the letter “G”.

(1) **“Ground water”** as defined in 20.6.2 NMAC.

H. Terms beginning with the letter “H”.

(1) **“Hydraulic fracturing”** means a technique that fractures a rock formation that stimulates the flow of natural gas or oil, increasing the volumes that can be recovered. Fractures are created by pumping large quantities of fluids at high pressure down a wellbore and into the target rock formation. Hydraulic fracturing fluid, also referred to as fracking fluid, commonly consists of water, proppant, and chemical additives that open and enlarge fractures that can extend several hundred feet away from the wellbore. This technique is generally used in unconventional oil and gas production.

I. Terms beginning with the letter “I”.

(1) **“Indirect potable application”** means the application of reclaimed wastewater for drinking water purposes with an intermediary environmental or constructed buffer.

(2) **“Industrial application”** means the application of reuse water in any activity that is used in connection with industrial processes, such as alternative energy, hydrogen production, cooling water, process/boiler feeds, utility power plants, chemical plants, and metal working facilities where at a minimum, public access is restricted or limited.

(3) **“Industrial project”** means a reuse water project that does not discharge and that is used in connection with industrial processes, such as alternative energy, hydrogen production, cooling water, process/boiler feeds, utility power plants, chemical plants, and metal working facilities where at a minimum, public access is restricted or limited.

(4) **“Injection”** as defined in 20.6.2 NMAC

(5) **“Irrigation application”** means application of reuse water to land areas to foster plant growth.

J. Terms beginning with the letter “J”. [RESERVED]

K. Terms beginning with the letter “K”. [RESERVED]

L. Terms beginning with the letter “L”.

(1) **“Land application”** means the application of reuse water to the ground surface in which no other application has been assessed and to which the application or run-off does directly or indirectly enter a surface or ground water of the state.

(2) **“Livestock application”** means the application of reuse water for the consumption of water for the care and feeding of domestic animals such as cattle or horses. Livestock application does not include the use of water in connection with the operation or maintenance of feedlots or agricultural application of water.

M. Terms beginning with the letter “M”. [RESERVED]

N. Terms beginning with the letter “N”.

(1) **“National Pollutant Discharge Elimination System”** means the federal program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the federal Clean Water Act. The NPDES program is administered by the United States Environmental Protection Agency (EPA) in the State of New Mexico.

(2) **“NTU”** means nephelometric turbidity units, measured by a nephelometer.

(3) **“NPDES permit”** means a national pollutant discharge elimination permit which is an authorization, license, or equivalent control document issued by the authorized permitting entity to implement the requirements of the federal program as identified in 40 C.F.R. Sections 122, 123, and 124.

O. Terms beginning with the letter “O”. [RESERVED]

P. Terms beginning with the letter “P”.

(1) **“Person”** as defined in 20.6.2 NMAC.

(2) **“Pilot project”** means a representative engineering scale model or prototype system that is beyond the bench-scale and tested in a non-laboratory environment. A pilot project represents an increase in the technological scale than otherwise achievable in a laboratory and often involves larger quantities of materials over longer periods of time.

(3) **“Potable”** means water that is suitable for human consumption.

(4) **“Pretreatment”** means the reduction, elimination, or alteration of pollutants in wastewater prior to or in lieu of discharging into a publicly owned treatment works (POTW) or other wastewater treatment facility. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or by other means. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against volumetric or pollutant surges or load variations that might interfere with or otherwise be incompatible with the treatment facility.

(5) **“Produced water”** means a fluid (wastewater) that is an incidental byproduct from drilling for or the production of oil and gas, and includes formation water, flowback water, and any chemicals added downhole during drilling, production, or maintenance processes during the life cycle of an oil or gas well. Produced water includes known and unknown water pollutants.

Q. Terms beginning with the letter “Q”. [RESERVED]

R. Terms beginning with the letter “R”.

(1) **“Reclaimed wastewater”** means domestic wastewater that has been treated to the specified levels for the defined applications and complies with other applicable local, state, or federal regulations.

(2) **“Recycled produced water”** means produced water that is reconditioned by a recycling facility permitted or registered with the oil conservation division of the energy, minerals, and natural resources department, and is reused within the oil and gas industry for the exploration, drilling, production, treatment or refinement of oil and gas.

(3) **“Restoration application”** or **“ecological application”** means the use of water for the implementation of ecological or environmental restoration activities permitted under applicable state and federal regulations.

(4) **“Reuse water”** means a treated wastewater originating from domestic, industrial, or produced water sources, that has undergone a level of treatment appropriate for an application such as agriculture, irrigation, potable water supplies, aquifer recharge, industrial processes, or environmental restoration. Reuse water has a water quality, based on application, determined to be protective of the environment and human health. For purposes of this Part, reuse is categorized by the source of the water (e.g., “domestic reuse” is wastewater originated from domestic sources following appropriate treatment that may be used for various applications such as irrigation).

S. Terms beginning with the letter “S”.

(1) **“State”** means the state of New Mexico.

(2) **“Surface water”** means a “surface water(s) of the state” as defined in 20.6.4 NMAC.

T. Terms beginning with the letter “T”.

(1) **“Transference”** means the distribution, temporary storage, or disposal of reuse water.

(2) **“Treated produced water”** means produced water that is reconditioned by mechanical or chemical processes into a reusable form.

(3) **“Treated wastewater”** means wastewater that has undergone treatment.

(4) **“Treatment”** means a process in which wastewater has been reconditioned by biological, mechanical, or chemical processes to remove or eliminate contaminants, creating an effluent that can be returned to the water cycle either through discharge, transference, or reuse.

U. Terms beginning with the letter “U”.

- (1) **“Untreated produced water”** means produced water that has not undergone treatment.
- (2) **“Untreated wastewater”** means wastewater that has not undergone treatment.

V. Terms beginning with the letter “V”. [RESERVED]

W. Terms beginning with the letter “W”.

(1) **“Water contaminant”** means any substance that, if discharged or spilled, could alter the physical, chemical, biological or radiological qualities of water. “Water contaminant” does not mean source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, but may include all other radioactive materials, including but not limited to radium and accelerator-produced isotopes.

(2) **“Water pollutant”** means a water contaminant in such quantity and of such duration as may with reasonable probability injure human health, animal or plant life or property, or to unreasonably interfere with the public welfare or the use of property.

(3) **“Water pollution”** as defined in 20.6.2 NMAC.

(4) **“Wastewater”** means water or other fluids associated directly with sewerage systems, industrial processes, or produced water that is disposed of, or undergoes treatment for discharge, transference, or reuse. Wastewater in this Part does not include dairy wastewater, as defined in 20.6.6 NMAC.

X. Terms beginning with the letters “X” through “Z”. [RESERVED]
[20.6.8.7 NMAC – N, mm-dd-yy]

20.6.8.8 – 20.6.8.99 [RESERVED]

[20.6.8.8-20.6.8.99 NMAC – N, mm-dd-yy]

20.6.8.100 GENERAL PROVISIONS: Unless otherwise required by this Part, all persons are subject to the state’s Ground and Surface Water Protection Regulations (20.6.2 NMAC). This includes, but is not limited to, regulations relating to spills, notices of intent, permitting, fees, penalties, compliance orders, and abatement.
[20.6.8.100 NMAC – N, mm-dd-yy]

20.6.8.101 – 20.6.8.199 [RESERVED]

[20.6.8.101-20.6.8.199 NMAC – N, mm-dd-yy]

20.6.8.200 DOMESTIC WASTEWATER REUSE: [RESERVED]

[20.6.8.200 NMAC – N, mm-dd-yy]

20.6.8.201 DIRECT AND INDIRECT POTABLE APPLICATIONS:

A. Unauthorized applications. The department shall not approve a discharge permit or a discharge permit modification that includes the discharge of reuse water for direct or indirect potable applications except for those authorized applications identified in Subsection B of 20.6.8.201 NMAC.

B. Authorized applications.

(1) **Feasibility studies:** Persons proposing to conduct a feasibility study for direct or indirect potable applications shall;

(a) Comply with all applicable permitting requirements in 20.6.2 and 20.6.4 NMAC.

(b) Ensure there is no connection between a potable water system and the water being studied and no cross connections exist between feasibility study-water and a community’s potable water supply.

(c) Ensure that all direct and indirect potable reuse feasibility studies are conducted in a manner that does not interfere with ongoing operations at the wastewater and drinking water facilities.

(d) Obtain approval from the department, through either a discharge permit or NPDES permit and comply with all conditions therein.

[20.6.8.201 – N, mm-dd-yy]

20.6.8.202-299 [RESERVED]

[20.6.8.202-20.6.8.299 NMAC – N, mm-dd-yy]

20.6.8.300 INDUSTRIAL WASTEWATER REUSE: [RESERVED]

[20.6.8.300 NMAC – N, mm-dd-yy]

20.6.8.301-399 [RESERVED]

[20.6.8.301-20.6.8.399 NMAC – N, mm-dd-yy]

20.6.8.400 PRODUCED WATER REUSE: As provided in the Produced Water Act, Subsection B of Section 70-13-3 NMSA 1978, the following provisions apply to the discharge of produced water for activities unrelated to the exploration, drilling, production, treatment, or refinement of oil or gas.

A. General requirements.

(1) **Untreated produced water discharge to surface water:** No person shall cause or allow untreated produced water to discharge so that it may move directly or indirectly to a surface water. The department shall deny certification of any federal permit proposing to discharge untreated produced water to a surface water.

(2) **Treated produced water discharge to surface water:** No person shall cause or allow treated produced water to discharge so that it may move directly or indirectly to a surface water. The department shall deny certification of any federal permit proposing to discharge treated produced water to a surface water.

(3) **Untreated produced water discharge to ground water:** No person shall cause or allow untreated produced water to discharge so that it may move directly or indirectly into ground water. The department shall not issue a discharge permit or a discharge permit modification that includes the discharge of untreated produced water.

(4) **Treated produced water discharge to ground water:** No person shall cause or allow treated produced water to discharge so that it may move directly or indirectly into ground water. The department shall not issue a discharge permit or a discharge permit modification that includes the discharge of treated produced water without development and adoption of standards specific to treated produced water (Subsection D of 20.6.8.400 NMAC). Demonstration projects or industrial projects submitted to the department through the notice of intent process in Subsection C of 20.6.8.400 NMAC are authorized to operate, following the determination of no discharge permit required issued by the department.

B. Authorized uses. Demonstration projects or industrial projects, determined by the department not to require a discharge permit because the demonstration project or industrial project will not discharge in a manner that may directly or indirectly affect ground or surface water, are subject to the following requirements:

(1) Persons intending to conduct a demonstration project or industrial project shall secure and comply with all applicable federal, state, and local statutes, permits, and certifications, including the Produced Water Act, Sections 70-13-1, et. seq NMSA 1978, and including payment of department fees and satisfying department financial assurance requirements.

(2) The demonstration project or industrial project shall be designed to provide information specific to untreated produced water quality, treatment technologies, treated produced water quality, treatment volumes, and toxicity studies for potential produced water reuse applications.

(3) In accordance with 20.6.2.1201 NMAC, any person intending to use produced water for approved purposes, unrelated to the production of oil and gas, shall submit to the ground water quality bureau of the department a produced water notice of intent prior to use.

(4) Demonstration projects or industrial projects shall not commence until the department has made a determination of no permit required on the notice of intent.

(5) Persons transporting, storing, treating, or utilizing untreated or treated produced water shall have written procedures at the locations where the demonstration project or industrial project is physically located to prevent releases onto the ground, directly or indirectly into ground or surface water.

(6) All untreated and treated produced water shall be handled, transported, and stored in accordance with all other applicable local, state, and federal regulations.

(7) Any release of untreated or treated produced water is subject to the notifications and corrective actions in 20.6.2.1203 NMAC except releases under the authority of the oil conservation commission pursuant to the provisions of the Oil and Gas Act, NMSA 1978, Section 70-2-12 and other laws conferring power on the oil conservation commission and the oil conservation division of the energy, minerals, and natural resources department to prevent or abate water pollution.

(8) Persons disposing of untreated or treated produced water, as part of the final disposition following a demonstration project or industrial project, shall use one of the following methods in accordance with the relative permit: discharge to a produced water disposal well permitted pursuant to the oil conservation commission's regulations for oil and gas injection at 19.15.26 NMAC, delivery to a surface waste management facility permitted pursuant to the oil conservation commission's regulations for oil and gas surface waste management facilities (19.15.36 NMAC), or disposal in a permanent pit permitted pursuant to the oil conservation commission's regulations for oil and gas pits, closed-loop systems, below-grade tanks and sumps at 19.15.17 NMAC. The department may consider alternative disposal options on a case-by-case basis.

(i) Persons disposing of the components of a demonstration project or industrial project using untreated or treated produced water, as part of the final disposition must adhere to all local, state, and federal regulations, as applicable.

C. Notice of intent.

(1) Any person intending to use produced water for an authorized use under Subsection B of 20.6.8.400 NMAC shall submit to the ground water quality bureau of the department a produced water notice of intent prior to use.

(a) Notices shall be on a form provided by the department and shall include the following information:

- (i) the name and address of the person intending to conduct the demonstration project or industrial project;
- (ii) the location of the intended demonstration project or industrial project;
- (iii) the concentration of water contaminants in the untreated produced water used in the demonstration project or industrial project;
- (iv) the quantity of produced water used in the demonstration project or industrial project;
- (v) the demonstration project or industrial project research plan and objectives;
- (vi) documentation that the demonstration project or industrial project design is consistent with the approved uses in Subsection B of 20.6.8.400 NMAC;
- (vii) the storage, secondary containment and spill prevention methods that will be used to prevent accidental discharges;
- (viii) a plan to transport in and transport out any untreated produced water or treated produced water in a safe manner, in accordance with state and federal regulations;
- (ix) plans for safe handling and proper disposal of produced water and any materials that come into contact with untreated produced water or treated produced water, including soils, plant material, treatment equipment, and containment area materials;
- (x) the health and safety considerations that minimize the risk of human exposure to produced water via any exposure pathway; and
- (xi) financial assurance in place to cover the cost of cleanup and remediation in the event of failure during operation and closure of the demonstration project or industrial project.

(b) The department, at its discretion, may request additional information.

(c) Based on the information provided in the notice of intent, the department shall make a determination if the demonstration project or industrial project meets the requirements in this section. If the demonstration project or industrial project does not meet the requirements in this section, the person shall not implement the demonstration project or industrial project as proposed.

(2) Persons implementing demonstration projects or industrial projects pursuant to Subsection B of 20.6.8.400 NMAC shall submit to the department all research results, including lab analyses of all water contaminants in the untreated produced water and treated produced water, to assist the department in developing standards and assist the commission in promulgation of regulations for the use of treated produced water in a manner that prevents water pollution and protects human health and the environment.

[20.6.8.400 NMAC – N, mm-dd-yy]

20.6.8.401-20.6.8.899 [RESERVED]
[20.6.8.401-20.6.8.899 NMAC – N, mm-dd-yy]

20.6.8.900 REFERENCES: [RESERVED]
[20.6.8.900 NMAC – N, mm-dd-yy]

Exhibit B

SIGN-IN HELP

Searches Operator Data Hearing Fee Application

OCD Permitting

Home Searches Wells Well Details

30-039-27055 ROSA UNIT SWD #001 [320611]

General Well Information

Operator:	[289408] LOGOS OPERATING, LLC	Direction:	Vertical
Status:	Active	Multi-Lateral:	No
Well Type:	Salt Water Disposal	Mineral Owner:	Federal
Work Type:	New	Surface Owner:	Federal
Surface Location:	I-23-31N-06W 2420 FSL 1210 FEL	Sing/Mult Compl:	Single
Lat/Long:	36.8845329,-107.4272766 NAD83	Potash Waiver:	False
GL Elevation:	6243		
KB Elevation:			
DF Elevation:			

Proposed Formation and/or Notes

SWD MORRISON BLUFF ENTRADA/NOI MIT

Depths

Proposed:	9150	True Vertical Depth:	9176
Measured Vertical Depth:	9176	Plugback Measured:	0

Formation Tops

Formation	Top	Producing	Method Obtained
Fruitland Coal	2946		
Pictured Cliffs Formation	3264		
Cliff House Formation	5263		
Menefee Formation	5309		
Point Lookout Formation	5525		
Mancos Formation	6004		

Event Dates

Initial APD Approval:	02/14/2003	Current APD Expiration:	02/14/2005
Most Recent APD Approval:	01/16/2018		
APD Cancellation:			
APD Extension Approval:			
Spud:	06/28/2004	Gas Capture Plan Received:	
Approved Temporary		TA Expiration:	
Abandonment:			
Shut In:			
Plug and Abandoned Intent		PNR Expiration:	
Received:		Last MIT/BHT:	03/14/2024
Well Plugged:			

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- [New Incident](#)
- [New Operato](#)
- [New Pit Sear](#)
- [New Spill Se](#)
- [New Tank Se](#)
- [New Well Se](#)

Site Release:	
Last Inspection:	03/14/2024

History

Effective Date	Property	Well Number	Operator	C-101 Work Type	Well Type	Well Status	Apd Cancelled	Plug Date
01/16/2018	[320611] ROSA UNIT SWD	#001	[289408] LOGOS OPERATING, LLC	New	Salt Water Disposal	Active		
02/14/2003	[32031] ROSA UNIT SWD	#001	[120782] WPX ENERGY PRODUCTION, LLC	New	Salt Water Disposal	Active		

Comments

HOLD C104 FOR SWD ORDER <i>Added on 03/03/2003 by Monica Kuehling</i>
SWD-916; <i>Added on 11/10/2004 by Dorothy Jacquez</i>
NON-WELL POD FOR THIS WELL IS 2836950 <i>Added on 06/21/2007 by Karen Sharp</i>

Pits

Pit On Site: [Number BGT1](#)

Pit Type: Production **Status:** Active
Registration Denied:
Closure Approved:
Closure Denied:

Event Dates

Registered: 12/17/2005 **Approved:** 08/02/2023
Open: **Closed (most recent rig release):**

Notes

Date	Detail
08/02/2023	The modification includes: LOGOS requests to lift the referenced below grade tank and install 40 mil liner. • LOGOS requests to install a corrugated steel wall located inside the berm area to serve as a secondary containment and prevent runoff. • When the below grade tank is lifted for the installation of the liner and corrugated steel wall LOGOS will inspect the ground visually to determine no release has occurred. LOGOS will keep photo verification. • If a release is determined when the below grade tank is lifted, LOGOS will follow NMOCD 19.15.29 NMAC regulations.
08/02/2023	Tank Construction: Steel, single wall with leak detection, 6 inch lift and automatic overflow shutoff, 40 mil liner. Fencing: 4' with 4 strands of barbed wire evenly spaced.
08/02/2023	BGT1 had an approved closure plan under the older 19.15.17.13 NMAC closure requirements per system acceptance on 7/3/2014. Closure plan modification was requested and approved on 8/2/2023 per App ID#245623 to retrofit tank per a compliance issue and BGT will now fall under the new 19.15.17.13 NMAC closure requirements.

Pit On Site: [Number 2](#)

Pit Type: Drilling **Status:** Inactive
Registration Denied:
Closure Approved:
Closure Denied:

Event Dates

Registered:
Open:

Approved:
Closed (most recent rig release): 04/29/2005

Notes

Date

Detail

Casing

String/Hole Type	Taper	Date Set	Boreholes, Strings and Equipment Specifications			Specifications for Strings and Tubing			Strings Cemented and Intervals			Cement and Plug Description		
			Diameter	Top	Bottom (Depth)	Grade	Length	Weight	Bot of Cem	Top of Cem	Meth	Class of Cement	Sacks	Pressure Test (Y/N)
Surface Casing	1	07/15/2004	20.000	0	520	UKN	0	0.0	520	0	Circ	Unknown	1290	No
Hole 1	1	07/14/2004	17.500	0	520		0	0.0	0	0			0	No
Hole 2	1	08/02/2004	17.500	0	3545		0	0.0	0	0			0	No
Intermediate 1 Casing	1	08/02/2004	13.375	0	3545	UKN	0	0.0	3545	0	Circ	Unknown	2844	No
Hole 3	1	08/11/2004	12.250	3305	7494		0	0.0	0	0			0	No
Liner 1	1	08/12/2004	9.625	3305	7494	UKN	0	0.0	7494	3305	Circ	Unknown	770	No
Hole 4	1	09/05/2004	8.750	0	9176		0	0.0	0	0			0	No
Liner 1	1	09/07/2004	7.000	0	9176	UKN	0	0.0	0	0			0	No
Tubing 1	1	12/04/2012	3.500	0	8035		0	0.0	0	0			0	No

Well Completions

[96162] SWD; MORRISON BLUFF ENTRADA

Status: Active
 Bottomhole Location: I-23-31N-06W 2420 FSL 1210 FEL
 Lat/Long:
 Acreage:
 DHC: No

Last Produced: 03/01/2024

Consolidation Code:
 Production Method:

Well Test Data

Production Test:
 Flowing Tubing Pressure: 0 psi
 Choke Size: 0.000 inches
 Gas Volume: 0.0 MCF
 Gas-Oil Ratio: 0 Kcf / bbl
 Disposition of Gas:
 Test Length: 0 hours
 Flowing Casing Pressure: 0 psi
 Testing Method:
 Oil Volume: 0.0 bbls
 Oil Gravity: 0.0 Corr. API
 Water Volume: 0.0 bbls

Perforations

Top Measured Depth

Bottom Measured Depth

Date	(Where Completion Enters Formation)	(End of Lateral)	Top Vertical Depth	Bottom Vertical Depth
	999	999	0	0
	8117	9015	0	0

Notes

Event Dates

Initial Effective/Approval:	02/14/2004		
Most Recent Approval:	01/16/2018	TA Expiration:	
Confidential Requested On:		Confidential Until:	
Test Allowable Approval:		Test Allowable End:	
TD Reached:		DHC:	
Deviation Report Received:	No	Rig Released:	
Directional Survey Run:	No	Logs Received:	No
Directional Survey Received:	No	Closure Pit Plat Received:	
First Oil Production:		First Gas Production:	
First Injection:			
Ready to Produce:	11/06/2004	Completion Report Received:	
C-104 Approval:		New Well C-104 Approval:	
Plug Back:			
Authorization Revoked Start:		Revoked Until:	

Well Completion History

Effective Date	Property	Well Number	Operator	Completion Status	TA Expiration Date
01/16/2018	[320611] ROSA UNIT SWD	#001	[289408] LOGOS OPERATING, LLC	Active	
07/07/2004	[32031] ROSA UNIT SWD	#001	[120782] WPX ENERGY PRODUCTION, LLC	Active	
02/14/2004	[32031] ROSA UNIT SWD	#001	[120782] WPX ENERGY PRODUCTION, LLC	New, Not Drilled	

Financial Assurance

Please login to review the financial assurance associated with this well.

Compliance

Note that Financial Assurance and Inactive Well Compliance are documented in separate reports ([Inactive Well Report](#), [Financial Assurance Report](#)).

Also note that some compliance issues are addressed at the operator level so not listed under each well.

cWBM0431455863

Violation Source:	Incident, Spill or Release		
Date of Violation:	11/09/2004		
Compliance Required:	02/12/2005	Resolved:	04/04/2005

Notes

Produced water over top of liner in reserve pit. It appears that a dozer had been driven across the top of the liner in the drilling reserve pit. The liner integrity has been destroyed and produced water is now percolating into the ground. On site Williams personnel-Mark Leppich & Kirk Place both stated that the contents of the pit was produced water from the associated SWD.

Actions/Events

Event Date	Category	Type
------------	----------	------

05/04/2005	Corrective Actions	Other Notification
11/09/2004	Enforcements	Pollution and Contamination
11/09/2004	Notifications	Field Visit or Inspection

cCS1826739857

Violation Source: Incident, Spill or Release
 Date of Violation: 09/24/2018
 Compliance Required: 12/28/2018
 Resolved:

Notes

Email, BGT overflow or possible release obvious impacted noted around BGT requested operator to respond per 19.15.29.8 NMAC

Actions/Events

Event Date	Category	Type
09/24/2018	Enforcements	Pollution and Contamination
09/24/2018	Notifications	E-Mail

cCZS2320223097

Violation Source: Field Inspection
 Date of Violation: 07/20/2023
 Compliance Required: 10/18/2023
 Resolved: 08/18/2023

Notes

BGT has hydrocarbon it that need to be removed. Also the site tube is full and the tank is half empty could be leaking.

Actions/Events

Event Date	Category	Type
------------	----------	------

cCZS2320223364

Violation Source: Field Inspection
 Date of Violation: 07/20/2023
 Compliance Required: 10/18/2023
 Resolved: 07/28/2023

Notes

Oil staining around day tank needs dugout and cleaned up.

Actions/Events

Event Date	Category	Type
------------	----------	------

Reported Releases

The reported release volumes are sourced from C-141 submissions.

Earliest Reported Release in OCD Records: 10/21/2004 Last: 07/09/2014 [Show All Reported Releases](#)

	Release Volumes				Additional Details			
	BBLS	LBS	MCF	UNK	Type	Product	Severity	Status
2014 (2)	42	0	0	0				
2013 (1)	35	0	0	0				

2011 (2)	340	0	0	0
2010 (1)	65	0	0	0
2004 (2)	140	0	0	0
Grand Total:	622	0	0	0

Upstream Natural Gas Venting & Flaring

The upstream natural gas venting & flaring volumes are sourced from upstream natural gas waste reports (C-115B) submissions.

Earliest Natural Gas Waste Report in OCD Records: 10/2021 Last: 03/2024 [Show All Upstream Venting & Flaring](#)

	Venting & Flaring Volumes			Beneficial Use	
	Vented (MCF)	Flared (MCF)	Total (MCF)	Used (MCF)	
2021	5	0	5		0
2023	0	0	0		0
2024	0	0	0		0
Grand Total:	5	0	5		0

Orders

Please login to review the orders associated with this well.

Production / Injection

The production & injection volumes are sourced from monthly production reports (C-115) submissions.

Earliest Production in OCD Records: 1/2006 Last: 3/2024 [Show All Production](#) [Export to Excel](#)

Time Frame	Production				Injection				
	Oil (BBLs)	Gas (MCF)	Water (BBLs)	Days P/I	Water (BBLs)	Co2 (MCF)	Gas (MCF)	Other	Pressure
2006	0	0	0	335	883,785	0	0	0	N/A
2007	0	0	0	365	992,215	0	0	0	N/A
2008	0	0	0	366	1,131,769	0	0	0	N/A
2009	0	0	0	365	1,500,277	0	0	0	N/A
2010	0	0	0	365	1,913,288	0	0	0	N/A
2011	0	0	0	365	1,454,426	0	0	0	N/A
2012	0	0	0	366	1,086,318	0	0	0	N/A
2013	0	0	0	365	1,113,342	0	0	0	N/A
2014	0	0	0	365	768,838	0	0	0	N/A
2015	0	0	0	365	463,241	0	0	0	N/A
2016	0	0	0	0	802,649	0	0	0	N/A
2017	0	0	0	0	849,277	0	0	0	N/A

2018	0	0	0	0	1,039,955	0	0	0	N/A
2019	0	0	0	0	1,055,897	0	0	0	N/A
2020	0	0	0	0	856,934	0	0	0	N/A
2021	0	0	0	0	906,507	0	0	0	N/A
2022	0	0	0	0	1,036,001	0	0	0	N/A
2023	0	0	0	0	1,113,157	0	0	0	N/A
2024	0	0	0	0	295,477	0	0	0	N/A
Grand Total:	0	0	0	3,622	19,263,353	0	0	0	N/A

Transporters

Transporter	Product	Most Recent for Property
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Points of Disposition

ID	Type	Description	Pool(s)
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OCD Permitting

Home Searches Wells Well Details

30-039-30812 ROSA UNIT SWD #002 [320611]

General Well Information

Operator: [\[289408\]](#) LOGOS OPERATING, LLC
 Status: Active Direction: Directional
 Well Type: Salt Water Disposal Multi-Lateral: No
 Work Type: New Mineral Owner: Federal
 Surface Owner: Federal
 Surface Location: F-25-31N-05W 2460 FNL 2095 FWL
 Lat/Long: 36.8709946,-107.3153687 NAD83
 GL Elevation: 6447
 KB Elevation: Sing/Mult Compl: Single
 DF Elevation: Potash Waiver: False

Proposed Formation and/or Notes

SWD;ENTRADA SWD 1236

Depths

Proposed: 9386 True Vertical Depth: 9334
 Measured Vertical Depth: 9383 Plugback Measured: 0

Formation Tops

Formation	Top	Producing	Method Obtained
Fruitland Formation	3080		
Lewis Formation	3607		
Cliff House Formation	5521		
Point Lookout Formation	5744		
Mancos Formation	6204		
Graneros Member-Mancos Fm	7850		
Dakota Formation	7992		
Morrison Formation	8218		
Entrada Formation	9052		

Event Dates

Initial APD Approval: 12/07/2009
 Most Recent APD Approval: 01/16/2018 Current APD Expiration: 12/07/2011
 APD Cancellation:
 APD Extension Approval:
 Spud: 08/26/2010 Gas Capture Plan Received:

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- [New Facility](#)
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- [New Operato](#)
- [New Pit Sear](#)
- [New Spill Se](#)
- [New Tank Se](#)
- [New Well Se](#)

Approved Temporary Abandonment:	TA Expiration:
Shut In:	
Plug and Abandoned Intent Received:	PNR Expiration:
Well Plugged:	Last MIT/BHT: 02/05/2024
Site Release:	
Last Inspection: 02/05/2024	

History

Effective Date	Property	Well Number	Operator	C-101 Work Type	Well Type	Well Status	Apd Cancelled	Plug Date
01/16/2018	[320611] ROSA UNIT SWD	#002	[289408] LOGOS OPERATING, LLC	New	Salt Water Disposal	Active		
12/07/2009	[32031] ROSA UNIT SWD	#002	[120782] WPX ENERGY PRODUCTION, LLC	New	Salt Water Disposal	Active		

Comments

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Pits

Pit On Site: [Number 1](#)

Pit Type: Closed Loop Status: Inactive
 Registration Denied:
 Closure Approved: Yes
 Closure Denied:

Event Dates

Registered: 08/16/2010 Approved: 08/16/2010
 Open: Closed (most recent rig release): 05/02/2024

Notes

Date	Detail
08/16/2010	RR 10/1/10 permit 5775
05/02/2024	CLOSED

Pit On Site: [Number 2](#)

Pit Type: Closed Loop Status: Inactive
 Registration Denied:
 Closure Approved:
 Closure Denied:

Event Dates

Registered: Approved:
 Open: Closed (most recent rig release): 12/06/2010

Notes

Date	Detail

12/06/2010 permit 7349

Casing

String/Hole Type	Taper	Date Set	Boreholes, Strings and Equipment Specifications			Specifications for Strings and Tubing			Strings Cemented and Intervals			Cement and Plug Description		
			Diameter	Top	Bottom (Depth)	Grade	Length	Weight	Bot of Cem	Top of Cem	Meth	Class of Cement	Sacks	Pressure Test (Y/N)
Hole 1	1	08/28/2010	17.500	0	504		0	0.0	0	0			0	No
Surface Casing	1	08/28/2010	13.375	0	502	L-80	0	68.0	504	0	Circ		0	No
Hole 2	1	09/08/2010	12.500	504	3780		0	0.0	0	0			0	No
Intermediate 1 Casing	1	09/10/2010	9.625	0	3764	N-80	0	40.0	3780	0	Circ		0	No
Hole 3	1	09/25/2010	8.750	3780	9383		0	0.0	0	0			0	No
Packer	1	02/06/2016	7.000	0	8282		0	0.0	0	0			0	No
Production Casing	1	09/27/2010	7.000	0	9380	L-80	0	29.0	9383	3400	Calc		0	No
Tubing 1	1	02/06/2016	3.500	0	8286	N-80	0	9.3	0	0			0	No

Well Completions

[96436] SWD; ENTRADA

Status: Active Last Produced: 03/01/2024
 Bottomhole Location: F-25-31N-05W 2414 FNL 1951 FWL
 Lat/Long:
 Acreage:
 DHC: No Consolidation Code:
 Production Method:

Well Test Data

Production Test: Test Length: 0 hours
 Flowing Tubing Pressure: 0 psi Flowing Casing Pressure: 0 psi
 Choke Size: 0.000 inches Testing Method:
 Gas Volume: 0.0 MCF Oil Volume: 0.0 bbls
 Gas-Oil Ratio: 0 Kcf / bbl Oil Gravity: 0.0 Corr. API
 Disposition of Gas: Water Volume: 0.0 bbls

Perforations

Date	Top Measured Depth (Where Completion Enters Formation)	Bottom Measured Depth (End of Lateral)	Top Vertical Depth	Bottom Vertical Depth
	8337	9292	0	0

Notes

Event Dates

Initial Effective/Approval:	12/07/2009	TA Expiration:	
Most Recent Approval:	01/16/2018	Confidential Until:	
Confidential Requested On:		Test Allowable End:	
Test Allowable Approval:		DHC:	
TD Reached:		Rig Released:	
Deviation Report Received:	No	Logs Received:	No
Directional Survey Run:	No	Closure Pit Plat Received:	
Directional Survey Received:	No	First Gas Production:	
First Oil Production:		Completion Report Received:	
First Injection:		New Well C-104 Approval:	
Ready to Produce:	10/29/2010	Revoked Until:	
C-104 Approval:			
Plug Back:			
Authorization Revoked Start:			

Well Completion History

Effective Date	Property	Well Number	Operator	Completion Status	TA Expiration Date
01/16/2018	[320611] ROSA UNIT SWD	#002	[289408] LOGOS OPERATING, LLC	Active	
08/26/2010	[32031] ROSA UNIT SWD	#002	[120782] WPX ENERGY PRODUCTION, LLC	Active	
12/07/2009	[32031] ROSA UNIT SWD	#002	[120782] WPX ENERGY PRODUCTION, LLC	New, Not Drilled	

Financial Assurance

Please login to review the financial assurance associated with this well.

Compliance

Note that Financial Assurance and Inactive Well Compliance are documented in separate reports ([Inactive Well Report](#), [Financial Assurance Report](#)).

Also note that some compliance issues are addressed at the operator level so not listed under each well.

cMPK1213728962

Violation Source:	Other	Resolved:	05/16/2012
Date of Violation:	05/04/2012		
Compliance Required:	08/07/2012		

Notes

left message for russel who left message for me about gauges on wellhead - this is the second time I have went to inspect and did not find any gauges on the wellhead - he said he would take care of it right away

Actions/Events

Event Date	Category	Type
05/16/2012	Enforcements	Other Violation
05/16/2012	Corrective Actions	Compliance Resolved
05/15/2012	Notifications	Phone Call

cMPK2017752774

Violation Source:	Field Inspection
-------------------	------------------

Date of Violation: 06/22/2020
 Compliance Required: 09/20/2020 Resolved: 02/02/2024

Notes

well sign email sent 6/25 due to covid extension given until 9/25 - 2/2/2024 Received photo of corrective action, unit letter added to sign.

Actions/Events

Event Date	Category	Type
------------	----------	------

Upstream Natural Gas Venting & Flaring

The upstream natural gas venting & flaring volumes are sourced from upstream natural gas waste reports (C-115B) submissions.

Earliest Natural Gas Waste Report in OCD Records: 10/2021 Last: 03/2024 [Show All Upstream Venting & Flaring](#)

	Venting & Flaring Volumes			Beneficial Use Used (MCF)
	Vented (MCF)	Flared (MCF)	Total (MCF)	
2021	8	0	8	0
2023	0	0	0	0
2024	0	0	0	0
Grand Total:	8	0	8	0

Orders

Please login to review the orders associated with this well.

Production / Injection

The production & injection volumes are sourced from monthly production reports (C-115) submissions.

Earliest Production in OCD Records: 12/2010 Last: 3/2024 [Show All Production](#) [Export to Excel](#)

Time Frame	Production				Injection				
	Oil (BBLs)	Gas (MCF)	Water (BBLs)	Days P/I	Water (BBLs)	Co2 (MCF)	Gas (MCF)	Other	Pressure
2010	0	0	0	62	5,860	0	0	0	N/A
2011	0	0	0	365	527,805	0	0	0	N/A
2012	0	0	0	366	1,094,870	0	0	0	N/A
2013	0	0	0	365	885,583	0	0	0	N/A
2014	0	0	0	365	425,482	0	0	0	N/A
2015	0	0	0	365	202,665	0	0	0	N/A
2016	0	0	0	0	373,015	0	0	0	N/A
2017	0	0	0	0	329,937	0	0	0	N/A
2018	0	0	0	0	441,215	0	0	0	N/A
2019	0	0	0	0	505,491	0	0	0	N/A

2020	0	0	0	0	514,414	0	0	0	N/A
2021	0	0	0	0	620,801	0	0	0	N/A
2022	0	0	0	0	613,531	0	0	0	N/A
2023	0	0	0	0	604,718	0	0	0	N/A
2024	0	0	0	0	187,980	0	0	0	N/A
Grand Total:	0	0	0	1,888	7,333,367	0	0	0	N/A

Transporters

Transporter	Product	Most Recent for Property
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Points of Disposition

ID	Type	Description	Pool(s)
----	------	-------------	---------

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OCD Permitting

Home Searches Wells Well Details

30-045-26970 PUMP CANYON SWD #001 [316041]

General Well Information

Operator:	[289408] LOGOS OPERATING, LLC	Direction:	Vertical
Status:	Active	Multi-Lateral:	No
Well Type:	Salt Water Disposal	Mineral Owner:	Federal
Work Type:	New	Surface Owner:	Federal
Surface Location:	J-07-30N-08W 1725 FSL 1850 FEL	Sing/Mult Compl:	Single
Lat/Long:	36.8228951,-107.7140961 NAD83	Potash Waiver:	False
GL Elevation:	5972		
KB Elevation:			
DF Elevation:			

Proposed Formation and/or Notes

SWD MORR BLUFF ENT

Depths

Proposed:	8535	True Vertical Depth:	8510
Measured Vertical Depth:	8510	Plugback Measured:	0

Formation Tops

Formation	Top	Producing	Method Obtained
Ojo Alamo Formation	1450		
Kirtland Formation	1650		
Fruitland Formation	2388		
Pictured Cliffs Formation	2753		
Chacra Mesa Member	3436		
Cliff House Formation	4385		
Menefee Formation	4602		
Point Lookout Formation	4987		
Mancos Formation	5438		
Gallup Formation	6121		
Greenhorn Member of the Mancos Formation	6986		
Dakota Formation	7179		
Entrada Formation	8236		

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- [New Well Se](#)

Event Dates

Initial APD Approval:	07/15/1988	Current APD Expiration:	07/15/1990
Most Recent APD Approval:	03/16/2016		
APD Cancellation:			
APD Extension Approval:		Gas Capture Plan Received:	
Spud:	08/19/1988	TA Expiration:	
Approved Temporary Abandonment:			
Shut In:		PNR Expiration:	
Plug and Abandoned Intent Received:		Last MIT/BHT:	11/30/2023
Well Plugged:			
Site Release:			
Last Inspection:	11/30/2023		

History

Effective Date	Property	Well Number	Operator	C-101 Work Type	Well Type	Well Status	Apd Cancelled	Plug Date
03/16/2016	[316041] PUMP CANYON SWD	#001	[289408] LOGOS OPERATING, LLC	New	Salt Water Disposal	Active		
11/04/2013	[312826] PUMP CANYON SWD	#001	[143199] ENERVEST OPERATING L.L.C.	New	Salt Water Disposal	Active		
07/08/1994	[7402] PUMP CANYON SWD	#001	[14538] BURLINGTON RESOURCES OIL & GAS COMPANY LP	New	Salt Water Disposal	Active		
07/15/1988	[7402] PUMP CANYON SWD	#001	[14538] BURLINGTON RESOURCES OIL & GAS COMPANY LP	New	Salt Water Disposal	Active		

Comments

CORRECT APPROVAL DATE FOR MOI IS 07-14-88

Added on 06/29/1994 by ogosh

WAS WC BEFORE BEING NAMED SWD MORR BLUFF ENT NO ACREAGE ON SWD WELL NON WELL POD FOR THIS WELL IS 2809193.

Added on 06/02/1995 by ogocmp

CORRECT WC STATUS DATE 12-22-88:

Added on 07/08/1994 by Dorothy Jacquez

Pits

Pit On Site: [Number 1](#)

Pit Type:	Production	Status:	Active
Registration Denied:			
Closure Approved:			
Closure Denied:			

Event Dates

Registered:	Approved:	06/15/2011
Open:	Closed (most recent rig release):	

Notes

Date	Detail
06/15/2011	PMT# 8115 RECEIVED 4/29/2011. BGT

Casing

String/Hole Type	Taper	Date Set	Boreholes, Strings and Equipment Specifications			Specifications for Strings and Tubing			Strings Cemented and Intervals			Cement and Plug Description		
			Diameter	Top	Bottom (Depth)	Grade	Length	Weight	Bot of Cem	Top of Cem	Meth	Class of Cement	Sacks	Pressure Test (Y/N)
Hole 1	1		20.000	0	495		0	0.0	0	0			0	No
Surface Casing	1		20.000	0	495		495	133.0	495	1033		Class C Cement	875	No
Hole 2	1		13.375	0	3075		0	0.0	0	0			0	No
Intermediate 1 Casing	1		13.375	0	3075		3075	68.0	3075	2910		Class C Cement	1700	No
Hole 4	1		9.625	2921	5336		0	0.0	0	0			0	No
Production Casing	1		9.625	2921	5336		2415	40.0	5336	1150		Class C Cement	900	No
Packer	1		9.625	8167	8172		5	0.0	0	0			0	No
Hole 3	1		7.000	0	8202		0	0.0	0	0			0	No
Intermediate 2 Casing	1		7.000	0	8202		8202	23.0	8202	1315		Class C Cement	790	No
Tubing 1	1		4.500	0	8167		8167	0.0	0	0			0	No
Hole 5	1		4.500	8164	8510		0	0.0	0	0			0	No
Liner 1	1		4.500	8164	8510		346	11.6	8510	0		Class C Cement	99999	No

Well Completions

[96162] SWD; MORRISON BLUFF ENTRADA

Status: Active Last Produced: 03/01/2024
 Bottomhole Location: J-07-30N-08W 1725 FSL 1850 FEL
 Lat/Long: 36.8229125979305,-107.71414610024 NAD27
 Acreage:
 DHC: No Consolidation Code:
Production Method:

Well Test Data

Production Test: Test Length: 0 hours
 Flowing Tubing Pressure: 0 psi Flowing Casing Pressure: 0 psi
 Choke Size: 0.000 inches Testing Method:
 Gas Volume: 0.0 MCF Oil Volume: 0.0 bbls
 Gas-Oil Ratio: 0 Kcf / bbl Oil Gravity: 0.0 Corr. API
 Disposition of Gas: Water Volume: 0.0 bbls

Perforations

Date	Top Measured Depth (Where Completion Enters Formation)	Bottom Measured Depth (End of Lateral)	Top Vertical Depth	Bottom Vertical Depth
	8202	8510	0	0

Notes

; ORDERS: ADMIN: SWD-344;

Event Dates

Initial Effective/Approval:	07/15/1988	TA Expiration:	
Most Recent Approval:	03/16/2016	Confidential Until:	
Confidential Requested On:		Test Allowable End:	
Test Allowable Approval:		DHC:	
TD Reached:		Rig Released:	
Deviation Report Received:	No	Logs Received:	No
Directional Survey Run:	No	Closure Pit Plat Received:	
Directional Survey Received:	No	First Gas Production:	
First Oil Production:		Completion Report Received:	
First Injection:		New Well C-104 Approval:	
Ready to Produce:	12/22/1988	Revoked Until:	
C-104 Approval:			
Plug Back:			
Authorization Revoked Start:			

Well Completion History

Effective Date	Property	Well Number	Operator	Completion Status	TA Expiration Date
03/16/2016	[316041] PUMP CANYON SWD	#001	[289408] LOGOS OPERATING, LLC	Active	
11/04/2013	[312826] PUMP CANYON SWD	#001	[143199] ENERVEST OPERATING L.L.C.	Active	
07/15/1988	[7402] PUMP CANYON SWD	#001	[14538] BURLINGTON RESOURCES OIL & GAS COMPANY LP	Active	

Financial Assurance

Please login to review the financial assurance associated with this well.

Compliance

Note that Financial Assurance and Inactive Well Compliance are documented in separate reports ([Inactive Well Report](#), [Financial Assurance Report](#)).

Also note that some compliance issues are addressed at the operator level so not listed under each well.

cDGF0401652248

Violation Source:	Other	Resolved:	01/16/2004
Date of Violation:	01/05/2004		
Compliance Required:	04/20/2004		

Notes

Converted compliance record had no comment!

Actions/Events

Event Date	Category	Type
01/16/2004	Enforcements	Other Violation
01/05/2004	Notifications	Operator Reported
01/05/2004	Corrective Actions	Other Notification

cZS233357975

Violation Source: Field Inspection
Date of Violation: 11/29/2023
Compliance Required: 02/27/2024 **Resolved:** 03/11/2024

Notes

BGT has a measurable amount of hydrocarbon substance that needs to be removed.

Actions/Events

Event Date	Category	Type
------------	----------	------

cZS233358235

Violation Source: Field Inspection
Date of Violation: 11/29/2023
Compliance Required: 02/27/2024 **Resolved:** 02/27/2024

Notes

Various stains around chemical tanks and around drive, need dugout and cleaned up.

Actions/Events

Event Date	Category	Type
------------	----------	------

Reported Releases

The reported release volumes are sourced from C-141 submissions.

Earliest Reported Release in OCD Records: 01/02/2001 **Last:** 03/04/2024 [Show All Reported Releases](#)

	Release Volumes				Additional Details			
	BBLS	LBS	MCF	UNK	Type	Product	Severity	Status
2024 (1)	240	0	0	0				
2006 (1)	5	0	0	0				
2004 (2)	5	0	0	0				
2001 (1)	80	0	0	0				
Grand Total:	330	0	0	0				

Upstream Natural Gas Venting & Flaring

The upstream natural gas venting & flaring volumes are sourced from upstream natural gas waste reports (C-115B) submissions.

Earliest Natural Gas Waste Report in OCD Records: 10/2021 **Last:** 03/2024 [Show All Upstream Venting & Flaring](#)

Venting & Flaring Volumes			Beneficial Use
Vented (MCF)	Flared (MCF)	Total (MCF)	Used (MCF)

2021	5	0	5	0
2023	0	0	0	0
2024	0	0	0	0
Grand Total:	5	0	5	0

Orders

Please login to review the orders associated with this well.

Production / Injection

The production & injection volumes are sourced from monthly production reports (C-115) submissions.

Earliest Production in OCD Records: 1/1994 Last 3/2024 [Show All Production](#) [Export to Excel](#)

Time Frame	Production				Injection				
	Oil (BBLs)	Gas (MCF)	Water (BBLs)	Days P/I	Water (BBLs)	Co2 (MCF)	Gas (MCF)	Other	Pressure
1994	0	0	0	365	1,730,808	0	0	0	N/A
1995	0	0	0	365	657,836	0	0	0	N/A
1996	0	0	0	366	616,721	0	0	0	N/A
1997	0	0	0	365	460,737	0	0	0	N/A
1998	0	0	0	365	517,270	0	0	0	N/A
1999	0	0	0	365	644,310	0	0	0	N/A
2000	0	0	0	366	589,518	0	0	0	N/A
2001	0	0	0	365	478,645	0	0	0	N/A
2002	0	0	0	31	740,053	0	0	0	N/A
2003	0	0	0	0	730,099	0	0	0	N/A
2004	0	0	0	153	819,462	0	0	0	N/A
2005	0	0	0	365	809,052	0	0	0	N/A
2006	0	0	0	334	975,513	0	0	0	N/A
2007	0	0	0	181	559,325	0	0	0	N/A
2008	0	0	0	184	562,593	0	0	0	N/A
2009	0	0	0	365	534,360	0	0	0	N/A
2010	0	0	0	365	390,922	0	0	0	N/A
2011	0	0	0	365	304,194	0	0	0	N/A
2012	0	0	0	366	408,489	0	0	0	N/A
2013	0	0	0	304	362,337	0	0	0	N/A
2014	0	0	0	0	315,089	0	0	0	N/A

2015	0	0	0	0	297,351	0	0	0	N/A
2016	0	0	0	0	228,274	0	0	0	N/A
2017	0	0	0	0	174,059	0	0	0	N/A
2018	0	0	0	0	251,470	0	0	0	N/A
2019	0	0	0	0	207,938	0	0	0	N/A
2020	0	0	0	0	168,905	0	0	0	N/A
2021	0	0	0	0	190,014	0	0	0	N/A
2022	0	0	0	0	184,530	0	0	0	N/A
2023	0	0	0	0	166,239	0	0	0	N/A
2024	0	0	0	0	33,446	0	0	0	N/A
Grand Total:	0	0	0	5,935	15,109,559	0	0	0	N/A

Transporters

Transporter	Product	Most Recent for Property
-------------	---------	--------------------------

Points of Disposition

ID	Type	Description	Pool(s)
----	------	-------------	---------

OCD Permitting

Home Searches Wells Well Details

30-045-34426 CENTRAL BASIN SWD #001 [316580]

General Well Information

Operator:	[289408] LOGOS OPERATING, LLC	Direction:	Vertical
Status:	Active	Multi-Lateral:	No
Well Type:	Salt Water Disposal	Mineral Owner:	Federal
Work Type:	New	Surface Owner:	Federal
Surface Location:	N-09-28N-13W 690 FSL 1727 FWL		
Lat/Long:	36.6714287,-108.2277069 NAD83		
GL Elevation:	6015	Sing/Mult Compl:	Single
KB Elevation:		Potash Waiver:	False
DF Elevation:			

Proposed Formation and/or Notes

SWD MORRISON BLUFF ENTRADA

Depths

Proposed:	4645	True Vertical Depth:	7706
Measured Vertical Depth:	7706	Plugback Measured:	0

Formation Tops

Formation	Top	Producing	Method Obtained
Ojo Alamo Formation	240		
Kirtland Formation	355		
Fruitland Coal	1298		
Pictured Cliffs Formation	1665		
Lewis Formation	1857		
Cliff House Formation	3215		
Menefee Formation	3255		
Point Lookout Formation	4145		
Mancos Formation	4430		
Gallup Formation	5402		
Graneros Member-Mancos Fm	6196		
Dakota Formation	6260		
Morrison Formation	6460		

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Associated

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- [New Well Se](#)

Todilto Formation	7268		
Entrada Formation	7397		
Chinle Formation	7585		

Event Dates

Initial APD Approval: 11/20/2007
 Most Recent APD Approval: 07/28/2016
 APD Cancellation:
 APD Extension Approval:
 Spud: 01/24/2008
 Approved Temporary Abandonment:
 Shut In:
 Plug and Abandoned Intent Received:
 Well Plugged:
 Site Release:
 Last Inspection: 12/18/2023

Current APD Expiration: 11/20/2009
 Gas Capture Plan Received:
 TA Expiration:
 PNR Expiration:
 Last MIT/BHT: 12/18/2023

History

Effective Date	Property	Well Number	Operator	C-101 Work Type	Well Type	Well Status	Apd Cancelled	Plug Date
07/28/2016	[316580] CENTRAL BASIN SWD	#001	[289408] LOGOS OPERATING, LLC	New	Salt Water Disposal	Active		
11/20/2007	[36836] CENTRAL BASIN SWD	#001	[162928] ENERGEN RESOURCES CORPORATION	New	Salt Water Disposal	Active		

Comments

Pits

Pit On Site: [Number 1](#)

Pit Type: Drilling Status: Inactive
 Registration Denied:
 Closure Approved: Yes
 Closure Denied:

Event Dates

Registered:
 Open: 07/09/2008 Approved:
 Closed (most recent rig release): 08/08/2008

Notes

Date	Detail
07/09/2008	RR 04/28/08 ; CLOSURE PMT# 1869 RCVD 10/09/2008 APRVD 1/12/2012

Casing

String/Hole Type	Taper	Date Set	Boreholes, Strings and Equipment Specifications			Specifications for Strings and Tubing			Strings Cemented and Intervals			Cement and Plug Description		
			Diameter	Top	Bottom (Depth)	Grade	Length	Weight	Bot of Cem	Top of Cem	Meth	Class of Cement	Sacks	Pressure Test (Y/N)
Hole 1	1	01/24/2008	13.500	0	612		0	0.0	0	0			0	No
Surface Casing	1	01/24/2008	10.750	0	600	K-55	0	40.5	612	0	Circ		0	No
Hole 2	1	02/01/2008	8.750	612	4675		0	0.0	0	0			0	No
Hole 3	1	02/20/2007	7.875	4675	7706		0	0.0	0	0			0	No
Intermediate 1 Casing	1	02/01/2008	7.625	0	4662	L-80	0	26.4	4675	0	Circ		0	No
Liner 1	1	02/20/2008	5.500	4445	7704	N-80	0	17.0	7704	0	Circ		0	No
Packer	1	10/28/2009	0.000	0	6782		0	0.0	0	0			0	No

Well Completions

[96160] SWD; MESAVERDE

Status: Cancelled
 Bottomhole Location: N-09-28N-13W 690 FSL 1727 FWL
 Lat/Long:
 Acreage:
 DHC: No
 Last Produced:
 Consolidation Code:
 Production Method:

Well Test Data

Production Test:
 Flowing Tubing Pressure: 0 psi
 Choke Size: 0.000 inches
 Gas Volume: 0.0 MCF
 Gas-Oil Ratio: 0 Kcf / bbl
 Disposition of Gas:
 Test Length: 0 hours
 Flowing Casing Pressure: 0 psi
 Testing Method:
 Oil Volume: 0.0 bbls
 Oil Gravity: 0.0 Corr. API
 Water Volume: 0.0 bbls

Perforations

Date	Top Measured Depth (Where Completion Enters Formation)	Bottom Measured Depth (End of Lateral)	Top Vertical Depth	Bottom Vertical Depth
	6876	7566	0	0

Notes

Event Dates

Initial Effective/Approval: 11/20/2007
 Most Recent Approval: 01/24/2008
 Confidential Requested On:
 Test Allowable Approval:
 TD Reached:
 Deviation Report Received: No
 Directional Survey Run: No
 Directional Survey Received: No
 TA Expiration:
 Confidential Until:
 Test Allowable End:
 DHC:
 Rig Released:
 Logs Received: No
 Closure Pit Plat Received:

First Oil Production:
 First Injection:
 Ready to Produce:
 C-104 Approval:
 Plug Back:
 Authorization Revoked Start:

First Gas Production:
 Completion Report Received:
 New Well C-104 Approval:
 Revoked Until:

Well Completion History

Effective Date	Property	Well Number	Operator	Completion Status	TA Expiration Date
01/24/2008	[36836] CENTRAL BASIN SWD	#001	[162928] ENERGEN RESOURCES CORPORATION	Cancelled	
11/20/2007	[36836] CENTRAL BASIN SWD	#001	[162928] ENERGEN RESOURCES CORPORATION	New, Not Drilled	

[96162] SWD; MORRISON BLUFF ENTRADA

Status: Active Last Produced: 03/01/2024
 Bottomhole Location: N-09-28N-13W 690 FSL 1727 FWL
 Lat/Long:
 Acreage:
 DHC: No Consolidation Code:
 Production Method:

Well Test Data

Production Test: Test Length: 0 hours
 Flowing Tubing Pressure: 0 psi Flowing Casing Pressure: 0 psi
 Choke Size: 0.000 inches Testing Method:
 Gas Volume: 0.0 MCF Oil Volume: 0.0 bbls
 Gas-Oil Ratio: 0 Kcf / bbl Oil Gravity: 0.0 Corr. API
 Disposition of Gas: Water Volume: 0.0 bbls

Perforations

Date	Top Measured Depth (Where Completion Enters Formation)	Bottom Measured Depth (End of Lateral)	Top Vertical Depth	Bottom Vertical Depth
	6876	7566	0	0

Notes

Event Dates

Initial Effective/Approval: 11/20/2007
 Most Recent Approval: 07/28/2016
 Confidential Requested On:
 Test Allowable Approval:
 TD Reached:
 Deviation Report Received: No
 Directional Survey Run: No
 Directional Survey Received: No
 First Oil Production:
 First Injection:
 Ready to Produce: 04/28/2008
 C-104 Approval:
 Plug Back:
 Authorization Revoked Start:

TA Expiration:
 Confidential Until:
 Test Allowable End:
 DHC:
 Rig Released:
 Logs Received: No
 Closure Pit Plat Received:
 First Gas Production:
 Completion Report Received:
 New Well C-104 Approval: 06/25/2008
 Revoked Until:

Well Completion History

Effective	Well	TA
-----------	------	----

Date	Property	Number	Operator	Completion Status	Expiration Date
07/28/2016	[316580] CENTRAL BASIN SWD	#001	[289408] LOGOS OPERATING, LLC	Active	
01/24/2008	[36836] CENTRAL BASIN SWD	#001	[162928] ENERGEN RESOURCES CORPORATION	Active	
11/20/2007	[36836] CENTRAL BASIN SWD	#001	[162928] ENERGEN RESOURCES CORPORATION	New, Not Drilled	

Financial Assurance

Please login to review the financial assurance associated with this well.

Compliance

Note that Financial Assurance and Inactive Well Compliance are documented in separate reports ([Inactive Well Report](#), [Financial Assurance Report](#)).

Also note that some compliance issues are addressed at the operator level so not listed under each well.

cSJM2232540499

Violation Source: Field Inspection
 Date of Violation: 11/14/2022
 Compliance Required: 02/12/2023 Resolved: 12/01/2022

Notes

Actions/Events

Event Date	Category	Type
------------	----------	------

Reported Releases

The reported release volumes are sourced from C-141 submissions.

Earliest Reported Release in OCD Records: 03/01/2024 Last: 03/01/2024 [Show All Reported Releases](#)

	Release Volumes				Additional Details			
	BBLS	LBS	MCF	UNK	Type	Product	Severity	Status
2024 (1)	6	0	0	0				
Grand Total:	6	0	0	0				

Upstream Natural Gas Venting & Flaring

The upstream natural gas venting & flaring volumes are sourced from upstream natural gas waste reports (C-115B) submissions.

Earliest Natural Gas Waste Report in OCD Records: 10/2021 Last: 03/2024 [Show All Upstream Venting & Flaring](#)

	Venting & Flaring Volumes			Beneficial Use	
	Vented (MCF)	Flared (MCF)	Total (MCF)	Used (MCF)	
2021	7	0	7		0
2022	7	0	7		0
2023	0	0	0		0
2024	0	0	0		0

Grand Total:	14	0	14	0
--------------	----	---	----	---

Orders

Please login to review the orders associated with this well.

Production / Injection

The production & injection volumes are sourced from monthly production reports (C-115) submissions.

Earliest Production in OCD Records: 8/2008 Last 3/2024 [Show All Production](#) [Export to Excel](#)

Time Frame	Production				Injection				
	Oil (BBLs)	Gas (MCF)	Water (BBLs)	Days P/I	Water (BBLs)	Co2 (MCF)	Gas (MCF)	Other	Pressure
2008	0	0	0	0	204,299	0	0	0	N/A
2009	0	0	0	0	519,501	0	0	0	N/A
2010	0	0	0	0	490,630	0	0	0	N/A
2011	0	0	0	0	538,374	0	0	0	N/A
2012	0	0	0	0	585,293	0	0	0	N/A
2013	0	0	0	0	447,717	0	0	0	N/A
2014	0	0	0	0	461,233	0	0	0	N/A
2015	0	0	0	0	360,933	0	0	0	N/A
2016	0	0	0	0	211,380	0	0	0	N/A
2017	0	0	0	0	105,785	0	0	0	N/A
2018	0	0	0	0	141,121	0	0	0	N/A
2019	0	0	0	0	322,534	0	0	0	N/A
2020	0	0	0	0	217,090	0	0	0	N/A
2021	67	4	0	61	264,842	0	0	0	N/A
2022	514	4	0	243	249,182	0	0	0	N/A
2023	201	0	0	366	228,165	0	0	0	N/A
2024	0	0	0	0	22,962	0	0	0	N/A
Grand Total:	782	8	0	670	5,371,041	0	0	0	N/A

Transporters

Transporter	Product	Most Recent for Property
[14035] MARATHON OIL CO	Oil	10/2023

Points of Disposition

POINTS OF DISPOSITION

ID	Type	Description	Pool(s)
4037494	Oil	CENTRAL BASIN SWD #001	[96162] SWD;MORRISON BLUFF ENTRADA

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Form 990

Return of Organization Exempt From Income Tax

OMB No. 1545-0047

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code

Group Exhibit C

2017

Open to Public Inspection

Department of the Treasury Internal Revenue Service

Do not enter social security numbers on this form as it Go to www.irs.gov/Form990 for instructions and the latest information.

A For the 2018 calendar year, or tax year beginning 01-01-2017, and ending 12-31-2017

- 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) PO BOX 1864
Room/suite
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 \$ 2,132,451

F Name and address of principal officer: RYAN FLYNN 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
H(c) Group exemption number

I Tax-exempt status: 501(c)(3) 501(c)(6) 4947(a)(1) or 527

J Website: 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 WELFARE OF THE OIL AND GAS INDUSTRY OF NEW MEXICO AND THE CONSERVATION AND ORDERLY DEVELOPMENT OF OIL AND GAS RESOURCES WITHIN THE STATE OF NEW MEXICO.

Table with 3 columns: Description, 3, 4, 5, 6, 7a, 7b. Rows include 2 Check this box, 3 Number of voting members, 4 Number of independent voting members, 5 Total number of individuals employed, 6 Total number of volunteers, 7a Total unrelated business revenue, 7b Net unrelated business taxable income.

Table with 3 columns: Description, Prior Year, Current Year. Rows include 8 Contributions and grants, 9 Program service revenue, 10 Investment income, 11 Other revenue, 12 Total revenue.

Table with 3 columns: Description, Prior Year, Current Year. Rows include 13 Grants and similar amounts paid, 14 Benefits paid to or for members, 15 Salaries, other compensation, 16a Professional fundraising fees, 17 Other expenses, 18 Total expenses, 19 Revenue less expenses.

Table with 3 columns: Description, Beginning of Current Year, End of Year. Rows include 20 Total assets, 21 Total liabilities, 22 Net assets or fund balances.

Part II Signature Block

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 (RYAN FLYNN EXECUTIVE DIRECTOR), Date (2018-11-15)

Paid Preparer Use Only: Print/Type preparer's name, Preparer's signature, Date (2018-11-09), Check self-employed, PTIN (P01207573), Firm's name (JOHNSON MILLER & CO CPA'S PC), Firm's EIN (85-0214336), Firm's address (2626 JBS PKWY STE A-200, ODESSA, TX 79761), Phone no. (432) 362-3800

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No
For Paperwork Reduction Act Notice, see the separate instructions. Cat. No. 11282Y Form 990 (2017)

Part III Statement of Program Service Accomplishments

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

1 Briefly describe the organization's mission: TO PROMOTE THE WELFARE OF THE OIL AND GAS INDUSTRY OF NEW MEXICO AND THE CONSERVATION AND ORDERLY DEVELOPMENT OF OIL AND GAS RESOURCES WITHIN THE STATE OF NEW MEXICO.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? Yes No

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? Yes No

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ 1,877,697 including grants of \$) (Revenue \$ 2,132,380) ANNUAL INDUSTRY/AGENCY MEETING TO DISCUSS COMMON ISSUES; EDUCATION EFFORTS; REGULATORY WORK

4b (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d	Other program services (Describe in Schedule O.) (Expenses \$ _____ including grants of \$ _____) (Revenue \$ _____)
4e	Total program service expenses ▶ 1,877,697

Part IV Checklist of Required Schedules

	Yes	No
1 Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? <i>If "Yes," complete Schedule A</i>		No
2 Is the organization required to complete <i>Schedule B, Schedule of Contributors</i> (see instructions)?		No
3 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? <i>If "Yes," complete Schedule C, Part I</i> 🗑️		No
4 Section 501(c)(3) organizations. Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? <i>If "Yes," complete Schedule C, Part II</i>		
5 Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? <i>If "Yes," complete Schedule C, Part III</i> 🗑️	Yes	
6 Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? <i>If "Yes," complete Schedule D, Part I</i> 🗑️		No
7 Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? <i>If "Yes," complete Schedule D, Part II</i> 🗑️		No
8 Did the organization maintain collections of works of art, historical treasures, or other similar assets? <i>If "Yes," complete Schedule D, Part III</i> 🗑️		No
9 Did the organization report an amount in Part X, line 21 for escrow or custodial account liability; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? <i>If "Yes," complete Schedule D, Part IV</i> 🗑️		No
10 Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi-endowments? <i>If "Yes," complete Schedule D, Part V</i> 🗑️		No
11 If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable.		
a Did the organization report an amount for land, buildings, and equipment in Part X, line 10? <i>If "Yes," complete Schedule D, Part VI</i> 🗑️	Yes	
b Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VII</i> 🗑️		No
c Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VIII</i> 🗑️		No
d Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part IX</i> 🗑️		No
e Did the organization report an amount for other liabilities in Part X, line 25? <i>If "Yes," complete Schedule D, Part X</i> 🗑️		No
f Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? <i>If "Yes," complete Schedule D, Part X</i> 🗑️		No
12a Did the organization obtain separate, independent audited financial statements for the tax year? <i>If "Yes," complete Schedule D, Parts XI and XII</i> 🗑️	Yes	
b Was the organization included in consolidated, independent audited financial statements for the tax year? <i>If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional</i> 🗑️		No
13 Is the organization a school described in section 170(b)(1)(A)(ii)? <i>If "Yes," complete Schedule E</i>		No
14a Did the organization maintain an office, employees, or agents outside of the United States?		No
b Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? <i>If "Yes," complete Schedule F, Parts I and IV</i>		No
15 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or other assistance to or for any foreign organization? <i>If "Yes," complete Schedule F, Parts II and IV</i>		No
16 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or other assistance to or for foreign individuals? <i>If "Yes," complete Schedule F, Parts III and IV</i>		No
17 Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? <i>If "Yes," complete Schedule G, Part I</i> (see instructions)		No

- 18** Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? *If "Yes," complete Schedule G, Part II*
- 19** Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? *If "Yes," complete Schedule G, Part III*
- 20a** Did the organization operate one or more hospital facilities? *If "Yes," complete Schedule H*
 - b** If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?
- 21** Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? *If "Yes," complete Schedule I, Parts I and II*
- 22** Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? *If "Yes," complete Schedule I, Parts I and III*

18		No
19		No
20a		No
20b		
21		No
22		No

Form **990** (2017)

Part IV Checklist of Required Schedules (continued)

		Yes	No
23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? <i>If "Yes," complete Schedule J</i>	23	Yes	
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? <i>If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a</i>	24a		No
b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?	24b		
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?	24c		
d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?	24d		
25a Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? <i>If "Yes," complete Schedule L, Part I</i>	25a		
b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? <i>If "Yes," complete Schedule L, Part I</i>	25b		
26 Did the organization report any amount on Part X, line 5, 6, or 22 for receivables from or payables to any current or former officers, directors, trustees, key employees, highest compensated employees, or disqualified persons? <i>If "Yes," complete Schedule L, Part II</i>	26		No
27 Did the organization provide a grant or other assistance to an officer, director, trustee, key employee, substantial contributor or employee thereof, a grant selection committee member, or to a 35% controlled entity or family member of any of these persons? <i>If "Yes," complete Schedule L, Part III</i>	27		No
28 Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):			
a A current or former officer, director, trustee, or key employee? <i>If "Yes," complete Schedule L, Part IV</i>	28a		No
b A family member of a current or former officer, director, trustee, or key employee? <i>If "Yes," complete Schedule L, Part IV</i>	28b		No
c An entity of which a current or former officer, director, trustee, or key employee (or a family member thereof) was an officer, director, trustee, or direct or indirect owner? <i>If "Yes," complete Schedule L, Part IV</i>	28c		No
29 Did the organization receive more than \$25,000 in non-cash contributions? <i>If "Yes," complete Schedule M</i>	29		No
30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? <i>If "Yes," complete Schedule M</i>	30		No
31 Did the organization liquidate, terminate, or dissolve and cease operations? <i>If "Yes," complete Schedule N, Part I</i>	31		No
32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? <i>If "Yes," complete Schedule N, Part II</i>	32		No
33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? <i>If "Yes," complete Schedule R, Part I</i>	33		No
34 Was the organization related to any tax-exempt or taxable entity? <i>If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1</i>	34		No
35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?	35a		No
b If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? <i>If "Yes," complete Schedule R, Part V, line 2</i>	35b		
36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? <i>If "Yes," complete Schedule R, Part V, line 2</i>	36		

30	Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? <i>If "Yes," complete Schedule R, Part VI</i>		No
37	Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11b and 19? Note. All Form 990 filers are required to complete Schedule O.	Yes	

Part V Statements Regarding Other IRS Filings and Tax Compliance

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

		Yes	No
1a	Enter the number reported in Box 3 of Form 1096 Enter -0- if not applicable		
1b	Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable		
1c	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?		

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Form 990 (2017)

2a	Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return	8		
2b	If at least one is reported on line 2a, did the organization file all required federal employment tax returns? Note. If the sum of lines 1a and 2a is greater than 250, you may be required to e-file (see instructions)		Yes	
3a	Did the organization have unrelated business gross income of \$1,000 or more during the year?			No
3b	If "Yes," has it filed a Form 990-T for this year? <i>If "No" to line 3b, provide an explanation in Schedule O</i>			
4a	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?			No
b	If "Yes," enter the name of the foreign country: _____ See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).			
5a	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?			No
5b	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?			No
5c	If "Yes," to line 5a or 5b, did the organization file Form 8886-T?			
6a	Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?			No
6b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?			
7	Organizations that may receive deductible contributions under section 170(c).			
a	Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor?		Yes	
b	If "Yes," did the organization notify the donor of the value of the goods or services provided?		Yes	
7c	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?			No
7d	If "Yes," indicate the number of Forms 8282 filed during the year			
7e	Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?			No
7f	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?			No
7g	If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?			
7h	If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?			
8	Sponsoring organizations maintaining donor advised funds. Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?			
9a	Did the sponsoring organization make any taxable distributions under section 4966?			
9b	Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?			
10	Section 501(c)(7) organizations. Enter:			
a	Initiation fees and capital contributions included on Part VIII, line 12			
10b	Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities			
11	Section 501(c)(12) organizations. Enter:			
a	Gross income from members or shareholders			
b	Gross income from other sources (Do not net amounts due or paid to other sources)			

against amounts due or received from them.)

Table with columns 11b, 12a, 12b, 13a, 13b, 13c, 14a, 14b, 15, 16. Includes 'Form 990 (2017)' label.

Part VI Governance, Management, and Disclosure For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions. Check if Schedule O contains a response or note to any line in this Part VI

Section A. Governing Body and Management

Table for Section A with columns 1a, 1b, 2, 3, 4, 5, 6, 7a, 7b, 8a, 8b, 9. Includes 'Yes' and 'No' columns.

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

Table for Section B with columns 10a, 10b, 11a, 11b, 12a, 12b. Includes 'Yes' and 'No' columns.

(3) MICHAEL D'ANTONIO GOV AFFAIRS												90,625	0	0
(4) CLAIRE MANATT CHASE TREASURER		X		X								0	0	0
(5) SAMANTHA OMEY SECRETARY		X		X								0	0	0
(6) LELAND GOULD PAST CHAIRMA		X		X								0	0	0
(7) CLIFF BRUNSON CHAIRMAN		X		X								0	0	0
(8) THOMAS JANISZEWSKI EXEC COMMITT		X										0	0	0
(9) KRISTEN LANGLEY EXEC COMMITT		X										0	0	0
(10) SCOTT KIDWELL VICE CHAIRMA				X								0	0	0
(11) DAVID MCKAY EXEC COMMITT		X										0	0	0
(12) RAYE MILLER EXEC COMMITT		X										0	0	0
(13) JOHN SMITHERMAN EXEC COMMITT		X										0	0	0
(14) CLINT WALKER EXEC COMMITT		X										0	0	0
(15) KEN WAITS CHAIRMAN-ELE				X								0	0	0
(16) DEREK ALBRO EXEC COMMITT		X										0	0	0
(17) BLAKE BARFIELD EXEC COMMITT		X										0	0	0

Form 990 (2017)

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)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(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) CURTIS GURLEY EXEC COMMITT		X						0	0	0
(19) JOHN ALEXANDER		X						0	0	0

**Contributions, Gifts, Gr
and Other Similar Am**

c Fundraising events	1c	
d Related organizations	1d	
e Government grants (contributions)	1e	
f All other contributions, gifts, grants, and similar amounts not included above	1f	
g Noncash contributions included in lines 1a - 1f: \$ _____		
h Total. Add lines 1a-1f ▶		

Program Service Revenue

	Business Code			
2a MEMBER DUES		1,111,907	1,111,907	
b OTHER MEMBER REVENUES - PROJE		508,450	508,450	
c ANNUAL MTG-REGISTRATION		379,773	379,773	
d SPONSOR REVENUE		132,250	132,250	
e _____				
f All other program service revenue .				
g Total. Add lines 2a-2f ▶		2,132,380		

Other Revenue

3 Investment income (including dividends, interest, and other similar amounts) ▶		71			71
4 Income from investment of tax-exempt bond proceeds ▶					
5 Royalties ▶					
6a Gross rents	(i) Real	(ii) Personal			
b Less: rental expenses					
c Rental income or (loss)					
d Net rental income or (loss) ▶					
7a Gross amount from sales of assets other than inventory	(i) Securities	(ii) Other			
b Less: cost or other basis and sales expenses					
c Gain or (loss)					
d Net gain or (loss) ▶					
8a Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18 a					
b Less: direct expenses b					
c Net income or (loss) from fundraising events ▶					
9a Gross income from gaming activities. See Part IV, line 19 a					
b Less: direct expenses b					
c Net income or (loss) from gaming activities ▶					
10a Gross sales of inventory, less returns and allowances a					
b Less: cost of goods sold b					
c Net income or (loss) from sales of inventory ▶					
Miscellaneous Revenue	Business Code				
11a					

b				
c				
d All other revenue				
e Total. Add lines 11a–11d ▶				
12 Total revenue. See Instructions. ▶				
		2,132,451	2,132,380	71

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

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

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.

	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21				
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, line 15 and 16.				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	710,817	639,736	71,081	
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages				
8 Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions)	95,064	85,558	9,506	
9 Other employee benefits	72,469	65,222	7,247	
10 Payroll taxes	50,658	45,592	5,066	
11 Fees for services (non-employees):				
a Management				
b Legal	73,433	66,090	7,343	
c Accounting	13,629	12,266	1,363	
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O)				
12 Advertising and promotion				
13 Office expenses				
14 Information technology				
15 Royalties				
16 Occupancy	77,333	69,600	7,733	
17 Travel	84,352	75,917	8,435	
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings				
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	949		949	
23 Insurance				

24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
a PUBLIC RELATIONS	497,278	447,550	49,728	
b ANNUAL MEETING	276,116	276,116		
c EXECUTIVE COMMITTEE MEETI	40,799	36,719	4,080	
d UTILITIES & MAINTENANCE	19,417	17,475	1,942	
e All other expenses	44,284	39,856	4,428	
25 Total functional expenses. Add lines 1 through 24e	2,056,598	1,877,697	178,901	0
26 Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720).				

Form 990 (2017)

Part X **Balance Sheet**

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

		(A) Beginning of year		(B) End of year
Assets	1 Cash—non-interest-bearing	359,160	1	359,231
	2 Savings and temporary cash investments	904,282	2	1,052,683
	3 Pledges and grants receivable, net		3	
	4 Accounts receivable, net		4	
	5 Loans and other receivables from current and former officers, directors, trustees, key employees, and highest compensated employees. Complete Part II of Schedule L		5	
	6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), persons described in section 4958(c)(3)(B), and contributing employers and sponsoring organizations of section 501(c)(9) voluntary employees' beneficiary organizations (see instructions) Complete Part II of Schedule L		6	
	7 Notes and loans receivable, net		7	
	8 Inventories for sale or use		8	
	9 Prepaid expenses and deferred charges		9	
	10a Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a 70,763		
	b Less: accumulated depreciation	10b 61,041	8,406	10c 9,722
	11 Investments—publicly traded securities		11	
	12 Investments—other securities. See Part IV, line 11		12	
	13 Investments—program-related. See Part IV, line 11		13	
	14 Intangible assets		14	
	15 Other assets. See Part IV, line 11		15	
16 Total assets. Add lines 1 through 15 (must equal line 34)		1,271,848	16	1,421,636
Liabilities	17 Accounts payable and accrued expenses	41,234	17	101,169
	18 Grants payable		18	
	19 Deferred revenue	120,860	19	134,860
	20 Tax-exempt bond liabilities		20	
	21 Escrow or custodial account liability. Complete Part IV of Schedule D		21	
	22 Loans and other payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons. Complete Part II of Schedule L		22	
	23 Secured mortgages and notes payable to unrelated third parties		23	
	24 Unsecured notes and loans payable to unrelated third parties		24	
	25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17 - 24)		25	

		and other liabilities not included on lines 17 - 27). Complete Part X of Schedule D			
26		Total liabilities. Add lines 17 through 25	162,094	26	236,029
Net Assets or Fund Balances	Organizations that follow SFAS 117 (ASC 958), check here <input checked="" type="checkbox"/> and complete lines 27 through 29, and lines 33 and 34.				
	27	Unrestricted net assets	1,109,754	27	1,185,607
	28	Temporarily restricted net assets		28	
	29	Permanently restricted net assets		29	
	Organizations that do not follow SFAS 117 (ASC 958), check here <input type="checkbox"/> and complete lines 30 through 34.				
	30	Capital stock or trust principal, or current funds		30	
	31	Paid-in or capital surplus, or land, building or equipment fund		31	
	32	Retained earnings, endowment, accumulated income, or other funds		32	
	33	Total net assets or fund balances	1,109,754	33	1,185,607
	34	Total liabilities and net assets/fund balances	1,271,848	34	1,421,636

Form 990 (2017)

Form 990 (2017)

Part XI Reconciliation of Net Assets

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

1	Total revenue (must equal Part VIII, column (A), line 12)	1	2,132,451
2	Total expenses (must equal Part IX, column (A), line 25)	2	2,056,598
3	Revenue less expenses. Subtract line 2 from line 1	3	75,853
4	Net assets or fund balances at beginning of year (must equal Part X, line 33, column (A))	4	1,109,754
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 33, column (B))	10	1,185,607

Part XII Financial Statements and Reporting

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

		Yes	No
1	Accounting method used to prepare the Form 990: <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual <input type="checkbox"/> Other _____ If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O.		
2a	Were the organization's financial statements compiled or reviewed by an independent accountant? If "Yes," check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both: <input type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separate basis		No
2b	Were the organization's financial statements audited by an independent accountant? If "Yes," check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both: <input checked="" type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separate basis	Yes	
2c	If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant? If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.	Yes	
3a	As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?		No
3b	If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.		

Form 990 (2017)

Additional Data

[Return to Form](#)

Software ID:

Software Version:

Form 990, Special Condition Description:

SCHEDULE C (Form 990 or 990-EZ)

Political Campaign and Lobbying Activities

OMB No. 1545-0047

For Organizations Exempt From Income Tax Under section 501(c) and section 527

2017

Open to Public Inspection

Department of the Treasury Internal Revenue Service

Complete if the organization is described below. Attach to Form 990 or Form 990-EZ. Go to www.irs.gov/Form990 for instructions and the latest information.

If the organization answered "Yes" on Form 990, Part IV, Line 3, or Form 990-EZ, Part V, line 46 (Political Campaign Activities), then

- Section 501(c)(3) organizations: Complete Parts I-A and B. Do not complete Part I-C.
Section 501(c) (other than section 501(c)(3)) organizations: Complete Parts I-A and C below. Do not complete Part I-B.
Section 527 organizations: Complete Part I-A only.

If the organization answered "Yes" on Form 990, Part IV, Line 4, or Form 990-EZ, Part VI, line 47 (Lobbying Activities), then

- Section 501(c)(3) organizations that have filed Form 5768 (election under section 501(h)): Complete Part II-A. Do not complete Part II-B.
Section 501(c)(3) organizations that have NOT filed Form 5768 (election under section 501(h)): Complete Part II-B. Do not complete Part II-A.

If the organization answered "Yes" on Form 990, Part IV, Line 5 (Proxy Tax) (see separate instructions) or Form 990-EZ, Part V, line 35c (Proxy Tax) (see separate instructions), then

- Section 501(c)(4), (5), or (6) organizations: Complete Part III.

Table with 2 columns: Name of the organization (NEW MEXICO OIL & GAS ASSOCIATION) and Employer identification number (85-0056996)

Part I-A Complete if the organization is exempt under section 501(c) or is a section 527 organization.

1 Provide a description of the organization's direct and indirect political campaign activities in Part IV (see instructions for definition of "political campaign activities")

2 Political campaign activity expenditures (see instructions) \$

3 Volunteer hours for political campaign activities (see instructions)

Part I-B Complete if the organization is exempt under section 501(c)(3).

1 Enter the amount of any excise tax incurred by the organization under section 4955 \$

2 Enter the amount of any excise tax incurred by organization managers under section 4955 \$

3 If the organization incurred a section 4955 tax, did it file Form 4720 for this year? Yes No

4a Was a correction made? Yes No

b If "Yes," describe in Part IV.

Part I-C Complete if the organization is exempt under section 501(c), except section 501(c)(3).

1 Enter the amount directly expended by the filing organization for section 527 exempt function activities \$

2 Enter the amount of the filing organization's funds contributed to other organizations for section 527 exempt function activities \$

3 Total exempt function expenditures. Add lines 1 and 2. Enter here and on Form 1120-POL, line 17b. \$

4 Did the filing organization file Form 1120-POL for this year? Yes No

5 Enter the names, addresses and employer identification number (EIN) of all section 527 political organizations to which the filing organization made payments. For each organization listed, enter the amount paid from the filing organization's funds. Also enter the amount of political contributions received that were promptly and directly delivered to a separate political organization, such as a separate segregated fund or a political action committee (PAC). If additional space is needed, provide information in Part IV.

Table with 5 columns: (a) Name, (b) Address, (c) EIN, (d) Amount paid from filing organization's funds, (e) Amount of political contributions received and promptly and directly delivered to a separate political organization.

Part II-A Complete if the organization is exempt under section 501(c)(3) and filed Form 5768 (election under section 501(h)).

- A** Check if the filing organization belongs to an affiliated group (and list in Part IV each affiliated group member's name, address, EIN, expenses, and share of excess lobbying expenditures).
- B** Check if the filing organization checked box A and "limited control" provisions apply.

Limits on Lobbying Expenditures
(The term "expenditures" means amounts paid or incurred.)

(a) Filing organization's totals
(b) Affiliated group totals

- 1a** Total lobbying expenditures to influence public opinion (grass roots lobbying)
- b** Total lobbying expenditures to influence a legislative body (direct lobbying)
- c** Total lobbying expenditures (add lines 1a and 1b)
- d** Other exempt purpose expenditures
- e** Total exempt purpose expenditures (add lines 1c and 1d)
- f** Lobbying nontaxable amount. Enter the amount from the following table in both columns.

If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:
Not over \$500,000	20% of the amount on line 1e.
Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000.
Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000.
Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000.
Over \$17,000,000	\$1,000,000.

- g** Grassroots nontaxable amount (enter 25% of line 1f)
- h** Subtract line 1g from line 1a. If zero or less, enter -0-
- i** Subtract line 1f from line 1c. If zero or less, enter -0-
- j** If there is an amount other than zero on either line 1h or line 1i, did the organization file Form 4720 reporting section 4911 tax for this year? Yes No

4-Year Averaging Period Under section 501(h)
(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the separate instructions for lines 2a through 2f.)

Lobbying Expenditures During 4-Year Averaging Period

Calendar year (or fiscal year beginning in)	(a) 2014	(b) 2015	(c) 2016	(d) 2017	(e) Total
2a Lobbying nontaxable amount					
b Lobbying ceiling amount (150% of line 2a, column(e))					
c Total lobbying expenditures					
d Grassroots nontaxable amount					
e Grassroots ceiling amount (150% of line 2d, column (e))					
f Grassroots lobbying expenditures					

Part II-B Complete if the organization is exempt under section 501(c)(3) and has NOT filed Form 5768 (election under section 501(h)).

For each "Yes" response on lines 1a through 1i below, provide in Part IV a detailed description of the lobbying activity.

	(a)		(b)
	Yes	No	Amount
1 During the year, did the filing organization attempt to influence foreign, national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:			

a	Volunteers?			
b	Paid staff or management (include compensation in expenses reported on lines 1c through 1i)?			
c	Media advertisements?			
d	Mailings to members, legislators, or the public?			
e	Publications, or published or broadcast statements?			
f	Grants to other organizations for lobbying purposes?			
g	Direct contact with legislators, their staffs, government officials, or a legislative body?			
h	Rallies, demonstrations, seminars, conventions, speeches, lectures, or any similar means?			
i	Other activities?			
j	Total. Add lines 1c through 1i			
2a	Did the activities in line 1 cause the organization to be not described in section 501(c)(3)?			
b	If "Yes," enter the amount of any tax incurred under section 4912			
c	If "Yes," enter the amount of any tax incurred by organization managers under section 4912			
d	If the filing organization incurred a section 4912 tax, did it file Form 4720 for this year?			

Part III-A Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6).

	Yes	No
1 Were substantially all (90% or more) dues received nondeductible by members?	1	No
2 Did the organization make only in-house lobbying expenditures of \$2,000 or less?	2	No
3 Did the organization agree to carry over lobbying and political expenditures from the prior year?	3	No

Part III-B Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6) and if either (a) BOTH Part III-A, lines 1 and 2, are answered "No" OR (b) Part III-A, line 3, is answered "Yes."

1 Dues, assessments and similar amounts from members	1	1,111,907
2 Section 162(e) nondeductible lobbying and political expenditures (do not include amounts of political expenses for which the section 527(f) tax was paid).		
a Current year	2a	533,860
b Carryover from last year	2b	
c Total	2c	533,860
3 Aggregate amount reported in section 6033(e)(1)(A) notices of nondeductible section 162(e) dues .	3	833,930
4 If notices were sent and the amount on line 2c exceeds the amount on line 3, what portion of the excess does the organization agree to carryover to the reasonable estimate of nondeductible lobbying and political expenditure next year?	4	
5 Taxable amount of lobbying and political expenditures (see instructions)	5	-300,070

Part IV Supplemental Information

Provide the descriptions required for Part I-A, line 1; Part I-B, line 4; Part I-C, line 5; Part II-A (affiliated group list); Part II-A, lines 1 and 2 (see instructions), and Part II-B, line 1. Also, complete this part for any additional information.

Return Reference	Explanation
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Schedule C (Form 990 or 990EZ) 2017

Additional Data

Return to Form

Software ID:
Software Version:

SCHEDULE D (Form 990)

Supplemental Financial Statements

OMB No. 1545-0047

2017

Open to Public Inspection

Complete if the organization answered "Yes," on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b. Attach to Form 990. Go to www.irs.gov/Form990 for the latest information.

Department of the Treasury Internal Revenue Service

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number 85-0056996

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.

Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

Table with 3 columns: Question, (a) Donor advised funds, (b) Funds and other accounts. Rows include total number at end of year, aggregate value of contributions, grants, and end of year, and two yes/no questions about donor advisement.

Part II Conservation Easements. Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

Form with multiple questions (1-9) regarding conservation easements, including purpose, acreage, monitoring, and reporting requirements.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

Form with questions (1a, 1b, 2, a) regarding reporting requirements for art and historical treasures collections.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets (continued)

- 3** Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):
- a** Public exhibition
 - b** Scholarly research
 - c** Preservation for future generations
 - d** Loan or exchange programs
 - e** Other
- 4** Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.
- 5** During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? . . . Yes No

Part IV Escrow and Custodial Arrangements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

- 1a** Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? Yes No

b If "Yes," explain the arrangement in Part XIII and complete the following table:

- c** Beginning balance
- d** Additions during the year
- e** Distributions during the year
- f** Ending balance

	Amount
1c	
1d	
1e	
1f	

- 2a** Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? . . . Yes No
- b** If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII

Part V Endowment Funds. Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1a Beginning of year balance					
b Contributions					
c Net investment earnings, gains, and losses					
d Grants or scholarships					
e Other expenditures for facilities and programs					
f Administrative expenses					
g End of year balance					

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

- a** Board designated or quasi-endowment ▶
- b** Permanent endowment ▶
- c** Temporarily restricted endowment ▶

The percentages on lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

- (i)** unrelated organizations
- (ii)** related organizations

b If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R?

	Yes	No
3a(i)		
3a(ii)		
3b		

4 Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI Land, Buildings, and Equipment.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Description of property	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
1a Land				
b Buildings				
c Leasehold improvements				
d Equipment		70,763	61,041	9,722

Schedule D (Form 990) 2017

Page 3

Part VII Investments Other Securities. Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely-held equity interests		
(3) Other _____		
(A)		
(B)		
(C)		
(D)		
(E)		
(F)		
(G)		
(H)		
Total. (Column (b) must equal Form 990, Part X, col. (B) line 12.)		

Part VIII Investments Program Related. Complete if the organization answered 'Yes' on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
Total. (Column (b) must equal Form 990, Part X, col.(B) line 13.)		

Part IX Other Assets. Complete if the organization answered 'Yes' on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	(b) Book value
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	

(7)	
(8)	
(9)	
Total. (Column (b) must equal Form 990, Part X, col.(B) line 15.)	

Part X Other Liabilities. Complete if the organization answered 'Yes' on Form 990, Part IV, line 11e or 11f. See Form 990, Part X, line 25.

1.	(a) Description of liability	(b) Book value
(1)	Federal income taxes	
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
Total. (Column (b) must equal Form 990, Part X, col.(B) line 25.)		

2. Liability for uncertain tax positions. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII

Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total revenue, gains, and other support per audited financial statements	1	1,340,574
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:		
a	Net unrealized gains (losses) on investments	2a	
b	Donated services and use of facilities	2b	
c	Recoveries of prior year grants	2c	
d	Other (Describe in Part XIII.)	2d	
e	Add lines 2a through 2d	2e	
3	Subtract line 2e from line 1	3	1,340,574
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1:		
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a	
b	Other (Describe in Part XIII.)	4b	791,877
c	Add lines 4a and 4b	4c	791,877
5	Total revenue. Add lines 3 and 4c . (This must equal Form 990, Part I, line 12.)	5	2,132,451

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total expenses and losses per audited financial statements	1	1,264,721
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:		
a	Donated services and use of facilities	2a	
b	Prior year adjustments	2b	
c	Other losses	2c	
d	Other (Describe in Part XIII.)	2d	
e	Add lines 2a through 2d	2e	
3	Subtract line 2e from line 1	3	1,264,721
4	Amounts included on Form 990, Part IX, line 25, but not on line 1:		
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a	
b	Other (Describe in Part XIII.)	4b	791,877

b Other (Describe in Part XIII.)	70	791,877	
c Add lines 4a and 4b			4c 791,877
5 Total expenses. Add lines 3 and 4c . (This must equal Form 990, Part I, line 18.)			5 2,056,598

Part XIII Supplemental Information

Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

Return Reference	Explanation
SCHEDULE D, PAGE 4, PART XI, LINE 4B	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 283,427 MEMBER PROJECT REVENUE NETTED W/PUBLIC RELATIONS EXP 508,450
SCHEDULE D, PAGE 4, PART XII, LINE 4B	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 283,427 MEMBER PROJECT REVENUE NETTED W/PUBLIC RELATIONS EXP 508,450

Schedule D (Form 990) 2017

Additional Data

[Return to Form](#)

Software ID:
Software Version:

Part III Supplemental Information

Provide the information, explanation, or descriptions required for Part I, lines 1a, 1b, 3, 4a, 4b, 4c, 5a, 5b, 6a, 6b, 7, and 8, and for Part II. Also complete this part for any additional information.

Return Reference	Explanation
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Additional Data

[Return to Form](#)

Software ID:
Software Version:

efile Public Visual Render

ObjectID: 201813179349302191 - Submission: 2018-11-13

TIN: 85-0056996

OMB No. 1545-0047

SCHEDULE O
(Form 990 or 990-EZ)

Supplemental Information to Form 990 or 990-EZ

2017

Complete to provide information for responses to specific questions on Form 990 or 990-EZ or to provide any additional information.

Open to Public Inspection

▶ Attach to Form 990 or 990-EZ.

▶ Go to www.irs.gov/Form990 for the latest information.

Department of the Treasury
Internal Revenue Service

Name of the organization
NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number

85-0056996

Return Reference	Explanation
FORM 990, PAGE 6, PART VI, LINE 11B	THE RETURN IS REVIEWED BY THE BOARD PRESIDENT PRIOR TO FILING.
FORM 990, PAGE 6, PART VI, LINE 19	THE ORGANIZATION'S GOVERNING DOCUMENTS, ANY WRITTEN POLICIES, AND/OR FINANCIAL STATEMENTS ARE AVAILABLE TO THE PUBLIC UPON REQUEST.
FORM 990, PART XI, LINE 9	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S -283,427 MEMBER PROJECT REVENUE NETTED W/PUBLIC RELATIONS EXP -508,450 ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 283,427 MEMBER PROJECT REVENUE NETTED W/PUBLIC RELATIONS EXP 508,450

Additional Data

[Return to Form](#)

Software ID:
Software Version:

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

Return of Organization Exempt From Income Tax

OMB No. 1545-0047

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 for instructions and the latest information.

2018

Open to Public Inspection

A For the 2019 calendar year, or tax year beginning 01-01-2018, and ending 12-31-2018

- 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 \$ 3,143,978

F Name and address of principal officer:
RYAN FLYNN
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

K Form of organization: Corporation Trust Association Other ▶

L Year of formation: 1929 **M** State of legal domicile: NM

Part I Summary

Activities & Governance	1 Briefly describe the organization's mission or most significant activities: TO PROMOTE THE WELFARE OF THE OIL AND GAS INDUSTRY OF NEW MEXICO AND THE CONSERVATION AND ORDERLY DEVELOPMENT OF OIL AND GAS RESOURCES WITHIN THE STATE OF NEW MEXICO.		
	2 Check this box <input type="checkbox"/>		
	3 Number of voting members of the governing body (Part VI, line 1a)	3	26
	4 Number of independent voting members of the governing body (Part VI, line 1b)	4	0
	5 Total number of individuals employed in calendar year 2018 (Part V, line 2a)	5	7
	6 Total number of volunteers (estimate if necessary)	6	
	7a Total unrelated business revenue from Part VIII, column (C), line 12	7a	0
b Net unrelated business taxable income from Form 990-T, line 34	7b		
Revenue	8 Contributions and grants (Part VIII, line 1h)		0
	9 Program service revenue (Part VIII, line 2g)	2,132,380	3,143,540
	10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)	71	438
	11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)		0
	12 Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	2,132,451	3,143,978
	Expenses	13 Grants and similar amounts paid (Part IX, column (A), lines 1–3)		0
14 Benefits paid to or for members (Part IX, column (A), line 4)			0
15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5–10)		929,008	983,782
16a Professional fundraising fees (Part IX, column (A), line 11e)			0
b Total fundraising expenses (Part IX, column (D), line 25) ▶ 0			
17 Other expenses (Part IX, column (A), lines 11a–11d, 11f–24e)		1,127,590	2,028,939
18 Total expenses. Add lines 13–17 (must equal Part IX, column (A), line 25)		2,056,598	3,012,721
19 Revenue less expenses. Subtract line 18 from line 12	75,853	131,257	
Net Assets or Fund Balances		Beginning of Current Year	End of Year
	20 Total assets (Part X, line 16)	1,421,636	1,467,165
	21 Total liabilities (Part X, line 26)	236,029	150,301
	22 Net assets or fund balances. Subtract line 21 from line 20	1,185,607	1,316,864

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

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

2019-10-30

Date

RYAN FLYNN EXECUTIVE DIRECTOR

Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name

Preparer's signature

Date 2019-11-11

Check if self-employed

PTIN P01207573

Firm's name ▶ JOHNSON MILLER & CO CPA'S PC

Firm's EIN ▶ 85-0214336

Firm's address ▶ 2626 JBS PKWY STE A-200

Phone no. (432) 362-3800

ODESSA, TX 79761

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No

For Paperwork Reduction Act Notice, see the separate instructions.

Cat. No. 11282Y

Form 990 (2018)

Part III Statement of Program Service Accomplishments

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

1 Briefly describe the organization's mission:

TO PROMOTE THE WELFARE OF THE OIL AND GAS INDUSTRY OF NEW MEXICO AND THE CONSERVATION AND ORDERLY DEVELOPMENT OF OIL AND GAS RESOURCES WITHIN THE STATE OF NEW MEXICO.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? Yes No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? Yes No

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ 2,738,128 including grants of \$) (Revenue \$ 3,143,540) ANNUAL INDUSTRY/AGENCY MEETING TO DISCUSS COMMON ISSUES; EDUCATION EFFORTS; REGULATORY WORK

4b (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d Other program services (Describe in Schedule O.) (Expenses \$ including grants of \$) (Revenue \$)

Part IV Checklist of Required Schedules

Table with 3 columns: Question ID, Question Text, Yes, No. Rows include questions 1 through 20a regarding organizational requirements and financial reporting.

b If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?

21 Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? If "Yes," complete Schedule I, Parts I and II

22 Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? If "Yes," complete Schedule I, Parts I and III

20b		
21		No
22		No

Form 990 (2018)

Form 990 (2018)

Part IV Checklist of Required Schedules (continued)

23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? If "Yes," complete Schedule J

	Yes	No
23	Yes	

24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a

24a		No
-----	--	----

b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?

24b		
-----	--	--

c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?

24c		
-----	--	--

d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?

24d		
-----	--	--

25a Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations.

Did the organization engage in an excess benefit transaction with a disqualified person during the year? If "Yes," complete Schedule L, Part I

25a		
-----	--	--

b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I

25b		
-----	--	--

26 Did the organization report any amount on Part X, line 5, 6, or 22 for receivables from or payables to any current or former officers, directors, trustees, key employees, highest compensated employees, or disqualified persons? If "Yes," complete Schedule L, Part II

26		No
----	--	----

27 Did the organization provide a grant or other assistance to an officer, director, trustee, key employee, substantial contributor or employee thereof, a grant selection committee member, or to a 35% controlled entity or family member of any of these persons? If "Yes," complete Schedule L, Part III

27		No
----	--	----

28 Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):

a A current or former officer, director, trustee, or key employee? If "Yes," complete Schedule L, Part IV

28a		No
-----	--	----

b A family member of a current or former officer, director, trustee, or key employee? If "Yes," complete Schedule L, Part IV

28b		No
-----	--	----

c An entity of which a current or former officer, director, trustee, or key employee (or a family member thereof) was an officer, director, trustee, or direct or indirect owner? If "Yes," complete Schedule L, Part IV

28c		No
-----	--	----

29 Did the organization receive more than \$25,000 in non-cash contributions? If "Yes," complete Schedule M

29		No
----	--	----

30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? If "Yes," complete Schedule M

30		No
----	--	----

31 Did the organization liquidate, terminate, or dissolve and cease operations? If "Yes," complete Schedule N, Part I

31		No
----	--	----

32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? If "Yes," complete Schedule N, Part II

32		No
----	--	----

33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Schedule R, Part I

33		No
----	--	----

34 Was the organization related to any tax-exempt or taxable entity? If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1

34		No
----	--	----

35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?

35a		No
-----	--	----

b If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," complete Schedule R, Part V, line 2

35b		
-----	--	--

36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? If "Yes," complete Schedule R, Part V, line 2

36		
----	--	--

37 Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? If "Yes," complete Schedule R, Part VI

37		No
----	--	----

38 Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11b and 19? Note. All Form 990 filers are required to complete Schedule O.

38	Yes	
----	-----	--

Part V Statements Regarding Other IRS Filings and Tax Compliance

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



		Yes	No
1a	Enter the number reported in Box 3 of Form 1096. Enter -0- if not applicable.		
1b	Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable.		
1c	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?		

2a	Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return.	2a	7		
2b	If at least one is reported on line 2a, did the organization file all required federal employment tax returns? Note. If the sum of lines 1a and 2a is greater than 250, you may be required to e-file (see instructions).			Yes	
3a	Did the organization have unrelated business gross income of \$1,000 or more during the year?				No
3b	If "Yes," has it filed a Form 990-T for this year? If "No" to line 3b, provide an explanation in Schedule O.				
4a	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?				No
4b	If "Yes," enter the name of the foreign country: _____ See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).				
5a	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?				No
5b	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?				No
5c	If "Yes," to line 5a or 5b, did the organization file Form 8886-T?				
6a	Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?				No
6b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?				
7	Organizations that may receive deductible contributions under section 170(c).				
7a	Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor?			Yes	
7b	If "Yes," did the organization notify the donor of the value of the goods or services provided?			Yes	
7c	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?				No
7d	If "Yes," indicate the number of Forms 8282 filed during the year.	7d			
7e	Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?				No
7f	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?				No
7g	If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?				
7h	If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?				
8	Sponsoring organizations maintaining donor advised funds. Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?				
9a	Did the sponsoring organization make any taxable distributions under section 4966?				
9b	Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?				
10	Section 501(c)(7) organizations. Enter:				
10a	Initiation fees and capital contributions included on Part VIII, line 12.	10a			
10b	Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities.	10b			
11	Section 501(c)(12) organizations. Enter:				
11a	Gross income from members or shareholders.	11a			
11b	Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them.)	11b			
12a	Section 4947(a)(1) non-exempt charitable trusts. Is the organization filing Form 990 in lieu of Form 1041?				
12b	If "Yes," enter the amount of tax-exempt interest received or accrued during the year.	12b			
13	Section 501(c)(29) qualified nonprofit health insurance issuers.				
13a	Is the organization licensed to issue qualified health plans in more than one state? Note. See the instructions for additional information the organization must report on Schedule O.	13a			

		13a		
b	Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans	13b		
c	Enter the amount of reserves on hand	13c		
14a	Did the organization receive any payments for indoor tanning services during the tax year?	14a		No
b	If "Yes," has it filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O	14b		
15	Is the organization subject to the section 4960 tax on payment(s) of more than \$1,000,000 in remuneration or excess parachute payment(s) during the year? If "Yes," see instructions and file Form 4720, Schedule N	15		No
16	Is the organization an educational institution subject to the section 4968 excise tax on net investment income? If "Yes," complete Form 4720, Schedule O	16		No

Part VI Governance, Management, and Disclosure For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.
 Check if Schedule O contains a response or note to any line in this Part VI

Section A. Governing Body and Management

		Yes	No
1a	Enter the number of voting members of the governing body at the end of the tax year		
	If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O.		
1b	Enter the number of voting members included in line 1a, above, who are independent		
2	Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?		No
3	Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?		No
4	Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?		No
5	Did the organization become aware during the year of a significant diversion of the organization's assets?		No
6	Did the organization have members or stockholders?		No
7a	Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?		No
b	Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?		No
8	Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:		
a	The governing body?	Yes	
b	Each committee with authority to act on behalf of the governing body?	Yes	
9	Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses in Schedule O		No

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

		Yes	No
10a	Did the organization have local chapters, branches, or affiliates?		No
b	If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes?		
11a	Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?		No
b	Describe in Schedule O the process, if any, used by the organization to review this Form 990.		
12a	Did the organization have a written conflict of interest policy? If "No," go to line 13		No
b	Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts?		
c	Did the organization regularly and consistently monitor and enforce compliance with the policy? If "Yes," describe in Schedule O how this was done		
13	Did the organization have a written whistleblower policy?		No
14	Did the organization have a written document retention and destruction policy?		No
15	Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?		
a	The organization's CEO, Executive Director, or top management official		No
b	Other officers or key employees of the organization		No
	If "Yes" to line 15a or 15b, describe the process in Schedule O (see instructions).		
16a	Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a		

EXEC COMMITT	X									0	0	0
(26) MARK VETETO										0	0	0
EXEC COMMITT	X									0	0	0
(27) JEFF WILSON										0	0	0
EXEC COMMITT	X									0	0	0

1b Sub-Total												
c Total from continuation sheets to Part VII, Section A												
d Total (add lines 1b and 1c)										287,500		37,250

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 ▶ 4

	Yes	No
3 Did the organization list any former officer, director or trustee, key employee, or highest compensated employee on line 1a? <i>If "Yes," complete Schedule J for such individual</i>		No
4 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	
5 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

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 ▶

Part VIII **Statement of Revenue**

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

	(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512 - 514
--	----------------------	---	-----------------------------------	---

- erated campaigns . . . **1a**
- embership dues . . . **1b**
- draising events . . . **1c**
- ated organizations **1d**
- ernment grants (contributions) **1e**
- ther contributions, gifts, grants, and similar amounts not included above **1f**

g
Noncash contributions included

In lines 1a - 1f: \$ _____

h Total. Add lines 1a-1f ▶

Program Service Revenue	Business Code			
	1a MBER DUES		2,567,785	2,567,785
1b ANNUAL MTG-REGISTRATION		415,505	415,505	
1c SPONSOR REVENUE		160,250	160,250	
1d _____				
1e _____				
1f All other program service revenue.				
9 Total. Add lines 2a-2f ▶		3,143,540		

3 Investment income (including dividends, interest, and other similar amounts) ▶	438			438
4 Income from investment of tax-exempt bond proceeds ▶				
5 Royalties ▶				

6a Gross rents	(i) Real	(ii) Personal			
	b Less: rental expenses				
c Rental income or (loss)					
d Net rental income or (loss) ▶					

7a Gross amount from sales of assets other than inventory	(i) Securities	(ii) Other			
	b Less: cost or other basis and sales expenses				
c Gain or (loss)					
d Net gain or (loss) ▶					

8a Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18 a					
	b Less: direct expenses b				
	c Net income or (loss) from fundraising events ▶				

a Gross income from gaming activities. See Part IV, line 19 a					
	b Less: direct expenses b				
	c Net income or (loss) from gaming activities ▶				

10a Gross sales of inventory, less returns and allowances a					
	b Less: cost of goods sold b				
	c Net income or (loss) from sales of inventory ▶				

Miscellaneous Revenue	Business Code			
11a _____				
b _____				
c _____				
d All other revenue				

e Total. Add lines 11a-11d ▶			
12 Total revenue. See Instructions. ▶	3,143,978	3,143,540	438

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

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

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.

	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21				
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, line 15 and 16.				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	779,577	701,619	77,958	
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages				
8 Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions)	90,434	81,391	9,043	
9 Other employee benefits	61,261	55,135	6,126	
10 Payroll taxes	52,510	47,259	5,251	
11 Fees for services (non-employees):				
a Management				
b Legal	166,980	150,282	16,698	
c Accounting	15,682	14,114	1,568	
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O)				
12 Advertising and promotion				
13 Office expenses				
14 Information technology				
15 Royalties				
16 Occupancy	152,321	137,089	15,232	
17 Travel	101,905	91,714	10,191	
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings				
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	1,365		1,365	
23 Insurance				
24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
a PUBLIC RELATIONS	1,192,247	1,073,022	119,225	
b ANNUAL MEETING	279,087	279,087		
c SUBSCRIPTIONS	32,884	29,596	3,288	

d EXECUTIVE COMMITTEE MEETI	27,556	24,800	2,756	
e All other expenses	58,912	53,020	5,892	
25 Total functional expenses. Add lines 1 through 24e	3,012,721	2,738,128	274,593	0
26 Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720).				

Form 990 (2018)

Form 990 (2018)

Part X **Balance Sheet**

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

		(A) Beginning of year		(B) End of year
Assets	1 Cash—non-interest-bearing	359,231	1	216,629
	2 Savings and temporary cash investments	1,052,683	2	1,224,525
	3 Pledges and grants receivable, net		3	
	4 Accounts receivable, net		4	16,375
	5 Loans and other receivables from current and former officers, directors, trustees, key employees, and highest compensated employees. Complete Part II of Schedule L		5	
	6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), persons described in section 4958(c)(3)(B), and contributing employers and sponsoring organizations of section 501(c)(9) voluntary employees' beneficiary organizations (see instructions) Complete Part II of Schedule L		6	
	7 Notes and loans receivable, net		7	
	8 Inventories for sale or use		8	
	9 Prepaid expenses and deferred charges		9	
	10a Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a 72,042		
	b Less: accumulated depreciation	10b 62,406	9,722	10c 9,636
	11 Investments—publicly traded securities		11	
	12 Investments—other securities. See Part IV, line 11		12	
	13 Investments—program-related. See Part IV, line 11		13	
	14 Intangible assets		14	
	15 Other assets. See Part IV, line 11		15	
16 Total assets. Add lines 1 through 15 (must equal line 34)		1,421,636	16	1,467,165
Liabilities	17 Accounts payable and accrued expenses	101,169	17	138,301
	18 Grants payable		18	
	19 Deferred revenue	134,860	19	12,000
	20 Tax-exempt bond liabilities		20	
	21 Escrow or custodial account liability. Complete Part IV of Schedule D		21	
	22 Loans and other payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons. Complete Part II of Schedule L		22	
	23 Secured mortgages and notes payable to unrelated third parties		23	
	24 Unsecured notes and loans payable to unrelated third parties		24	
	25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17 - 24). Complete Part X of Schedule D		25	
	26 Total liabilities. Add lines 17 through 25		236,029	26	150,301
or Fund Balances	Organizations that follow SFAS 117 (ASC 958), check here <input checked="" type="checkbox"/> and complete lines 27 through 29, and lines 33 and 34.			
	27 Unrestricted net assets	1,185,607	27	1,316,864
	28 Temporarily restricted net assets		28	
	29 Permanently restricted net assets		29	
Organizations that do not follow SFAS 117 (ASC 958), check here <input type="checkbox"/> and complete lines 30 through 34.				

Net Assets	30	Capital stock or trust principal, or current funds		30	
	31	Paid-in or capital surplus, or land, building or equipment fund		31	
	32	Retained earnings, endowment, accumulated income, or other funds		32	
	33	Total net assets or fund balances	1,185,607	33	1,316,864
	34	Total liabilities and net assets/fund balances	1,421,636	34	1,467,165

Form 990 (2018)

Form 990 (2018)

Part XI Reconciliation of Net Assets

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

1	Total revenue (must equal Part VIII, column (A), line 12)	1	3,143,978
2	Total expenses (must equal Part IX, column (A), line 25)	2	3,012,721
3	Revenue less expenses. Subtract line 2 from line 1	3	131,257
4	Net assets or fund balances at beginning of year (must equal Part X, line 33, column (A))	4	1,185,607
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 33, column (B))	10	1,316,864

Part XII Financial Statements and Reporting

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

- 1** Accounting method used to prepare the Form 990: Cash Accrual Other _____
If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O.
- 2a** Were the organization's financial statements compiled or reviewed by an independent accountant?
If 'Yes,' check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both:
 Separate basis Consolidated basis Both consolidated and separate basis
- b** Were the organization's financial statements audited by an independent accountant?
If 'Yes,' check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both:
 Separate basis Consolidated basis Both consolidated and separate basis
- c** If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant?
If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.
- 3a** As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?
- b** If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.

	Yes	No
2a		No
2b	Yes	
2c	Yes	
3a		No
3b		

Form 990 (2018)

Form 990 (2018)

Additional Data

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Software ID:
Software Version:

Form 990, Special Condition Description:

SCHEDULE C (Form 990 or 990-EZ)

Political Campaign and Lobbying Activities

OMB No. 1545-0047

2018

Open to Public Inspection

For Organizations Exempt From Income Tax Under section 501(c) and section 527

Complete if the organization is described below. Attach to Form 990 or Form 990-EZ. Go to www.irs.gov/Form990 for instructions and the latest information.

Department of the Treasury Internal Revenue Service

If the organization answered "Yes" on Form 990, Part IV, Line 3, or Form 990-EZ, Part V, line 46 (Political Campaign Activities), then

- Section 501(c)(3) organizations: Complete Parts I-A and B. Do not complete Part I-C.
Section 501(c) (other than section 501(c)(3)) organizations: Complete Parts I-A and C below. Do not complete Part I-B.
Section 527 organizations: Complete Part I-A only.

If the organization answered "Yes" on Form 990, Part IV, Line 4, or Form 990-EZ, Part VI, line 47 (Lobbying Activities), then

- Section 501(c)(3) organizations that have filed Form 5768 (election under section 501(h)): Complete Part II-A. Do not complete Part II-B.
Section 501(c)(3) organizations that have NOT filed Form 5768 (election under section 501(h)): Complete Part II-B. Do not complete Part II-A.

If the organization answered "Yes" on Form 990, Part IV, Line 5 (Proxy Tax) (see separate instructions) or Form 990-EZ, Part V, line 35c

(Proxy Tax) (see separate instructions), then

- Section 501(c)(4), (5), or (6) organizations: Complete Part III.

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number

85-0056996

Part I-A Complete if the organization is exempt under section 501(c) or is a section 527 organization.

- 1 Provide a description of the organization's direct and indirect political campaign activities in Part IV (see instructions for definition of "political campaign activities")
2 Political campaign activity expenditures (see instructions)
3 Volunteer hours for political campaign activities (see instructions)

Part I-B Complete if the organization is exempt under section 501(c)(3).

- 1 Enter the amount of any excise tax incurred by the organization under section 4955
2 Enter the amount of any excise tax incurred by organization managers under section 4955
3 If the organization incurred a section 4955 tax, did it file Form 4720 for this year?
4a Was a correction made?
b If "Yes," describe in Part IV.

Part I-C Complete if the organization is exempt under section 501(c), except section 501(c)(3).

- 1 Enter the amount directly expended by the filing organization for section 527 exempt function activities
2 Enter the amount of the filing organization's funds contributed to other organizations for section 527 exempt function activities
3 Total exempt function expenditures. Add lines 1 and 2. Enter here and on Form 1120-POL, line 17b.
4 Did the filing organization file Form 1120-POL for this year?
5 Enter the names, addresses and employer identification number (EIN) of all section 527 political organizations to which the filing organization made payments.

Table with 5 columns: (a) Name, (b) Address, (c) EIN, (d) Amount paid from filing organization's funds, (e) Amount of political contributions received and promptly and directly delivered to a separate political organization.

section 501(h)).

- A** Check if the filing organization belongs to an affiliated group (and list in Part IV each affiliated group member's name, address, EIN, expenses, and share of excess lobbying expenditures).
- B** Check if the filing organization checked box A and "limited control" provisions apply.

Limits on Lobbying Expenditures
(The term "expenditures" means amounts paid or incurred.)

(a) Filing organization's totals
(b) Affiliated group totals

- 1a** Total lobbying expenditures to influence public opinion (grass roots lobbying)
- b** Total lobbying expenditures to influence a legislative body (direct lobbying)
- c** Total lobbying expenditures (add lines 1a and 1b)
- d** Other exempt purpose expenditures
- e** Total exempt purpose expenditures (add lines 1c and 1d)
- f** Lobbying nontaxable amount. Enter the amount from the following table in both columns.

If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:
Not over \$500,000	20% of the amount on line 1e.
Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000.
Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000.
Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000.
Over \$17,000,000	\$1,000,000.

- g** Grassroots nontaxable amount (enter 25% of line 1f)
- h** Subtract line 1g from line 1a. If zero or less, enter -0-
- i** Subtract line 1f from line 1c. If zero or less, enter -0-
- j** If there is an amount other than zero on either line 1h or line 1i, did the organization file Form 4720 reporting section 4911 tax for this year? Yes No

4-Year Averaging Period Under section 501(h)
(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the separate instructions for lines 2a through 2f.)

Lobbying Expenditures During 4-Year Averaging Period

Calendar year (or fiscal year beginning in)	(a) 2015	(b) 2016	(c) 2017	(d) 2018	(e) Total
2a Lobbying nontaxable amount					
b Lobbying ceiling amount (150% of line 2a, column(e))					
c Total lobbying expenditures					
d Grassroots nontaxable amount					
e Grassroots ceiling amount (150% of line 2d, column (e))					
f Grassroots lobbying expenditures					

Schedule C (Form 990 or 990-EZ) 2018

Part II-B Complete if the organization is exempt under section 501(c)(3) and has NOT filed Form 5768 (election under section 501(h)).

For each "Yes" response on lines 1a through 1i below, provide in Part IV a detailed description of the lobbying activity.

	(a)		(b)
	Yes	No	Amount
1 During the year, did the filing organization attempt to influence foreign, national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:			
a Volunteers?			
b Paid staff or management (include compensation in expenses reported on lines 1c through 1i)?			
c Media advertisements?			

d	Mailings to members, legislators, or the public?			
e	Publications, or published or broadcast statements?			
f	Grants to other organizations for lobbying purposes?			
g	Direct contact with legislators, their staffs, government officials, or a legislative body?			
h	Rallies, demonstrations, seminars, conventions, speeches, lectures, or any similar means?			
i	Other activities?			
j	Total. Add lines 1c through 1i			
2a	Did the activities in line 1 cause the organization to be not described in section 501(c)(3)?			
b	If "Yes," enter the amount of any tax incurred under section 4912			
c	If "Yes," enter the amount of any tax incurred by organization managers under section 4912			
d	If the filing organization incurred a section 4912 tax, did it file Form 4720 for this year?			

Part III-A Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6).

	Yes	No
1 Were substantially all (90% or more) dues received nondeductible by members?	1	No
2 Did the organization make only in-house lobbying expenditures of \$2,000 or less?	2	No
3 Did the organization agree to carry over lobbying and political expenditures from the prior year?	3	No

Part III-B Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6) and if either (a) BOTH Part III-A, lines 1 and 2, are answered "No" OR (b) Part III-A, line 3, is answered "Yes."

1 Dues, assessments and similar amounts from members	1	2,567,785
2 Section 162(e) nondeductible lobbying and political expenditures (do not include amounts of political expenses for which the section 527(f) tax was paid).		
a Current year	2a	819,681
b Carryover from last year	2b	
c Total	2c	819,681
3 Aggregate amount reported in section 6033(e)(1)(A) notices of nondeductible section 162(e) dues .	3	1,925,839
4 If notices were sent and the amount on line 2c exceeds the amount on line 3, what portion of the excess does the organization agree to carryover to the reasonable estimate of nondeductible lobbying and political expenditure next year?	4	
5 Taxable amount of lobbying and political expenditures (see instructions)	5	-1,106,158

Part IV Supplemental Information

Provide the descriptions required for Part I-A, line 1; Part I-B, line 4; Part I-C, line 5; Part II-A (affiliated group list); Part II-A, lines 1 and 2 (see instructions), and Part II-B, line 1. Also, complete this part for any additional information.

Return Reference	Explanation
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Schedule C (Form 990 or 990EZ) 2018

Additional Data

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Software ID:
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SCHEDULE D (Form 990)

Supplemental Financial Statements

OMB No. 1545-0047

2018

Open to Public Inspection

Complete if the organization answered "Yes," on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b. Attach to Form 990.

Go to www.irs.gov/Form990 for the latest information.

Department of the Treasury Internal Revenue Service

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number 85-0056996

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.

Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

Table with 2 columns: (a) Donor advised funds, (b) Funds and other accounts. Rows 1-4 for total number and aggregate values.

- 5 Did the organization inform all donors... Yes No
6 Did the organization inform all grantees... Yes No

Part II Conservation Easements. Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

- 1 Purpose(s) of conservation easements... Preservation of land, natural habitat, open space, historic area, structure.
2 Complete lines 2a through 2d... Table for Held at the End of the Year (2a-2d).
3 Number of conservation easements modified...
4 Number of states where property...
5 Does the organization have a written policy... Yes No
6 Staff and volunteer hours...
7 Amount of expenses... \$
8 Does each conservation easement... Yes No
9 In Part XIII, describe how the organization reports...

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

- 1a If the organization elected, as permitted under SFAS 116... provide, in Part XIII, the text of the footnote...
b If the organization elected, as permitted under SFAS 116... provide the following amounts relating to these items:
(i) Revenue included on Form 990, Part VIII, line 1 \$
(ii) Assets included in Form 990, Part X \$
2 If the organization received or held works of art... provide the following amounts required to be reported under SFAS 116...
a Revenue included on Form 990, Part VIII, line 1 \$
b Assets included in Form 990, Part X \$

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets (continued)

- 3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):
a Public exhibition
b Scholarly research
c Preservation for future generations
d Loan or exchange programs
e Other
4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.
5 During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? Yes No

Part IV Escrow and Custodial Arrangements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

- 1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? Yes No
b If "Yes," explain the arrangement in Part XIII and complete the following table:
Table with columns: Amount, rows: 1c Beginning balance, 1d Additions during the year, 1e Distributions during the year, 1f Ending balance
2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? Yes No
b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII

Part V Endowment Funds. Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

Table with 6 columns: (a) Current year, (b) Prior year, (c) Two years back, (d) Three years back, (e) Four years back. Rows include: 1a Beginning of year balance, b Contributions, c Net investment earnings, gains, and losses, d Grants or scholarships, e Other expenditures for facilities and programs, f Administrative expenses, g End of year balance.

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

- a Board designated or quasi-endowment
b Permanent endowment
c Temporarily restricted endowment
The percentages on lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

- (i) unrelated organizations
(ii) related organizations

Table with 2 columns: Yes, No. Rows: 3a(i), 3a(ii), 3b

- b If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R?
4 Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI Land, Buildings, and Equipment.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Table with 4 columns: (a) Cost or other basis (investment), (b) Cost or other basis (other), (c) Accumulated depreciation, (d) Book value. Rows include: 1a Land, b Buildings, c Leasehold improvements, d Equipment, e Other, Total. Add lines 1a through 1e. (Column (d) must equal Form 990, Part X, column (B), line 10(c).)

Part VII Investments Other Securities. Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely-held equity interests		
(3) Other _____		
(A)		
(B)		
(C)		
(D)		
(E)		
(F)		
(G)		
(H)		
Total. (Column (b) must equal Form 990, Part X, col. (B) line 12.)		

Part VIII Investments Program Related. Complete if the organization answered 'Yes' on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
Total. (Column (b) must equal Form 990, Part X, col.(B) line 13.)		

Part IX Other Assets. Complete if the organization answered 'Yes' on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	(b) Book value
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
Total. (Column (b) must equal Form 990, Part X, col.(B) line 15.)	

Part X Other Liabilities. Complete if the organization answered 'Yes' on Form 990, Part IV, line 11e or 11f. See Form 990, Part X, line 25.

1. (a) Description of liability	(b) Book value
(1) Federal income taxes	

(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
Total. (Column (b) must equal Form 990, Part X, col.(B) line 25.)	

2. Liability for uncertain tax positions. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII

Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total revenue, gains, and other support per audited financial statements		1	2,858,835
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:			
a	Net unrealized gains (losses) on investments	2a		
b	Donated services and use of facilities	2b		
c	Recoveries of prior year grants	2c		
d	Other (Describe in Part XIII.)	2d		
e	Add lines 2a through 2d		2e	
3	Subtract line 2e from line 1		3	2,858,835
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1 :			
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a		
b	Other (Describe in Part XIII.)	4b	285,143	
c	Add lines 4a and 4b		4c	285,143
5	Total revenue. Add lines 3 and 4c . (This must equal Form 990, Part I, line 12.)		5	3,143,978

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total expenses and losses per audited financial statements		1	2,727,578
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:			
a	Donated services and use of facilities	2a		
b	Prior year adjustments	2b		
c	Other losses	2c		
d	Other (Describe in Part XIII.)	2d		
e	Add lines 2a through 2d		2e	
3	Subtract line 2e from line 1		3	2,727,578
4	Amounts included on Form 990, Part IX, line 25, but not on line 1 :			
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a		
b	Other (Describe in Part XIII.)	4b	285,143	
c	Add lines 4a and 4b		4c	285,143
5	Total expenses. Add lines 3 and 4c . (This must equal Form 990, Part I, line 18.)		5	3,012,721

Part XIII Supplemental Information

Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

Return Reference	Explanation
SCHEDULE D, PAGE 4, PART XI, LINE 4B	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 285,143
SCHEDULE D, PAGE 4, PART XII, LINE 4B	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 285,143

Software ID:
Software Version:

Part III Supplemental Information

Provide the information, explanation, or descriptions required for Part I, lines 1a, 1b, 3, 4a, 4b, 4c, 5a, 5b, 6a, 6b, 7, and 8, and for Part II. Also complete this part for any additional information.

Return Reference	Explanation
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Additional Data

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efile Public Visual Render | **ObjectID: 201933179349303203 - Submission: 2019-11-13** | **TIN: 85-0056996**

OMB No. 1545-0047

SCHEDULE O
(Form 990 or 990-EZ)

Supplemental Information to Form 990 or 990-EZ

2018

Complete to provide information for responses to specific questions on Form 990 or 990-EZ or to provide any additional information.

▶ Attach to Form 990 or 990-EZ.

Open to Public Inspection

▶ Go to www.irs.gov/Form990 for the latest information.

Department of the Treasury
Internal Revenue Service

Name of the organization
NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number

85-0056996

Return Reference	Explanation
FORM 990, PAGE 6, PART VI, LINE 11B	THE RETURN IS REVIEWED BY THE BOARD PRESIDENT PRIOR TO FILING.
FORM 990, PAGE 6, PART VI, LINE 19	THE ORGANIZATION'S GOVERNING DOCUMENTS, ANY WRITTEN POLICIES, AND/OR FINANCIAL STATEMENTS ARE AVAILABLE TO THE PUBLIC UPON REQUEST.
FORM 990, PART XI, LINE 9	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S -285,143 ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 285,143

Additional Data

[Return to Form](#)

Software ID:
Software Version:

Form 990
Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

OMB No. 1545-0047

2019

Open to Public Inspection

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 for instructions and the latest information.

A For the 2019 calendar year, or tax year beginning 01-01-2019, and ending 12-31-2019

- 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 \$ 3,289,892

F Name and address of principal officer:
RYAN FLYNN
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
H(c) Group exemption number

I Tax-exempt status: 501(c)(3) 501(c)(6) 4947(a)(1) or 527

J Website: 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

Table with 3 main sections: Activities & Governance, Revenue, Expenses, and Net Assets or Fund Balances. Includes rows for mission statement, member counts, revenue breakdown, and asset/liability totals.

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 knowledge.

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

2020-11-03

Date

RYAN FLYNN EXECUTIVE DIRECTOR

Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name

Preparer's signature

Date 2020-11-09

Check if self-employed

PTIN P01207573

Firm's name ▶ JOHNSON MILLER & CO CPA'S PC

Firm's EIN ▶ 85-0214336

Firm's address ▶ 2626 JBS PKWY STE A-200 ODESSA, TX 79761

Phone no. (432) 362-3800

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No

For Paperwork Reduction Act Notice, see the separate instructions.

Cat. No. 11282Y

Form 990 (2019)

Part III Statement of Program Service Accomplishments

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

1 Briefly describe the organization's mission:

TO PROMOTE THE WELFARE OF THE OIL AND GAS INDUSTRY OF NEW MEXICO AND THE CONSERVATION AND ORDERLY DEVELOPMENT OF OIL AND GAS RESOURCES WITHIN THE STATE OF NEW MEXICO.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? Yes No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? Yes No

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ 2,429,189 including grants of \$) (Revenue \$ 3,289,538) ANNUAL INDUSTRY/AGENCY MEETING TO DISCUSS COMMON ISSUES; EDUCATION EFFORTS; REGULATORY WORK

4b (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d Other program services (Describe in Schedule O.) (Expenses \$ including grants of \$) (Revenue \$)

Part IV Checklist of Required Schedules

Table with 3 columns: Question ID, Question Text, Yes, No. Rows include questions 1 through 20a regarding organizational requirements and reporting.

b If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?

20b		
21		No

21 Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? If "Yes," complete Schedule I, Parts I and II

Part IV Checklist of Required Schedules (continued)

	Yes	No
22 Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? If "Yes," complete Schedule I, Parts I and III		No
23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? If "Yes," complete Schedule J	Yes	
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a		No
b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?		
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?		
d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?		
25a Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? If "Yes," complete Schedule L, Part I		
b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I		
26 Did the organization report any amount on Part X, line 5 or 22 for receivables from or payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons? If "Yes," complete Schedule L, Part II		No
27 Did the organization provide a grant or other assistance to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or employee thereof, a grant selection committee member, or to a 35% controlled entity (including an employee thereof) or family member of any of these persons? If "Yes," complete Schedule L, Part III		No
28 Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):		
a A current or former officer, director, trustee, key employee, creator or founder, or substantial contributor? If "Yes," complete Schedule L, Part IV		No
b A family member of any individual described in line 28a? If "Yes," complete Schedule L, Part IV		No
c A 35% controlled entity of one or more individuals and/or organizations described in lines 28a or 28b? If "Yes," complete Schedule L, Part IV		No
29 Did the organization receive more than \$25,000 in non-cash contributions? If "Yes," complete Schedule M		No
30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? If "Yes," complete Schedule M		No
31 Did the organization liquidate, terminate, or dissolve and cease operations? If "Yes," complete Schedule N, Part I		No
32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? If "Yes," complete Schedule N, Part II		No
33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Schedule R, Part I		No
34 Was the organization related to any tax-exempt or taxable entity? If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1		No
35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?		No
b If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," complete Schedule R, Part V, line 2		
36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? If "Yes," complete Schedule R, Part V, line 2		
37 Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? If "Yes," complete Schedule R, Part VI		No
38 Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11b and 19? Note. All Form 990 filers are required to complete Schedule O.	Yes	

Part V Statements Regarding Other IRS Filings and Tax Compliance

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



	Yes	No
1a		
1b		
1c		

1a Enter the number reported in Box 3 of Form 1096. Enter -0- if not applicable . . . **1a** 0

b Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable . . . **1b** 0

c Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners? . . . **1c**

Part V Statements Regarding Other IRS Filings and Tax Compliance (continued)

2a Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return	2a	8		
b If at least one is reported on line 2a, did the organization file all required federal employment tax returns? Note. If the sum of lines 1a and 2a is greater than 250, you may be required to e-file (see instructions)	2b		Yes	
3a Did the organization have unrelated business gross income of \$1,000 or more during the year?	3a			No
b If "Yes," has it filed a Form 990-T for this year? If "No" to line 3b, provide an explanation in Schedule O	3b			
4a At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?	4a			No
b If "Yes," enter the name of the foreign country: See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).				
5a Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?	5a			No
b Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?	5b			No
c If "Yes," to line 5a or 5b, did the organization file Form 8886-T?	5c			
6a Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?	6a			No
b If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	6b			
7 Organizations that may receive deductible contributions under section 170(c).				
a Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor?	7a		Yes	
b If "Yes," did the organization notify the donor of the value of the goods or services provided?	7b		Yes	
c Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?	7c			No
d If "Yes," indicate the number of Forms 8282 filed during the year	7d			
e Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?	7e			No
f Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?	7f			No
g If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?	7g			
h If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?	7h			
8 Sponsoring organizations maintaining donor advised funds. Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?	8			
9 Sponsoring organizations maintaining donor advised funds.				
a Did the sponsoring organization make any taxable distributions under section 4966?	9a			
b Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?	9b			
10 Section 501(c)(7) organizations. Enter:				
a Initiation fees and capital contributions included on Part VIII, line 12	10a			
b Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities	10b			
11 Section 501(c)(12) organizations. Enter:				
a Gross income from members or shareholders	11a			
b Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them.)	11b			
12a Section 4947(a)(1) non-exempt charitable trusts. Is the organization filing Form 990 in lieu of Form 1041?				
b If "Yes," enter the amount of tax-exempt interest received or accrued during the year.	12b			
13 Section 501(c)(29) qualified nonprofit health insurance issuers.				
a Is the organization licensed to issue qualified health plans in more than one state?				

a Is the organization licensed to issue qualified health plans in more than one state?		13a	
Note. See the instructions for additional information the organization must report on Schedule O.			
b Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans	13b		
c Enter the amount of reserves on hand	13c		
14a Did the organization receive any payments for indoor tanning services during the tax year?		14a	No
b If "Yes," has it filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O		14b	
15 Is the organization subject to the section 4960 tax on payment(s) of more than \$1,000,000 in remuneration or excess parachute payment(s) during the year? If "Yes," see instructions and file Form 4720, Schedule N.		15	No
16 Is the organization an educational institution subject to the section 4968 excise tax on net investment income? If "Yes," complete Form 4720, Schedule O.		16	No

Part VI **Governance, Management, and Disclosure** For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.
Check if Schedule O contains a response or note to any line in this Part VI

Section A. Governing Body and Management

		Yes	No
1a Enter the number of voting members of the governing body at the end of the tax year If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O.	1a 28		
b Enter the number of voting members included in line 1a, above, who are independent	1b 0		
2 Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?	2		No
3 Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?	3		No
4 Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?	4		No
5 Did the organization become aware during the year of a significant diversion of the organization's assets?	5		No
6 Did the organization have members or stockholders?	6		No
7a Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?	7a		No
b Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?	7b		No
8 Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:			
a The governing body?	8a	Yes	
b Each committee with authority to act on behalf of the governing body?	8b	Yes	
9 Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses in Schedule O	9		No

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

		Yes	No
10a Did the organization have local chapters, branches, or affiliates?	10a		No
b If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes?	10b		
11a Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?	11a		No
b Describe in Schedule O the process, if any, used by the organization to review this Form 990.			
12a Did the organization have a written conflict of interest policy? If "No," go to line 13	12a		No
b Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts?	12b		
c Did the organization regularly and consistently monitor and enforce compliance with the policy? If "Yes," describe in Schedule O how this was done	12c		
13 Did the organization have a written whistleblower policy?	13		No
14 Did the organization have a written document retention and destruction policy?	14		No
15 Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?			
a The organization's CEO, Executive Director, or top management official	15a		No
b Other officers or key employees of the organization	15b		No
If "Yes" to line 15a or 15b, describe the process in Schedule O (see instructions).			

16a Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	16a	No
b If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements?	16b	

Section C. Disclosure

- 17** List the states with which a copy of this Form 990 is required to be filed
- 18** Section 6104 requires an organization to make its Form 1023 (or 1024-A if applicable), 990, and 990-T (501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.
 Own website Another's website Upon request Other (explain in Schedule O)
- 19** Describe in Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.
- 20** State the name, address, and telephone number of the person who possesses the organization's books and records:
 ▶MARIE GUTIERREZ PO BOX 1864 SANTA FE, NM 875041864 (505) 982-2568

Form **990** (2019)

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 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 and/or Box 7 of Form 1099-MISC) 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 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)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(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) RYAN FLYNN EXECUTIVE DI	40.00			X			300,000	0	33,750	
(2) TODD ABBOTT EXEC COMMITT		X					0	0	0	
(3) DEREK ALBRO VICE CHAIRMA		X		X			0	0	0	
(4) JOHN ALEXANDER EXEC COMMITT		X					0	0	0	
(5) ROGER ALEXANDER EXEC COMMITT		X					0	0	0	
(6) BLAKE BARFIELD EXEC COMMITT		X					0	0	0	

(7) CLIFF BRUNSON EXEC COMMITT	.....	X		X						0	0	0
(8) CLAIRE MANATT CHASE CHAIRWOMAN	.....	X		X						0	0	0
(9) MARGARET COOPER EXEC COMMITT	.....	X								0	0	0
(10) TIM CUSTER EXEC COMMITT	.....	X								0	0	0
(11) ERIC DILLE TREASURER	.....	X		X						0	0	0
(12) TODD ENNENGA EXEC COMMITT	.....	X								0	0	0
(13) BRET FOX EXEC COMMITT	.....	X								0	0	0
(14) JUSTIN FURNACE EXEC COMMITT	.....	X								0	0	0
(15) LELAND GOULD EXEC COMMITT	.....	X								0	0	0
(16) THOMAS JANISZEWSKI EXEC COMMITT	.....	X								0	0	0
(17) SCOTT KIDWELL CHAIRMAN-ELE	.....	X		X						0	0	0

Form 990 (2019)

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)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(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) SAM KNAIZER EXEC COMMITT	X						0	0	0
(19) JAY PAUL MCWILLIAMS EXEC COMMITT	X						0	0	0
(20) RAYE MILLER EXEC COMMITT	X						0	0	0
(21) CARMAN MULLINGS EXEC COMMITT	X						0	0	0
(22) JASON SANDEL EXEC COMMITT	X						0	0	0
(23) JOHN SMITHERMAN EXEC COMMITT	X						0	0	0
(24) MARK VETETO EXEC COMMITT	X						0	0	0

(25) JOSHUA VIETS EXEC COMMITT	X									0	0	0
(26) KEN WAITS SECRETARY	X		X							0	0	0
(27) CLINT WALKER EXEC COMMITT	X									0	0	0
(28) JEFF WILSON EXEC COMMITT	X									0	0	0
(29) BETTY READ YOUNG EXEC COMMITT	X									0	0	0

1b Sub-Total												
c Total from continuation sheets to Part VII, Section A												
d Total (add lines 1b and 1c)										300,000		33,750

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 ▶ 4

	Yes	No
3 Did the organization list any former officer, director or trustee, key employee, or highest compensated employee on line 1a? <i>If "Yes," complete Schedule J for such individual</i>		No
4 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	
5 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

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 ▶

Form 990 (2019)

Part VIII **Statement of Revenue**

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

	(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512 - 514
--	----------------------	---	-----------------------------------	---

erated campaigns	1a
embership dues	1b
draising events	1c
ated organizations	1d
ernment grants (contributions)	1e
ther contributions, gifts, grants, and similar amounts not included above	1f

Noncash contributions included in

g Noncash contributions included in lines 1a - 1f: \$

1g

h Total. Add lines 1a-1f ▶

		Business Code			
Program Service Revenue	2a MEMBER DUES		2,591,548	2,591,548	
	b ANNUAL MTG-REGISTRATION		465,915	465,915	
	c SPONSOR REVENUE		256,000	256,000	
	d SPECIAL REVENUE DISBURSEMENTS		-23,925	-23,925	
	e				
	f All other program service revenue.				
g Total. Add lines 2a-2f. ▶			3,289,538		

3 Investment income (including dividends, interest, and other similar amounts) ▶		354			354
4 Income from investment of tax-exempt bond proceeds ▶					
5 Royalties ▶					

		(i) Real	(ii) Personal			
Other Revenue	6a Gross rents					
	b Less: rental expenses					
	c Rental income or (loss)					
	d Net rental income or (loss) ▶					

		(i) Securities	(ii) Other			
Other Revenue	7a Gross amount from sales of assets other than inventory					
	b Less: cost or other basis and sales expenses					
	c Gain or (loss)					
	d Net gain or (loss) ▶					

Other Revenue	8a Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18					
	b Less: direct expenses					
	c Net income or (loss) from fundraising events ▶					

Other Revenue	9a Gross income from gaming activities. See Part IV, line 19					
	b Less: direct expenses					
	c Net income or (loss) from gaming activities ▶					

Other Revenue	10a Gross sales of inventory, less returns and allowances					
	b Less: cost of goods sold					
	c Net income or (loss) from sales of inventory ▶					

		Business Code			
Other Revenue	11a Miscellaneous Revenue				
	b				

c				
d All other revenue				
e Total. Add lines 11a–11d ▶				
12 Total revenue. See instructions ▶		3,289,892	3,289,538	354

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

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

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21				
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, lines 15 and 16.				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	824,431	741,988	82,443	
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages				
8 Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions)	125,969	113,372	12,597	
9 Other employee benefits	71,465	64,318	7,147	
10 Payroll taxes	55,173	49,656	5,517	
11 Fees for services (non-employees):				
a Management				
b Legal	201,475	181,327	20,148	
c Accounting	15,902	14,312	1,590	
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O)				
12 Advertising and promotion				
13 Office expenses				
14 Information technology				
15 Royalties				
16 Occupancy	155,791	140,212	15,579	
17 Travel	129,172	116,255	12,917	
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings				
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	2,042		2,042	
23 Insurance				
24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
a PUBLIC RELATIONS	680,535	612,481	68,054	

b ANNUAL MEETING	263,892	263,892		
c EXECUTIVE COMMITTEE MEETI	36,705	33,034	3,671	
d SUBSCRIPTIONS	27,781	25,003	2,778	
e All other expenses	81,488	73,339	8,149	
25 Total functional expenses. Add lines 1 through 24e	2,671,821	2,429,189	242,632	0
26 Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720).				

Form 990 (2019)

Part X **Balance Sheet**

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

		(A) Beginning of year		(B) End of year
Assets	1 Cash-non-interest-bearing	216,629	1	355,375
	2 Savings and temporary cash investments	1,224,525	2	1,883,861
	3 Pledges and grants receivable, net		3	
	4 Accounts receivable, net	16,375	4	
	5 Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		5	
	6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), and persons described in section 4958(c)(3)(B)		6	
	7 Notes and loans receivable, net		7	
	8 Inventories for sale or use		8	
	9 Prepaid expenses and deferred charges		9	
	10a Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a 75,425		
	b Less: accumulated depreciation	10b 64,448	9,636	10c 10,977
	11 Investments—publicly traded securities		11	
	12 Investments—other securities. See Part IV, line 11		12	
	13 Investments—program-related. See Part IV, line 11		13	
	14 Intangible assets		14	
	15 Other assets. See Part IV, line 11		15	
16 Total assets. Add lines 1 through 15 (must equal line 33)		1,467,165	16	2,250,213
Liabilities	17 Accounts payable and accrued expenses	138,301	17	123,342
	18 Grants payable		18	
	19 Deferred revenue	12,000	19	191,936
	20 Tax-exempt bond liabilities		20	
	21 Escrow or custodial account liability. Complete Part IV of Schedule D		21	
	22 Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		22	
	23 Secured mortgages and notes payable to unrelated third parties		23	
	24 Unsecured notes and loans payable to unrelated third parties		24	
	25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17 - 24). Complete Part X of Schedule D		25	
	26 Total liabilities. Add lines 17 through 25		150,301	26	315,278
d Balances	Organizations that follow FASB ASC 958, check here <input checked="" type="checkbox"/> and complete lines 27, 28, 32, and 33.			
	27 Net assets without donor restrictions	1,316,864	27	1,934,935
	28 Net assets with donor restrictions		28	

Organizations that do not follow FASB ASC 958, check here and complete lines 29 through 33.

29	Capital stock or trust principal, or current funds		29	
30	Paid-in or capital surplus, or land, building or equipment fund		30	
31	Retained earnings, endowment, accumulated income, or other funds		31	
32	Total net assets or fund balances	1,316,864	32	1,934,935
33	Total liabilities and net assets/fund balances	1,467,165	33	2,250,213

Form **990** (2019)

Part XI Reconciliation of Net Assets

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

1	Total revenue (must equal Part VIII, column (A), line 12)	1	3,289,892
2	Total expenses (must equal Part IX, column (A), line 25)	2	2,671,821
3	Revenue less expenses. Subtract line 2 from line 1	3	618,071
4	Net assets or fund balances at beginning of year (must equal Part X, line 32, column (A))	4	1,316,864
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 32, column (B))	10	1,934,935

Part XII Financial Statements and Reporting

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

- 1** Accounting method used to prepare the Form 990: Cash Accrual Other _____
 If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O.
- 2a** Were the organization's financial statements compiled or reviewed by an independent accountant?
 If 'Yes,' check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both:
 Separate basis Consolidated basis Both consolidated and separate basis
- b** Were the organization's financial statements audited by an independent accountant?
 If 'Yes,' check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both:
 Separate basis Consolidated basis Both consolidated and separate basis
- c** If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant?
 If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.
- 3a** As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?
- b** If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.

	Yes	No
2a		No
2b	Yes	
2c	Yes	
3a		No
3b		

Form **990** (2019)

Additional Data

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Software ID:
Software Version:

Form 990, Special Condition Description:

SCHEDULE C (Form 990 or 990-EZ)

Political Campaign and Lobbying Activities

OMB No. 1545-0047

2019

Open to Public Inspection

For Organizations Exempt From Income Tax Under section 501(c) and section 527

Complete if the organization is described below. Attach to Form 990 or Form 990-EZ. Go to www.irs.gov/Form990 for instructions and the latest information.

Department of the Treasury Internal Revenue Service

If the organization answered "Yes" on Form 990, Part IV, Line 3, or Form 990-EZ, Part V, line 46 (Political Campaign Activities), then

- Section 501(c)(3) organizations: Complete Parts I-A and B. Do not complete Part I-C.
Section 501(c) (other than section 501(c)(3)) organizations: Complete Parts I-A and C below. Do not complete Part I-B.
Section 527 organizations: Complete Part I-A only.

If the organization answered "Yes" on Form 990, Part IV, Line 4, or Form 990-EZ, Part VI, line 47 (Lobbying Activities), then

- Section 501(c)(3) organizations that have filed Form 5768 (election under section 501(h)): Complete Part II-A. Do not complete Part II-B.
Section 501(c)(3) organizations that have NOT filed Form 5768 (election under section 501(h)): Complete Part II-B. Do not complete Part II-A.

If the organization answered "Yes" on Form 990, Part IV, Line 5 (Proxy Tax) (see separate instructions) or Form 990-EZ, Part V, line 35c

(Proxy Tax) (see separate instructions), then

- Section 501(c)(4), (5), or (6) organizations: Complete Part III.

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number

85-0056996

Part I-A Complete if the organization is exempt under section 501(c) or is a section 527 organization.

- 1 Provide a description of the organization's direct and indirect political campaign activities in Part IV (see instructions for definition of "political campaign activities")
2 Political campaign activity expenditures (see instructions)
3 Volunteer hours for political campaign activities (see instructions)

Part I-B Complete if the organization is exempt under section 501(c)(3).

- 1 Enter the amount of any excise tax incurred by the organization under section 4955
2 Enter the amount of any excise tax incurred by organization managers under section 4955
3 If the organization incurred a section 4955 tax, did it file Form 4720 for this year?
4a Was a correction made?
b If "Yes," describe in Part IV.

Part I-C Complete if the organization is exempt under section 501(c), except section 501(c)(3).

- 1 Enter the amount directly expended by the filing organization for section 527 exempt function activities
2 Enter the amount of the filing organization's funds contributed to other organizations for section 527 exempt function activities
3 Total exempt function expenditures. Add lines 1 and 2. Enter here and on Form 1120-POL, line 17b.
4 Did the filing organization file Form 1120-POL for this year?
5 Enter the names, addresses and employer identification number (EIN) of all section 527 political organizations to which the filing organization made payments.

Table with 5 columns: (a) Name, (b) Address, (c) EIN, (d) Amount paid from filing organization's funds, (e) Amount of political contributions received and promptly and directly delivered to a separate political organization.

section 501(h).

- A** Check if the filing organization belongs to an affiliated group (and list in Part IV each affiliated group member's name, address, EIN, expenses, and share of excess lobbying expenditures).
- B** Check if the filing organization checked box A and "limited control" provisions apply.

Limits on Lobbying Expenditures
(The term "expenditures" means amounts paid or incurred.)

(a) Filing organization's totals
(b) Affiliated group totals

- 1a** Total lobbying expenditures to influence public opinion (grass roots lobbying)
- b** Total lobbying expenditures to influence a legislative body (direct lobbying)
- c** Total lobbying expenditures (add lines 1a and 1b)
- d** Other exempt purpose expenditures
- e** Total exempt purpose expenditures (add lines 1c and 1d)
- f** Lobbying nontaxable amount. Enter the amount from the following table in both columns.

If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:
Not over \$500,000	20% of the amount on line 1e.
Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000.
Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000.
Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000.
Over \$17,000,000	\$1,000,000.

- g** Grassroots nontaxable amount (enter 25% of line 1f)
- h** Subtract line 1g from line 1a. If zero or less, enter -0-
- i** Subtract line 1f from line 1c. If zero or less, enter -0-
- j** If there is an amount other than zero on either line 1h or line 1i, did the organization file Form 4720 reporting section 4911 tax for this year?

Yes No

4-Year Averaging Period Under Section 501(h)
(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the separate instructions for lines 2a through 2f.)

Lobbying Expenditures During 4-Year Averaging Period

Calendar year (or fiscal year beginning in)	(a) 2016	(b) 2017	(c) 2018	(d) 2019	(e) Total
2a Lobbying nontaxable amount					
b Lobbying ceiling amount (150% of line 2a, column(e))					
c Total lobbying expenditures					
d Grassroots nontaxable amount					
e Grassroots ceiling amount (150% of line 2d, column (e))					
f Grassroots lobbying expenditures					

Schedule C (Form 990 or 990-EZ) 2019

Part II-B Complete if the organization is exempt under section 501(c)(3) and has NOT filed Form 5768 (election under section 501(h)).

For each "Yes" response on lines 1a through 1i below, provide in Part IV a detailed description of the lobbying activity.

	(a)		(b)
	Yes	No	Amount
1 During the year, did the filing organization attempt to influence foreign, national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:			
a Volunteers?			
b Paid staff or management (include compensation in expenses reported on lines 1c through 1i)?			
c Media advertisements?			
d Mailings to members, legislators, or the public?			

e	Publications, or published or broadcast statements?			
f	Grants to other organizations for lobbying purposes?			
g	Direct contact with legislators, their staffs, government officials, or a legislative body?			
h	Rallies, demonstrations, seminars, conventions, speeches, lectures, or any similar means?			
i	Other activities?			
j	Total. Add lines 1c through 1i			
2a	Did the activities in line 1 cause the organization to be not described in section 501(c)(3)?			
b	If "Yes," enter the amount of any tax incurred under section 4912			
c	If "Yes," enter the amount of any tax incurred by organization managers under section 4912			
d	If the filing organization incurred a section 4912 tax, did it file Form 4720 for this year?			

Part III-A Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6).

	Yes	No
1 Were substantially all (90% or more) dues received nondeductible by members?	1	No
2 Did the organization make only in-house lobbying expenditures of \$2,000 or less?	2	No
3 Did the organization agree to carry over lobbying and political expenditures from the prior year?	3	No

Part III-B Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6) and if either (a) BOTH Part III-A, lines 1 and 2, are answered "No" OR (b) Part III-A, line 3, is answered "Yes."

1 Dues, assessments and similar amounts from members	1	2,591,548
2 Section 162(e) nondeductible lobbying and political expenditures (do not include amounts of political expenses for which the section 527(f) tax was paid).		
a Current year	2a	721,766
b Carryover from last year	2b	
c Total	2c	721,766
3 Aggregate amount reported in section 6033(e)(1)(A) notices of nondeductible section 162(e) dues .	3	1,943,661
4 If notices were sent and the amount on line 2c exceeds the amount on line 3, what portion of the excess does the organization agree to carryover to the reasonable estimate of nondeductible lobbying and political expenditure next year?	4	
5 Taxable amount of lobbying and political expenditures (see instructions)	5	-1,221,895

Part IV Supplemental Information

Provide the descriptions required for Part I-A, line 1; Part I-B, line 4; Part I-C, line 5; Part II-A (affiliated group list); Part II-A, lines 1 and 2 (see instructions), and Part II-B, line 1. Also, complete this part for any additional information.

Return Reference	Explanation
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Additional Data

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Software ID:
Software Version:

SCHEDULE D (Form 990)

Supplemental Financial Statements

OMB No. 1545-0047

2019

Open to Public Inspection

Complete if the organization answered "Yes," on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b. Attach to Form 990.

Go to www.irs.gov/Form990 for instructions and the latest information.

Department of the Treasury Internal Revenue Service

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number 85-0056996

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.

Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

Table with 2 columns: (a) Donor advised funds, (b) Funds and other accounts. Rows 1-4: Total number at end of year, Aggregate value of contributions to, Aggregate value of grants from, Aggregate value at end of year.

- 5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property...
6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds can be used only for charitable purposes...

Part II Conservation Easements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

- 1 Purpose(s) of conservation easements held by the organization (check all that apply).
2 Complete lines 2a through 2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.
3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the tax year.
4 Number of states where property subject to conservation easement is located.
5 Does the organization have a written policy regarding the periodic monitoring, inspection, handling of violations, and enforcement of the conservation easements it holds?
6 Staff and volunteer hours devoted to monitoring, inspecting, handling of violations, and enforcing conservation easements during the year.
7 Amount of expenses incurred in monitoring, inspecting, handling of violations, and enforcing conservation easements during the year.
8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and section 170(h)(4)(B)(ii)?
9 In Part XIII, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

- 1a If the organization elected, as permitted under FASB ASC 958, not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIII, the text of the footnote to its financial statements that describes these items.
b If the organization elected, as permitted under FASB ASC 958, to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:
(i) Revenue included on Form 990, Part VIII, line 1
(ii) Assets included in Form 990, Part X
2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under FASB ASC 958 relating to these items:
a Revenue included on Form 990, Part VIII, line 1
b Assets included in Form 990, Part X

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets *(continued)*

3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):

- a** Public exhibition
- b** Scholarly research
- c** Preservation for future generations
- d** Loan or exchange programs
- e** Other

4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.

5 During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? . . . **Yes** **No**

Part IV Escrow and Custodial Arrangements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? . . . **Yes** **No**

b If "Yes," explain the arrangement in Part XIII and complete the following table:

- c** Beginning balance
- d** Additions during the year
- e** Distributions during the year
- f** Ending balance

	Amount
1c	
1d	
1e	
1f	

2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? . . . **Yes** **No**

b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII

Part V Endowment Funds.

Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1a Beginning of year balance					
b Contributions					
c Net investment earnings, gains, and losses					
d Grants or scholarships					
e Other expenditures for facilities and programs					
f Administrative expenses					
g End of year balance					

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

- a** Board designated or quasi-endowment ▶
- b** Permanent endowment ▶
- c** Term endowment ▶

The percentages on lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

- (i)** Unrelated organizations
- (ii)** Related organizations

	Yes	No
3a(i)		
3a(ii)		
3b		

b If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R?

4 Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI Land, Buildings, and Equipment.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Description of property	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
1a Land				
b Buildings				
c Leasehold improvements				
d Equipment		75,425	64,448	10,977
e Other				

Total. Add lines 1a through 1e. (Column (d) must equal Form 990, Part X, column (B), line 10(c).) . . . ▶ 10,977

Part VII Investments Other Securities.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely-held equity interests		
(3) Other _____		
(B)		
(C)		
(D)		
(E)		
(F)		
(G)		
(H)		
(I)		
Total. (Column (b) must equal Form 990, Part X, col. (B) line 12.)		

Part VIII Investments Program Related.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
(10)		
Total. (Column (b) must equal Form 990, Part X, col.(B) line 13.)		

Part IX Other Assets.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	(b) Book value
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
(10)	
Total. (Column (b) must equal Form 990, Part X, col.(B) line 15.)	

Part X Other Liabilities.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11e or 11f. See Form 990, Part X, line 25.

1.	(a) Description of liability	(b) Book value
(1)	Federal income taxes	
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		

Total. (Column (b) must equal Form 990, Part X, col.(B) line 25.)

2. Liability for uncertain tax positions. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII

Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total revenue, gains, and other support per audited financial statements			3,044,138
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:			
a	Net unrealized gains (losses) on investments	2a		
b	Donated services and use of facilities	2b		
c	Recoveries of prior year grants	2c		
d	Other (Describe in Part XIII.)	2d		
e	Add lines 2a through 2d	2e		
3	Subtract line 2e from line 1	3		3,044,138
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1:			
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a		
b	Other (Describe in Part XIII.)	4b	245,754	
c	Add lines 4a and 4b	4c		245,754
5	Total revenue. Add lines 3 and 4c. (This must equal Form 990, Part I, line 12.)	5		3,289,892

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total expenses and losses per audited financial statements			2,426,067
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:			
a	Donated services and use of facilities	2a		
b	Prior year adjustments	2b		
c	Other losses	2c		
d	Other (Describe in Part XIII.)	2d		
e	Add lines 2a through 2d	2e		
3	Subtract line 2e from line 1	3		2,426,067
4	Amounts included on Form 990, Part IX, line 25, but not on line 1:			
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a		
b	Other (Describe in Part XIII.)	4b	245,754	
c	Add lines 4a and 4b	4c		245,754
5	Total expenses. Add lines 3 and 4c. (This must equal Form 990, Part I, line 18.)	5		2,671,821

Part XIII Supplemental Information

Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

Return Reference	Explanation
SCHEDULE D, PAGE 4, PART XI, LINE 4B	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 266,129 OTHER ITEMS NETTED FOR TAX RETURN -20,375
SCHEDULE D, PAGE 4, PART XII, LINE 4B	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 266,129 OTHER ITEMS NETTED FOR TAX RETURN -20,375

Additional Data

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Part III Supplemental Information

Provide the information, explanation, or descriptions required for Part I, lines 1a, 1b, 3, 4a, 4b, 4c, 5a, 5b, 6a, 6b, 7, and 8, and for Part II. Also complete this part for any additional information.

Return Reference	Explanation
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Additional Data

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Software Version:

efile Public Visual Render | **ObjectID: 202033169349301878 - Submission: 2020-11-11** | **TIN: 85-0056996**

SCHEDULE O
(Form 990 or 990-EZ)

Supplemental Information to Form 990 or 990-EZ

OMB No. 1545-0047

2019

Open to Public Inspection

Department of the Treasury
Internal Revenue Service

Complete to provide information for responses to specific questions on Form 990 or 990-EZ or to provide any additional information.
▶ Attach to Form 990 or 990-EZ.
▶ Go to www.irs.gov/Form990 for the latest information.

Name of the organization
NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number
85-0056996

Return Reference	Explanation
FORM 990, PAGE 6, PART VI, LINE 11B	THE RETURN IS REVIEWED BY THE BOARD PRESIDENT PRIOR TO FILING.
FORM 990, PAGE 6, PART VI, LINE 19	THE ORGANIZATION'S GOVERNING DOCUMENTS, ANY WRITTEN POLICIES, AND/OR FINANCIAL STATEMENTS ARE AVAILABLE TO THE PUBLIC UPON REQUEST.
FORM 990, PART XI, LINE 9	ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S -266,129 OTHER ITEMS NETTED FOR TAX RETURN 20,375 ANNUAL MTG EXP NETTED AGAINST REVENUE ON F/S 266,129 OTHER ITEMS NETTED FOR TAX RETURN -20,375

Additional Data

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Software ID:
Software Version:

Form 990
Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

OMB No. 1545-0047

2020

Open to Public Inspection

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 for instructions and the latest information.

A For the 2020 calendar year, or tax year beginning 01-01-2020, and ending 12-31-2020

- 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

F Name and address of principal officer:
LELAND GOULD
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
H(c) Group exemption number

I Tax-exempt status: 501(c)(3) 501(c)(6) 4947(a)(1) or 527

J Website: 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

Table with 3 main sections: Activities & Governance, Revenue, Expenses, and Net Assets or Fund Balances. Includes rows for mission statement, member counts, revenue breakdown, expenses, and net assets.

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

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

2021-11-08

Date

LELAND GOULD CHAIRMAN

Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name

Preparer's signature

Date

Check if self-employed

PTIN P01207573

Firm's name ▶ WHITLEY PENN LLP

Firm's EIN ▶ 75-2393478

Firm's address ▶ 7100 E TEXAS HIGHWAY 191 STE 400

Phone no. (432) 362-3800

ODESSA, TX 79765

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No

For Paperwork Reduction Act Notice, see the separate instructions.

Cat. No. 11282Y

Form 990 (2020)

Part III Statement of Program Service Accomplishments

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

1 Briefly describe the organization's mission:

TO PROMOTE THE SAFE AND RESPONSIBLE DEVELOPMENT OF OIL AND GAS RESOURCES IN NEW MEXICO THROUGH ADVOCACY, COLLABORATION, AND EDUCATION.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? Yes No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? Yes No

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ including grants of \$) (Revenue \$) ANNUAL INDUSTRY/AGENCY MEETING TO DISCUSS COMMON ISSUES; EDUCATION EFFORTS; REGULATORY WORK

4b (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d Other program services (Describe in Schedule O.) (Expenses \$ including grants of \$) (Revenue \$)

Part IV Checklist of Required Schedules

	Yes	No
1 Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? <i>If "Yes," complete Schedule A</i>		No
2 Is the organization required to complete <i>Schedule B, Schedule of Contributors</i> (see instructions)?		No
3 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? <i>If "Yes," complete Schedule C, Part I</i>		No
4 Section 501(c)(3) organizations. Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? <i>If "Yes," complete Schedule C, Part II</i>		
5 Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? <i>If "Yes," complete Schedule C, Part III</i>	Yes	
6 Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? <i>If "Yes," complete Schedule D, Part I</i>		No
7 Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? <i>If "Yes," complete Schedule D, Part II</i>		No
8 Did the organization maintain collections of works of art, historical treasures, or other similar assets? <i>If "Yes," complete Schedule D, Part III</i>		No
9 Did the organization report an amount in Part X, line 21 for escrow or custodial account liability; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? <i>If "Yes," complete Schedule D, Part IV</i>		No
10 Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi endowments? <i>If "Yes," complete Schedule D, Part V</i>		No
11 If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable.		
a Did the organization report an amount for land, buildings, and equipment in Part X, line 10? <i>If "Yes," complete Schedule D, Part VI</i>	Yes	
b Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VII</i>		No
c Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VIII</i>		No
d Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part IX</i>		No
e Did the organization report an amount for other liabilities in Part X, line 25? <i>If "Yes," complete Schedule D, Part X</i>		No
f Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? <i>If "Yes," complete Schedule D, Part X</i>	Yes	
12a Did the organization obtain separate, independent audited financial statements for the tax year? <i>If "Yes," complete Schedule D, Parts XI and XII</i>	Yes	
b Was the organization included in consolidated, independent audited financial statements for the tax year? <i>If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional</i>		No
13 Is the organization a school described in section 170(b)(1)(A)(ii)? <i>If "Yes," complete Schedule E</i>		No
14a Did the organization maintain an office, employees, or agents outside of the United States?		No
b Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? <i>If "Yes," complete Schedule F, Parts I and IV</i>		No
15 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or other assistance to or for any foreign organization? <i>If "Yes," complete Schedule F, Parts II and IV</i>		No
16 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or other assistance to or for foreign individuals? <i>If "Yes," complete Schedule F, Parts III and IV</i>		No
17 Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? <i>If "Yes," complete Schedule G, Part I</i> (see instructions)		No
18 Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? <i>If "Yes," complete Schedule G, Part II</i>		No
19 Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? <i>If "Yes," complete Schedule G, Part III</i>		No
20a Did the organization operate one or more hospital facilities? <i>If "Yes," complete Schedule H</i>		No

b If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?

20b		
21		No

21 Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? *If "Yes," complete Schedule I, Parts I and II*

Part IV Checklist of Required Schedules (continued)

	Yes	No
22 Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? <i>If "Yes," complete Schedule I, Parts I and III</i>		No
23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? <i>If "Yes," complete Schedule J</i>	Yes	
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? <i>If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a</i>		No
b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?		
24b		
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?		
24c		
d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?		
24d		
25a Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? <i>If "Yes," complete Schedule L, Part I</i>		
25a		
b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? <i>If "Yes," complete Schedule L, Part I</i>		
25b		
26 Did the organization report any amount on Part X, line 5 or 22 for receivables from or payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons? <i>If "Yes," complete Schedule L, Part II</i>		No
27 Did the organization provide a grant or other assistance to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or employee thereof, a grant selection committee member, or to a 35% controlled entity (including an employee thereof) or family member of any of these persons? <i>If "Yes," complete Schedule L, Part III</i>		No
28 Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):		
a A current or former officer, director, trustee, key employee, creator or founder, or substantial contributor? <i>If "Yes," complete Schedule L, Part IV</i>		No
28a		No
b A family member of any individual described in line 28a? <i>If "Yes," complete Schedule L, Part IV</i>		No
28b		No
c A 35% controlled entity of one or more individuals and/or organizations described in lines 28a or 28b? <i>If "Yes," complete Schedule L, Part IV</i>		No
28c		No
29 Did the organization receive more than \$25,000 in non-cash contributions? <i>If "Yes," complete Schedule M</i>		No
30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? <i>If "Yes," complete Schedule M</i>		No
31 Did the organization liquidate, terminate, or dissolve and cease operations? <i>If "Yes," complete Schedule N, Part I</i>		No
32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? <i>If "Yes," complete Schedule N, Part II</i>		No
33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? <i>If "Yes," complete Schedule R, Part I</i>		No
34 Was the organization related to any tax-exempt or taxable entity? <i>If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1</i>		No
35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?		No
b If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? <i>If "Yes," complete Schedule R, Part V, line 2</i>		
35b		
36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? <i>If "Yes," complete Schedule R, Part V, line 2</i>		
36		
37 Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? <i>If "Yes," complete Schedule R, Part VI</i>		No
38 Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11b and 19? Note. All Form 990 filers are required to complete Schedule O.	Yes	
38	Yes	

Part V Statements Regarding Other IRS Filings and Tax Compliance

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



a Is the organization licensed to issue qualified health plans in more than one state?		13a	
Note. See the instructions for additional information the organization must report on Schedule O.			
b Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans	13b		
c Enter the amount of reserves on hand	13c		
14a Did the organization receive any payments for indoor tanning services during the tax year?		14a	No
b If "Yes," has it filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O		14b	
15 Is the organization subject to the section 4960 tax on payment(s) of more than \$1,000,000 in remuneration or excess parachute payment(s) during the year? If "Yes," see instructions and file Form 4720, Schedule N.		15	No
16 Is the organization an educational institution subject to the section 4968 excise tax on net investment income? If "Yes," complete Form 4720, Schedule O.		16	No

Part VI **Governance, Management, and Disclosure** For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.
Check if Schedule O contains a response or note to any line in this Part VI

Section A. Governing Body and Management

		Yes	No
1a Enter the number of voting members of the governing body at the end of the tax year If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O.	1a	28	
b Enter the number of voting members included in line 1a, above, who are independent	1b	28	
2 Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?	2		No
3 Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?	3		No
4 Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?	4		No
5 Did the organization become aware during the year of a significant diversion of the organization's assets?	5		No
6 Did the organization have members or stockholders?	6		No
7a Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?	7a		No
b Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?	7b		No
8 Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:			
a The governing body?	8a	Yes	
b Each committee with authority to act on behalf of the governing body?	8b	Yes	
9 Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses in Schedule O	9		No

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

	Yes	No
10a Did the organization have local chapters, branches, or affiliates?	10a	No
b If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes?	10b	
11a Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?	11a	Yes
b Describe in Schedule O the process, if any, used by the organization to review this Form 990.		
12a Did the organization have a written conflict of interest policy? If "No," go to line 13	12a	Yes
b Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts?	12b	Yes
c Did the organization regularly and consistently monitor and enforce compliance with the policy? If "Yes," describe in Schedule O how this was done	12c	Yes
13 Did the organization have a written whistleblower policy?	13	No
14 Did the organization have a written document retention and destruction policy?	14	Yes
15 Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?		
a The organization's CEO, Executive Director, or top management official	15a	Yes
b Other officers or key employees of the organization	15b	No
If "Yes" to line 15a or 15b, describe the process in Schedule O (see instructions).		

16a Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	16a	No
b If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements?	16b	

Section C. Disclosure

- 17** List the states with which a copy of this Form 990 is required to be filed
- 18** Section 6104 requires an organization to make its Form 1023 (or 1024-A if applicable), 990, and 990-T (501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.
 Own website Another's website Upon request Other (explain in Schedule O)
- 19** Describe in Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.
- 20** State the name, address, and telephone number of the person who possesses the organization's books and records:
 KATHY YTUARTE PO BOX 1864 SANTA FE, NM 875041864 (505) 982-2568

Form **990** (2020)

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 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 and/or Box 7 of Form 1099-MISC) 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 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)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(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) AIMEE BARABE DIR. OF STKHOLD REL	40.00	X					153,000	0	19,000	
(2) BETTY READ YOUNG EXEC COMMITTEE	0.00	X					0	0	0	
(3) BRET FOX EXEC COMMITTEE	0.00	X					0	0	0	
(4) CLIFF BRUNSON EXEC COMMITTEE	0.00	X					0	0	0	
(5) CLINT WALKER EXEC COMMITTEE	0.00	X					0	0	0	
(6) GLORIA RUIZ DIR OF COMM ENGAGEME	40.00	X					92,000	0	12,150	

(7) JASON SANDEL EXEC COMMITTEE	0.00	X							0	0	0
(8) JAY PAUL MCWILLIAMS EXEC COMMITTEE	0.00	X							0	0	0
(9) JEFF WILSON EXEC COMMITTEE	0.00	X							0	0	0
(10) JOSHUA VIETS EXEC COMMITTEE	0.00	X							0	0	0
(11) JUSTIN FURNACE EXEC COMMITTEE	0.00	X							0	0	0
(12) KEN WAITS SECRETARY	0.00	X		X					0	0	0
(13) LELAND GOULD CHAIRMAN	0.00	X		X					0	0	0
(14) MARGARET COOPER EXEC COMMITTEE	0.00	X							0	0	0
(15) MARK VETETO EXEC COMMITTEE	0.00	X							0	0	0
(16) RAYE MILLER EXEC COMMITTEE	0.00	X							0	0	0
(17) ROBERT MCENTYRE DIR OF COMM	40.00	X						135,500	0	0	0

Form 990 (2020)

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)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(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) THOMAS JANISZEWSKI EXEC COMMITTEE	0.00	X						0	0	0
(19) TODD ENNENGA EXEC COMMITTEE	0.00	X						0	0	0
(20) SCOTT KIDWELL EXEC COMMITTEE	0.00	X						0	0	0
(21) JOHN ALEXANDER EXEC COMMITTEE	0.00	X						0	0	0
(22) TIM CUSTER EXEC COMMITTEE	0.00	X						0	0	0
(23) DEREK ALBRO VICE CHAIRMAN	0.00	X		X				0	0	0
(24) PAMELA ROTH EXEC COMMITTEE	0.00	X						0	0	0

(25) ALEX CAMPBELL EXECUTIVE DIRECTOR	0.00	X								0	0	0
(26) MICHAEL DESHAZER EXECUTIVE DIRECTOR	0.00	X								0	0	0
(27) JOSHUA JEMENTE EXECUTIVE DIRECTOR	0.00	X								0	0	0
(28) DAVID SCOTT EXECUTIVE DIRECTOR	0.00	X								0	0	0
(29) RYAN FLYNN EXECUTIVE DIRECTOR	40.00			X						322,083	0	40,356

1b Sub-Total												
c Total from continuation sheets to Part VII, Section A												
d Total (add lines 1b and 1c)										702,583	0	71,506

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 ▶ 3

	Yes	No
3 Did the organization list any former officer, director or trustee, key employee, or highest compensated employee on line 1a? If "Yes," complete Schedule J for such individual		No
4 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? If "Yes," complete Schedule J for such individual	Yes	
5 Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? If "Yes," complete Schedule J for such person		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

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 ▶ 0

Part VIII **Statement of Revenue**

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

	(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512 - 514
--	----------------------	---	-----------------------------------	---

Modulated campaigns	1a			
Membership dues	1b			
2,435,414				
Raising events	1c			
Related organizations	1d			
Government grants (contributions)	1e			
All other contributions, gifts, grants, and similar amounts not included above	1f			
19,685				

Non-cash contributions included in

g Noncash contributions included in lines 1a - 1f: \$

1g

h Total. Add lines 1a-1f **2,455,099**

		Business Code			
Program Service Revenue	2a SPECIAL PROJECTS				
		519100	1,059,116	1,059,116	
	f All other program service revenue.				
9 Total. Add lines 2a-2f.			1,059,116		

3 Investment income (including dividends, interest, and other similar amounts)		64			64
4 Income from investment of tax-exempt bond proceeds					
5 Royalties					

		(i) Real	(ii) Personal			
6a Gross rents	6a					
	b Less: rental expenses	6b				
	c Rental income or (loss)	6c				
	d Net rental income or (loss)					

		(i) Securities	(ii) Other			
7a Gross amount from sales of assets other than inventory	7a					
	b Less: cost or other basis and sales expenses	7b				
	c Gain or (loss)	7c				
	d Net gain or (loss)					

Other Revenue	8a Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18	8a				
	b Less: direct expenses	8b				
	c Net income or (loss) from fundraising events					

Other Revenue	9a Gross income from gaming activities. See Part IV, line 19	9a				
	b Less: direct expenses	9b				
	c Net income or (loss) from gaming activities					

Other Revenue	10a Gross sales of inventory, less returns and allowances	10a				
	b Less: cost of goods sold	10b				
	c Net income or (loss) from sales of inventory					

		Business Code			
11a	Miscellaneous Revenue				
	b				

c					
d All other revenue					
e Total. Add lines 11a–11d ▶					
12 Total revenue. See instructions ▶		3,514,279	1,059,116	0	64

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

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

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21				
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, lines 15 and 16.				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	788,389			
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages	276,706			
8 Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions)	5,756			
9 Other employee benefits	83,487			
10 Payroll taxes	58,553			
11 Fees for services (non-employees):				
a Management				
b Legal	477,012			
c Accounting	16,451			
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O)	35,422			
12 Advertising and promotion	1,180,301			
13 Office expenses	46,776			
14 Information technology	12,470			
15 Royalties				
16 Occupancy	69,409			
17 Travel	22,229			
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings	28,318			
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	2,042			
23 Insurance	6,450			
24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
a SPECIFIC PROJECTS	49,757			

a	SPECIAL PROJECTS	19,757		
b	DUES AND SUBSCRIPTIONS	38,028		
c	BANK AND CREDIT CARD FE	24,601		
d				
e	All other expenses			
25	Total functional expenses. Add lines 1 through 24e	3,222,157		
26	Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720).			

Form 990 (2020)

Form 990 (2020)

Part X **Balance Sheet**

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

		(A) Beginning of year		(B) End of year
Assets	1 Cash-non-interest-bearing	355,375	1	1,755,121
	2 Savings and temporary cash investments	1,883,861	2	2,435,894
	3 Pledges and grants receivable, net		3	
	4 Accounts receivable, net		4	
	5 Loans and other receivables from any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		5	
	6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), and persons described in section 4958(c)(3)(B)		6	
	7 Notes and loans receivable, net		7	
	8 Inventories for sale or use		8	
	9 Prepaid expenses and deferred charges		9	
	10a Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a 75,426		
	b Less: accumulated depreciation	10b 66,490	10,977	10c 8,936
	11 Investments—publicly traded securities		11	
	12 Investments—other securities. See Part IV, line 11		12	
	13 Investments—program-related. See Part IV, line 11		13	
	14 Intangible assets		14	
	15 Other assets. See Part IV, line 11		15	
16 Total assets. Add lines 1 through 15 (must equal line 33)		2,250,213	16	4,199,951
Liabilities	17 Accounts payable and accrued expenses	123,342	17	219,137
	18 Grants payable		18	
	19 Deferred revenue	191,936	19	1,753,757
	20 Tax-exempt bond liabilities		20	
	21 Escrow or custodial account liability. Complete Part IV of Schedule D		21	
	22 Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		22	
	23 Secured mortgages and notes payable to unrelated third parties		23	
	24 Unsecured notes and loans payable to unrelated third parties		24	
	25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17 - 24). Complete Part X of Schedule D		25	
	26 Total liabilities. Add lines 17 through 25		315,278	26	1,972,894
nd Balances	Organizations that follow FASB ASC 958, check here <input checked="" type="checkbox"/> and complete lines 27, 28, 32, and 33.			
	27 Net assets without donor restrictions	1,934,935	27	2,227,057
	28 Net assets with donor restrictions		28	

Net Assets of Fu

Organizations that do not follow FASB ASC 958, check here and complete lines 29 through 33.

29	Capital stock or trust principal, or current funds		29	
30	Paid-in or capital surplus, or land, building or equipment fund		30	
31	Retained earnings, endowment, accumulated income, or other funds		31	
32	Total net assets or fund balances	1,934,935	32	2,227,057
33	Total liabilities and net assets/fund balances	2,250,213	33	4,199,951

Form 990 (2020)

Form 990 (2020)

Part XI Reconciliation of Net Assets

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

1	Total revenue (must equal Part VIII, column (A), line 12)	1	3,514,279
2	Total expenses (must equal Part IX, column (A), line 25)	2	3,222,157
3	Revenue less expenses. Subtract line 2 from line 1	3	292,122
4	Net assets or fund balances at beginning of year (must equal Part X, line 32, column (A))	4	1,934,935
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	0
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 32, column (B))	10	2,227,057

Part XII Financial Statements and Reporting

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

	Yes	No
1 Accounting method used to prepare the Form 990: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual <input type="checkbox"/> Other _____ If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O.		
2a Were the organization's financial statements compiled or reviewed by an independent accountant? If 'Yes,' check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both: <input type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separate basis		No
b Were the organization's financial statements audited by an independent accountant? If 'Yes,' check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both: <input checked="" type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separate basis	Yes	
c If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant? If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.	Yes	
3a As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?		No
b If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.		

Form 990 (2020)

Form 990 (2020)

Additional Data

Return to Form

Software ID:
Software Version:

Form 990, Special Condition Description:

SCHEDULE C (Form 990 or 990-EZ)

Political Campaign and Lobbying Activities

OMB No. 1545-0047

For Organizations Exempt From Income Tax Under section 501(c) and section 527

2020

Open to Public Inspection

Department of the Treasury Internal Revenue Service

Complete if the organization is described below. Attach to Form 990 or Form 990-EZ. Go to www.irs.gov/Form990 for instructions and the latest information.

If the organization answered "Yes" on Form 990, Part IV, Line 3, or Form 990-EZ, Part V, line 46 (Political Campaign Activities), then

- Section 501(c)(3) organizations: Complete Parts I-A and B. Do not complete Part I-C.
Section 501(c) (other than section 501(c)(3)) organizations: Complete Parts I-A and C below. Do not complete Part I-B.
Section 527 organizations: Complete Part I-A only.

If the organization answered "Yes" on Form 990, Part IV, Line 4, or Form 990-EZ, Part VI, line 47 (Lobbying Activities), then

- Section 501(c)(3) organizations that have filed Form 5768 (election under section 501(h)): Complete Part II-A. Do not complete Part II-B.
Section 501(c)(3) organizations that have NOT filed Form 5768 (election under section 501(h)): Complete Part II-B. Do not complete Part II-A.

If the organization answered "Yes" on Form 990, Part IV, Line 5 (Proxy Tax) (see separate instructions) or Form 990-EZ, Part V, line 35c (Proxy Tax) (see separate instructions), then

- Section 501(c)(4), (5), or (6) organizations: Complete Part III.

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number 85-0056996

Part I-A Complete if the organization is exempt under section 501(c) or is a section 527 organization.

- 1 Provide a description of the organization's direct and indirect political campaign activities in Part IV (see instructions for definition of "political campaign activities")
2 Political campaign activity expenditures (see instructions)
3 Volunteer hours for political campaign activities (see instructions)

Part I-B Complete if the organization is exempt under section 501(c)(3).

- 1 Enter the amount of any excise tax incurred by the organization under section 4955
2 Enter the amount of any excise tax incurred by organization managers under section 4955
3 If the organization incurred a section 4955 tax, did it file Form 4720 for this year?
4a Was a correction made?
b If "Yes," describe in Part IV.

Part I-C Complete if the organization is exempt under section 501(c), except section 501(c)(3).

- 1 Enter the amount directly expended by the filing organization for section 527 exempt function activities
2 Enter the amount of the filing organization's funds contributed to other organizations for section 527 exempt function activities
3 Total exempt function expenditures. Add lines 1 and 2. Enter here and on Form 1120-POL, line 17b
4 Did the filing organization file Form 1120-POL for this year?
5 Enter the names, addresses and employer identification number (EIN) of all section 527 political organizations to which the filing organization made payments.

Table with 5 columns: (a) Name, (b) Address, (c) EIN, (d) Amount paid from filing organization's funds, (e) Amount of political contributions received and promptly and directly delivered to a separate political organization.

Complete if the organization is exempt under section 501(c)(3) and filed Form 990 (election under section 501(h)).

- A** Check if the filing organization belongs to an affiliated group (and list in Part IV each affiliated group member's name, address, EIN, expenses, and share of excess lobbying expenditures).
- B** Check if the filing organization checked box A and "limited control" provisions apply.

Limits on Lobbying Expenditures
(The term "expenditures" means amounts paid or incurred.)

(a) Filing organization's totals
(b) Affiliated group totals

- 1a** Total lobbying expenditures to influence public opinion (grass roots lobbying)
- b** Total lobbying expenditures to influence a legislative body (direct lobbying)
- c** Total lobbying expenditures (add lines 1a and 1b)
- d** Other exempt purpose expenditures
- e** Total exempt purpose expenditures (add lines 1c and 1d)
- f** Lobbying nontaxable amount. Enter the amount from the following table in both columns.

If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:
Not over \$500,000	20% of the amount on line 1e.
Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000.
Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000.
Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000.
Over \$17,000,000	\$1,000,000.

- g** Grassroots nontaxable amount (enter 25% of line 1f)
- h** Subtract line 1g from line 1a. If zero or less, enter -0-
- i** Subtract line 1f from line 1c. If zero or less, enter -0-
- j** If there is an amount other than zero on either line 1h or line 1i, did the organization file Form 4720 reporting section 4911 tax for this year? Yes No

4-Year Averaging Period Under Section 501(h)
(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the separate instructions for lines 2a through 2f.)

Lobbying Expenditures During 4-Year Averaging Period

Calendar year (or fiscal year beginning in)	(a) 2017	(b) 2018	(c) 2019	(d) 2020	(e) Total
2a Lobbying nontaxable amount					
b Lobbying ceiling amount (150% of line 2a, column(e))					
c Total lobbying expenditures					
d Grassroots nontaxable amount					
e Grassroots ceiling amount (150% of line 2d, column (e))					
f Grassroots lobbying expenditures					

Schedule C (Form 990 or 990-EZ) 2020

Part II-B Complete if the organization is exempt under section 501(c)(3) and has NOT filed Form 5768 (election under section 501(h)).

For each "Yes" response on lines 1a through 1i below, provide in Part IV a detailed description of the lobbying activity.

	(a)		(b)
	Yes	No	Amount
1 During the year, did the filing organization attempt to influence foreign, national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:			
a Volunteers?			
b Paid staff or management (include compensation in expenses reported on lines 1c through 1i)?			
c Media advertisements?			

d	Mailings to members, legislators, or the public?			
e	Publications, or published or broadcast statements?			
f	Grants to other organizations for lobbying purposes?			
g	Direct contact with legislators, their staffs, government officials, or a legislative body?			
h	Rallies, demonstrations, seminars, conventions, speeches, lectures, or any similar means?			
i	Other activities?			
j	Total. Add lines 1c through 1i			
2a	Did the activities in line 1 cause the organization to be not described in section 501(c)(3)?			
b	If "Yes," enter the amount of any tax incurred under section 4912			
c	If "Yes," enter the amount of any tax incurred by organization managers under section 4912			
d	If the filing organization incurred a section 4912 tax, did it file Form 4720 for this year?			

Part III-A Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6).

	Yes	No
1 Were substantially all (90% or more) dues received nondeductible by members?	1	No
2 Did the organization make only in-house lobbying expenditures of \$2,000 or less?	2	No
3 Did the organization agree to carry over lobbying and political expenditures from the prior year?	3	No

Part III-B Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6) and if either (a) BOTH Part III-A, lines 1 and 2, are answered "No" OR (b) Part III-A, line 3, is answered "Yes."

1 Dues, assessments and similar amounts from members	1	2,435,414
2 Section 162(e) nondeductible lobbying and political expenditures (do not include amounts of political expenses for which the section 527(f) tax was paid).		
a Current year	2a	608,854
b Carryover from last year	2b	721,766
c Total	2c	1,330,620
3 Aggregate amount reported in section 6033(e)(1)(A) notices of nondeductible section 162(e) dues .	3	1,826,561
4 If notices were sent and the amount on line 2c exceeds the amount on line 3, what portion of the excess does the organization agree to carryover to the reasonable estimate of nondeductible lobbying and political expenditure next year?	4	
5 Taxable amount of lobbying and political expenditures (see instructions)	5	-495,941

Part IV Supplemental Information

Provide the descriptions required for Part I-A, line 1; Part I-B, line 4; Part I-C, line 5; Part II-A (affiliated group list); Part II-A, lines 1 and 2 (see instructions), and Part II-B, line 1. Also, complete this part for any additional information.

Return Reference	Explanation
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Additional Data

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Software ID:
Software Version:

SCHEDULE D (Form 990)

Supplemental Financial Statements

OMB No. 1545-0047

2020

Open to Public Inspection

Complete if the organization answered "Yes," on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b.

Attach to Form 990.

Go to www.irs.gov/Form990 for instructions and the latest information.

Department of the Treasury Internal Revenue Service

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number 85-0056996

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.

Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

Table with 3 columns: Line number, (a) Donor advised funds, (b) Funds and other accounts. Includes rows for total number, aggregate value, and donor notification questions.

Part II Conservation Easements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

Table with 3 columns: Line number, Description, and Held at the End of the Year (2a-2d). Includes rows for purpose of easements, acreage, and monitoring expenses.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

Table with 3 columns: Line number, Description, and Amount. Includes rows for reporting on art and historical treasures.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets (continued)

- 3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):
a Public exhibition
b Scholarly research
c Preservation for future generations
d Loan or exchange programs
e Other
4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.
5 During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? Yes No

Part IV Escrow and Custodial Arrangements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

- 1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? Yes No
b If "Yes," explain the arrangement in Part XIII and complete the following table:
Table with columns: Amount, 1c Beginning balance, 1d Additions during the year, 1e Distributions during the year, 1f Ending balance
2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? Yes No
b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII

Part V Endowment Funds.

Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

- Table with columns: (a) Current year, (b) Prior year, (c) Two years back, (d) Three years back, (e) Four years back
1a Beginning of year balance
1b Contributions
1c Net investment earnings, gains, and losses
1d Grants or scholarships
1e Other expenditures for facilities and programs
1f Administrative expenses
1g End of year balance
2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:
a Board designated or quasi-endowment
b Permanent endowment
c Term endowment
The percentages on lines 2a, 2b, and 2c should equal 100%.
3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:
(i) Unrelated organizations
(ii) Related organizations
b If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R?
4 Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI Land, Buildings, and Equipment.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Table with columns: Description of property, (a) Cost or other basis (investment), (b) Cost or other basis (other), (c) Accumulated depreciation, (d) Book value
1a Land
1b Buildings
1c Leasehold improvements
1d Equipment (75,426 / 66,490 / 8,936)
1e Other
Total. Add lines 1a through 1e. (Column (d) must equal Form 990, Part X, column (B), line 10(c).) 8,936

Part VII Investments - Other Securities.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely-held equity interests		
(3) Other _____		
(B)		
(C)		
(D)		
(E)		
(F)		
(G)		
(H)		
(I)		
Total. (Column (b) must equal Form 990, Part X, col. (B) line 12.)		

Part VIII Investments - Program Related.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
(10)		
Total. (Column (b) must equal Form 990, Part X, col.(B) line 13.)		

Part IX Other Assets.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	(b) Book value
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
(10)	
Total. (Column (b) must equal Form 990, Part X, col.(B) line 15.)	

Part X Other Liabilities.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11e or 11f. See Form 990, Part X, line 25.

1.	(a) Description of liability	(b) Book value
(1)	Federal income taxes	
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		

Total. (Column (b) must equal Form 990, Part X, col.(B) line 25.)

2. Liability for uncertain tax positions. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII

Schedule D (Form 990) 2020

Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total revenue, gains, and other support per audited financial statements			2,455,163
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:			
	a Net unrealized gains (losses) on investments	2a		
	b Donated services and use of facilities	2b		
	c Recoveries of prior year grants	2c		
	d Other (Describe in Part XIII.)	2d		
	e Add lines 2a through 2d	2e		0
3	Subtract line 2e from line 1	3		2,455,163
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1:			
	a Investment expenses not included on Form 990, Part VIII, line 7b	4a		
	b Other (Describe in Part XIII.)	4b	1,059,116	
	c Add lines 4a and 4b	4c		1,059,116
5	Total revenue. Add lines 3 and 4c. (This must equal Form 990, Part I, line 12.)	5		3,514,279

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total expenses and losses per audited financial statements			2,163,041
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:			
	a Donated services and use of facilities	2a		
	b Prior year adjustments	2b		
	c Other losses	2c		
	d Other (Describe in Part XIII.)	2d		
	e Add lines 2a through 2d	2e		0
3	Subtract line 2e from line 1	3		2,163,041
4	Amounts included on Form 990, Part IX, line 25, but not on line 1:			
	a Investment expenses not included on Form 990, Part VIII, line 7b	4a		
	b Other (Describe in Part XIII.)	4b	1,059,116	
	c Add lines 4a and 4b	4c		1,059,116
5	Total expenses. Add lines 3 and 4c. (This must equal Form 990, Part I, line 18.)	5		3,222,157

Part XIII Supplemental Information

Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

Return Reference	Explanation
PART X, LINE 2:	THE ASSOCIATION IS GENERALLY EXEMPT FROM FEDERAL INCOME TAX UNDER SECTION 501(C)(6) OF THE INTERNAL REVENUE CODE ("IRC"). UNDER THIS CODE SECTION, DONATIONS MADE

DIRECTLY TO THE ASSOCIATION GENERALLY DO NOT QUALIFY AS A CHARITABLE DEDUCTION TO THE DONOR OR MEMBER. GAAP REQUIRES MANAGEMENT TO EVALUATE TAX POSITIONS TAKEN BY THE ASSOCIATION AND RECOGNIZE A LIABILITY IF THE ASSOCIATION HAS TAKEN AN UNCERTAIN POSITION THAT MORE LIKELY THAN NOT WOULD NOT BE SUSTAINED UPON EXAMINATION BY THE INTERNAL REVENUE SERVICE. MANAGEMENT HAS ANALYZED THE TAX POSITIONS TAKEN BY THE ASSOCIATION AND HAS CONCLUDED THAT AS OF DECEMBER 31, 2020, THERE ARE NO UNCERTAIN POSITIONS TAKEN OR EXPECTED TO BE TAKEN THAT WOULD REQUIRE RECOGNITION OF A LIABILITY OR DISCLOSURE IN THE FINANCIAL STATEMENTS. THE ASSOCIATION IS SUBJECT TO ROUTINE AUDITS BY TAXING JURISDICTIONS; HOWEVER, THERE ARE CURRENTLY NO AUDITS FOR ANY TAX PERIODS IN PROGRESS. MANAGEMENT BELIEVES THE ASSOCIATION IS NO LONGER SUBJECT TO INCOME TAX EXAMINATION FOR YEARS PRIOR TO 2018.

PART XI, LINE 4B - OTHER ADJUSTMENTS:	SPECIAL PROJECTS 1,059,116.
PART XII, LINE 4B - OTHER ADJUSTMENTS:	SPECIAL PROJECTS 1,059,116.

Schedule D (Form 990) 2020

Additional Data

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Software ID:
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SCHEDULE O
(Form 990 or 990-EZ)

Supplemental Information to Form 990 or 990-EZ

OMB No. 1545-0047

2020

Open to Public
Inspection

Department of the Treasury
Internal Revenue Service

Complete to provide information for responses to specific questions on
Form 990 or 990-EZ or to provide any additional information.

▶ Attach to Form 990 or 990-EZ.

▶ Go to www.irs.gov/Form990 for the latest information.

Name of the organization
NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number

85-0056996

Return Reference	Explanation
FORM 990, PART VI, SECTION B, LINE 11B	THE RETURN IS REVIEWED BY THE BOARD PRESIDENT PRIOR TO FILING.
FORM 990, PART VI, SECTION B, LINE 12C	OFFICERS, DIRECTORS, AND KEY EMPLOYEES ARE GOVERNED BY THE CONFLICT OF INTEREST POLICY SET FORTH IN THE BY-LAWS.
FORM 990, PART VI, SECTION B, LINE 15A	THE EXECUTIVE BOARD REVIEWS AND APPROVES COMPENSATION BASED ON COMPARABILITY DATA AND CONTEMPORANEOUS SUBSTANTIATION OF THE DELIBERATION AND DECISION.
FORM 990, PART VI, SECTION C, LINE 19	THE ORGANIZATION'S GOVERNING DOCUMENTS, ANY WRITTEN POLICIES, AND/OR FINANCIAL STATEMENTS ARE AVAILABLE TO THE PUBLIC UPON REQUEST.
FORM 990, PART XII, LINE 2C	THE ASSOCIATION HAS NOT CHANGED THE OVERSIGHT OR SELECTION PROCESS SINCE THE PREVIOUS YEAR.

Additional Data

[Return to Form](#)

Software ID:

Software Version:

Form 990

Return of Organization Exempt From Income Tax

OMB No. 1545-0047

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 for instructions and the latest information.

2021

Open to Public Inspection

Department of the Treasury Internal Revenue Service

A For the 2021 calendar year, or tax year beginning 01-01-2021, and ending 12-31-2021

- 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): PO BOX 1864. Room/suite. 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 \$ 5,267,137

F Name and address of principal officer: DOUG ACKERMAN, PO BOX 1864, SANTA FE, NM 87504

H(a) Is this a group return for subordinates? No. H(b) Are all subordinates included? No. H(c) Group exemption number

I Tax-exempt status: 501(c)(3) checked, 501(c)(6), 4947(a)(1), 527

J Website: WWW.NMOGA.ORG

K Form of organization: Association checked, Corporation, Trust, Other

L Year of formation: 1929. M State of legal domicile: NM

Part I Summary

Table with 3 main sections: Activities & Governance (lines 1-7b), Revenue (lines 8-12), Expenses (lines 13-19), and Net Assets or Fund Balances (lines 20-22). Includes columns for Prior Year and Current Year.

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: DOUG ACKERMAN PRESIDENT AND CEO
Date: 2022-11-03

Paid Preparer Use Only

Table with 5 columns: Print/Type preparer's name, Preparer's signature, Date, Check self-employed, PTIN. Includes firm name WHITLEY PENN LLP and address 7100 E TEXAS HIGHWAY 191 STE 400 ODESSA, TX 79765.

May the IRS discuss this return with the preparer shown above? (see instructions) [X] Yes [] No
For Paperwork Reduction Act Notice, see the separate instructions. Cat. No. 11282Y Form 990 (2021)

Part III Statement of Program Service Accomplishments

Check if Schedule O contains a response or note to any line in this Part III []

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

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? [] Yes [X] No

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? [] Yes [X] No

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses.

4a (Code:) (Expenses \$ including grants of \$) (Revenue \$) ANNUAL INDUSTRY/AGENCY MEETING TO DISCUSS COMMON ISSUES; EDUCATION EFFORTS; REGULATORY WORK

4b (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d Other program services (Describe in Schedule O.) (Expenses \$ including grants of \$) (Revenue \$)

Part IV Checklist of Required Schedules

	Yes	No
1 Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? <i>If "Yes," complete Schedule A</i>		No
2 Is the organization required to complete <i>Schedule B, Schedule of Contributors</i> ? See instructions.		No
3 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? <i>If "Yes," complete Schedule C, Part I</i>		No
4 Section 501(c)(3) organizations. Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? <i>If "Yes," complete Schedule C, Part II</i>		
5 Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Rev. Proc. 98-19? <i>If "Yes," complete Schedule C, Part III</i>	Yes	
6 Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? <i>If "Yes," complete Schedule D, Part I</i>		No
7 Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? <i>If "Yes," complete Schedule D, Part II</i>		No
8 Did the organization maintain collections of works of art, historical treasures, or other similar assets? <i>If "Yes," complete Schedule D, Part III</i>		No
9 Did the organization report an amount in Part X, line 21 for escrow or custodial account liability; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? <i>If "Yes," complete Schedule D, Part IV</i>		No
10 Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi endowments? <i>If "Yes," complete Schedule D, Part V</i>		No
11 If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X, as applicable.		
a Did the organization report an amount for land, buildings, and equipment in Part X, line 10? <i>If "Yes," complete Schedule D, Part VI</i>	Yes	
b Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VII</i>		No
c Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VIII</i>		No
d Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part IX</i>		No
e Did the organization report an amount for other liabilities in Part X, line 25? <i>If "Yes," complete Schedule D, Part X</i>		No
f Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? <i>If "Yes," complete Schedule D, Part X</i>	Yes	
12a Did the organization obtain separate, independent audited financial statements for the tax year? <i>If "Yes," complete Schedule D, Parts XI and XII</i>	Yes	
b Was the organization included in consolidated, independent audited financial statements for the tax year? <i>If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional</i>		No
13 Is the organization a school described in section 170(b)(1)(A)(ii)? <i>If "Yes," complete Schedule E</i>		No
14a Did the organization maintain an office, employees, or agents outside of the United States?		No
b Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? <i>If "Yes," complete Schedule F, Parts I and IV</i>		No
15 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or other assistance to or for any foreign organization? <i>If "Yes," complete Schedule F, Parts II and IV</i>		No
16 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or other assistance to or for foreign individuals? <i>If "Yes," complete Schedule F, Parts III and IV</i>		No
17 Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? <i>If "Yes," complete Schedule G, Part I</i> . See instructions.		No
18 Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? <i>If "Yes," complete Schedule G, Part II</i>		No
19 Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? <i>If "Yes," complete Schedule G, Part III</i>		No
20a Did the organization operate one or more hospital facilities? <i>If "Yes," complete Schedule H</i>		No

b If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?

20b		
21		No

21 Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? If "Yes," complete Schedule I, Parts I and II

Part IV Checklist of Required Schedules (continued)

	Yes	No
22 Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? If "Yes," complete Schedule I, Parts I and III		No
23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5, about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? If "Yes," complete Schedule J	Yes	
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a		No
b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?		
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?		
d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?		
25a Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? If "Yes," complete Schedule L, Part I		
b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I		
26 Did the organization report any amount on Part X, line 5 or 22 for receivables from or payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons? If "Yes," complete Schedule L, Part II		No
27 Did the organization provide a grant or other assistance to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or employee thereof, a grant selection committee member, or to a 35% controlled entity (including an employee thereof) or family member of any of these persons? If "Yes," complete Schedule L, Part III		No
28 Was the organization a party to a business transaction with one of the following parties (see the Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):		
a A current or former officer, director, trustee, key employee, creator or founder, or substantial contributor? If "Yes," complete Schedule L, Part IV		No
b A family member of any individual described in line 28a? If "Yes," complete Schedule L, Part IV		No
c A 35% controlled entity of one or more individuals and/or organizations described in line 28a or 28b? If "Yes," complete Schedule L, Part IV		No
29 Did the organization receive more than \$25,000 in non-cash contributions? If "Yes," complete Schedule M		No
30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? If "Yes," complete Schedule M		No
31 Did the organization liquidate, terminate, or dissolve and cease operations? If "Yes," complete Schedule N, Part I		No
32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? If "Yes," complete Schedule N, Part II		No
33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Schedule R, Part I		No
34 Was the organization related to any tax-exempt or taxable entity? If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1		No
35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?		No
b If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," complete Schedule R, Part V, line 2		
36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? If "Yes," complete Schedule R, Part V, line 2		
37 Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? If "Yes," complete Schedule R, Part VI		No
38 Did the organization complete Schedule O and provide explanations on Schedule O for Part VI, lines 11b and 19? Note. All Form 990 filers are required to complete Schedule O.	Yes	

Part V Statements Regarding Other IRS Filings and Tax Compliance

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

a	Is the organization licensed to issue qualified health plans in more than one state? Note. See the instructions for additional information the organization must report on Schedule O.	13a	
b	Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans	13b	
c	Enter the amount of reserves on hand	13c	
14a	Did the organization receive any payments for indoor tanning services during the tax year?	14a	No
b	If "Yes," has it filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O	14b	
15	Is the organization subject to the section 4960 tax on payment(s) of more than \$1,000,000 in remuneration or excess parachute payment(s) during the year? If "Yes," see the instructions and file Form 4720, Schedule N.	15	No
16	Is the organization an educational institution subject to the section 4968 excise tax on net investment income? If "Yes," complete Form 4720, Schedule O.	16	No
17	Section 501(c)(21) organizations. Did the trust, any disqualified person, or mine operator engage in any activities that would result in the imposition of an excise tax under section 4951, 4952, or 4953? If "Yes," complete Form 6069.	17	

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Part VI Governance, Management, and Disclosure. For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.
Check if Schedule O contains a response or note to any line in this Part VI

Section A. Governing Body and Management

		Yes	No
1a	Enter the number of voting members of the governing body at the end of the tax year If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O.		
b	Enter the number of voting members included in line 1a, above, who are independent		
2	Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?		No
3	Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?		No
4	Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?		No
5	Did the organization become aware during the year of a significant diversion of the organization's assets?		No
6	Did the organization have members or stockholders?		No
7a	Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?		No
b	Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?		No
8	Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:		
a	The governing body?	Yes	
b	Each committee with authority to act on behalf of the governing body?	Yes	
9	Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses in Schedule O		No

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

	Yes	No
10a		No
b		
11a	Yes	
b		
12a	Yes	
b	Yes	
c	Yes	
13	Yes	
14	Yes	
15		

a	The organization's CEO, Executive Director, or top management official	15a	Yes	
b	Other officers or key employees of the organization	15b		No
If "Yes" to line 15a or 15b, describe the process on Schedule O. See instructions.				
16a	Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	16a		No
b	If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements?	16b		

Section C. Disclosure

- 17** List the states with which a copy of this Form 990 is required to be filed ▶ _____
- 18** Section 6104 requires an organization to make its Form 1023 (1024 or 1024-A, if applicable), 990, and 990-T (section 501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.
 Own website Another's website Upon request Other (explain in Schedule O)
- 19** Describe in Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.
- 20** State the name, address, and telephone number of the person who possesses the organization's books and records:
▶ KATHY YTUARTE PO BOX 1864 SANTA FE, NM 875041864 (505) 982-2568

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, 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) GLORIA RUIZ DIRECTOR OF COMMUNITY ENGAGEMENT	40.00	X					120,007	0	13,560	
(2) AIMEE BARABE DIRECTOR OF STOCKHOLDER RELATIONS	40.00	X					152,500	0	20,316	
(3) ROBERT MCENTYRE DIRECTOR OF COMMUNICATIONS	40.00	X					141,520	0	19,101	
(4) KEN WAITS SECRETARY	0.00	X		X			0	0	0	
(5) DAVID SCOTT EXEC COMMITTEE	0.00	X					0	0	0	

(6) MARGARET COOPER EXEC COMMITTEE	0.00	X								0	0	0
(7) BETTY READ YOUNG EXEC COMMITTEE	0.00	X								0	0	0
(8) BRET FOX EXEC COMMITTEE	0.00	X								0	0	0
(9) CLIFF BRUNSON EXEC COMMITTEE	0.00	X								0	0	0
(10) CLINT WALKER EXEC COMMITTEE	0.00	X								0	0	0
(11) JASON SANDEL EXEC COMMITTEE	0.00	X								0	0	0
(12) JAY PAUL MCWILLIAMS EXEC COMMITTEE	0.00	X								0	0	0
(13) JEFF WILSON EXEC COMMITTEE	0.00	X								0	0	0
(14) JOSHUA VIETS EXEC COMMITTEE	0.00	X								0	0	0
(15) JUSTIN FURNACE EXEC COMMITTEE	0.00	X								0	0	0
(16) RAYE MILLER EXEC COMMITTEE	0.00	X								0	0	0
(17) MARK VETETO EXEC COMMITTEE	0.00	X								0	0	0

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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) THOMAS JANISZEWSKI EXEC COMMITTEE	0.00	X						0	0	0
(19) TODD ENNENGA EXEC COMMITTEE	0.00	X						0	0	0
(20) SCOTT KIDWELL EXEC COMMITTEE	0.00	X						0	0	0
(21) TIM CUSTER EXEC COMMITTEE	0.00	X						0	0	0
(22) PAMELA ROTH EXEC COMMITTEE	0.00	X						0	0	0
(23) ALEX CAMPBELL EXEC COMMITTEE	0.00	X						0	0	0

(24) MICHAEL DESHAZER EXEC COMMITTEE	0.00	X							0	0	0
(25) JOHN ALEXANDER EXEC COMMITTEE	0.00	X							0	0	0
(26) JOSHUA JEMENTE EXEC COMMITTEE	0.00	X							0	0	0
(27) DEREK ALBRO VICE CHAIRMAN	0.00	X		X					0	0	0
(28) LELAND GOULD CHAIRMAN	0.00	X		X					0	0	0
(29) RYAN FLYNN PARTIAL YEAR OUTGOING DIRECTOR	40.00			X				278,333	0		23,400

1b Sub-Total											
c Total from continuation sheets to Part VII, Section A											
d Total (add lines 1b and 1c)								692,360	0		76,377

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 ▶ 4

	Yes	No
3 Did the organization list any former officer, director or trustee, key employee, or highest compensated employee on line 1a? <i>If "Yes," complete Schedule J for such individual</i>		No
4 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	
5 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

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 ▶ 0

Part VIII **Statement of Revenue**

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

	(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512 - 514
--	----------------------	---	-----------------------------------	---

Federated campaigns	1a
Contributions, Gifts, Grants, and Membership dues	1b
Other Amounts from similar fundraising events	1c
Related organizations	1d
Government grants (contributions)	1e
All other contributions, gifts, grants, and similar amounts not included	1f

Other Amounts from similar fundraising events . . . 1,175,835

above

248,850

g Noncash contributions included in lines 1a - 1f:\$

1g

h Total. Add lines 1a-1f 2,424,685

2a SPECIAL PROJECTS	Business Code			
		519100	2,842,449	2,842,449
f All other program service revenue.				

g Total. Add lines 2a-2f. 2,842,449

3 Investment income (including dividends, interest, and other similar amounts)		3		3
4 Income from investment of tax-exempt bond proceeds				
5 Royalties				

	(i) Real	(ii) Personal			
6a Gross rents					
b Less: rental expenses					
c Rental income or (loss)					
d Net rental income or (loss)					

	(i) Securities	(ii) Other			
7a Gross amount from sales of assets other than inventory					
b Less: cost or other basis and sales expenses					
c Gain or (loss)					
d Net gain or (loss)					

8a Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18					
b Less: direct expenses					
c Net income or (loss) from fundraising events					

9a Gross income from gaming activities. See Part IV, line 19					
b Less: direct expenses					
c Net income or (loss) from gaming activities					

10a Gross sales of inventory, less returns and allowances					
b Less: cost of goods sold					
c Net income or (loss) from sales of inventory					

Miscellaneous Revenue	Business Code			
11a				

Program Service Revenue

Other Revenue

b					
c					
d All other revenue					
e Total. Add lines 11a-11d ▶					
12 Total revenue. See instructions ▶					
		5,267,137	2,842,449	0	3

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

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

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21				
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, lines 15 and 16.				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	768,738			
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages	334,116			
8 Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions)	51,239			
9 Other employee benefits	49,643			
10 Payroll taxes	71,764			
11 Fees for services (non-employees):				
a Management				
b Legal	802,867			
c Accounting	24,244			
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O)	9,096			
12 Advertising and promotion	1,937,412			
13 Office expenses	28,701			
14 Information technology	11,603			
15 Royalties				
16 Occupancy	48,988			
17 Travel	46,166			
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings	385,043			
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	1,889			
23 Insurance	6,337			
24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24c. If line 24c amount				

Miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)

a SPECIFIC PROJECTS	66,925		
b DUES AND SUBSCRIPTIONS	29,985		
c BANK AND CREDIT CARD FE	18,212		
d			
e All other expenses			
25 Total functional expenses. Add lines 1 through 24e	4,692,968		
26 Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720).			

Form 990 (2021)

Part X **Balance Sheet**

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

		(A) Beginning of year		(B) End of year
Assets	1 Cash—non-interest-bearing	1,755,121	1	779,230
	2 Savings and temporary cash investments	2,435,894	2	2,867,955
	3 Pledges and grants receivable, net		3	
	4 Accounts receivable, net		4	
	5 Loans and other receivables from any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		5	
	6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), and persons described in section 4958(c)(3)(B)		6	
	7 Notes and loans receivable, net		7	
	8 Inventories for sale or use		8	
	9 Prepaid expenses and deferred charges		9	
	10a Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a 75,426		
	b Less: accumulated depreciation	10b 68,379	8,936	10c 7,047
	11 Investments—publicly traded securities		11	
	12 Investments—other securities. See Part IV, line 11		12	
	13 Investments—program-related. See Part IV, line 11		13	
	14 Intangible assets		14	
	15 Other assets. See Part IV, line 11		15	
16 Total assets. Add lines 1 through 15 (must equal line 33)		4,199,951	16	3,654,232
Liabilities	17 Accounts payable and accrued expenses	219,137	17	76,140
	18 Grants payable		18	
	19 Deferred revenue	1,753,757	19	776,866
	20 Tax-exempt bond liabilities		20	
	21 Escrow or custodial account liability. Complete Part IV of Schedule D		21	
	22 Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		22	
	23 Secured mortgages and notes payable to unrelated third parties		23	
	24 Unsecured notes and loans payable to unrelated third parties		24	
	25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17 - 24). Complete Part X of Schedule D		25	
	26 Total liabilities. Add lines 17 through 25		1,972,894	26	853,006
Net assets	Organizations that follow FASB ASC 958, check here <input checked="" type="checkbox"/> and complete lines 27, 28, 32, and 33.			
	27 Net assets without donor restrictions	2,227,057	27	2,801,226

Net Assets or Fund Bal	27	Net assets without donor restrictions	2,221,031	27	2,001,220	
	28	Net assets with donor restrictions		28		
	Organizations that do not follow FASB ASC 958, check here <input type="checkbox"/> and complete lines 29 through 33.					
	29	Capital stock or trust principal, or current funds		29		
	30	Paid-in or capital surplus, or land, building or equipment fund		30		
	31	Retained earnings, endowment, accumulated income, or other funds		31		
	32	Total net assets or fund balances	2,227,057	32	2,801,226	
33	Total liabilities and net assets/fund balances	4,199,951	33	3,654,232		

Form 990 (2021)

Part XI Reconciliation of Net Assets

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

1	Total revenue (must equal Part VIII, column (A), line 12)	1	5,267,137
2	Total expenses (must equal Part IX, column (A), line 25)	2	4,692,968
3	Revenue less expenses. Subtract line 2 from line 1	3	574,169
4	Net assets or fund balances at beginning of year (must equal Part X, line 32, column (A))	4	2,227,057
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	0
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 32, column (B))	10	2,801,226

Part XII Financial Statements and Reporting

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

- 1 Accounting method used to prepare the Form 990: Cash Accrual Other _____
If the organization changed its method of accounting from a prior year or checked "Other," explain on Schedule O.
- 2a Were the organization's financial statements compiled or reviewed by an independent accountant?
If 'Yes,' check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both:
 Separate basis Consolidated basis Both consolidated and separate basis
- b Were the organization's financial statements audited by an independent accountant?
If 'Yes,' check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both:
 Separate basis Consolidated basis Both consolidated and separate basis
- c If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant?
If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.
- 3a As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?
- b If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.

	Yes	No
2a		No
2b	Yes	
2c	Yes	
3a		No
3b		

Form 990 (2021)



SCHEDULE C (Form 990)

Political Campaign and Lobbying Activities

OMB No. 1545-0047

Department of the Treasury Internal Revenue Service

For Organizations Exempt From Income Tax Under section 501(c) and section 527

2021

Open to Public Inspection

Complete if the organization is described below. Attach to Form 990 or Form 990-EZ. Go to www.irs.gov/Form990 for instructions and the latest information.

If the organization answered "Yes" on Form 990, Part IV, Line 3, or Form 990-EZ, Part V, line 46 (Political Campaign Activities), then

- Section 501(c)(3) organizations: Complete Parts I-A and B. Do not complete Part I-C.
Section 501(c) (other than section 501(c)(3)) organizations: Complete Parts I-A and C below. Do not complete Part I-B.
Section 527 organizations: Complete Part I-A only.

If the organization answered "Yes" on Form 990, Part IV, Line 4, or Form 990-EZ, Part VI, line 47 (Lobbying Activities), then

- Section 501(c)(3) organizations that have filed Form 5768 (election under section 501(h)): Complete Part II-A. Do not complete Part II-B.
Section 501(c)(3) organizations that have NOT filed Form 5768 (election under section 501(h)): Complete Part II-B. Do not complete Part II-A.

If the organization answered "Yes" on Form 990, Part IV, Line 5 (Proxy Tax) (see separate instructions) or Form 990-EZ, Part V, line 35c (Proxy Tax) (see separate instructions), then

- Section 501(c)(4), (5), or (6) organizations: Complete Part III.

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number 85-0056996

Part I-A Complete if the organization is exempt under section 501(c) or is a section 527 organization.

- 1 Provide a description of the organization's direct and indirect political campaign activities in Part IV. See instructions for definition of "political campaign activities."
2 Political campaign activity expenditures. See instructions
3 Volunteer hours for political campaign activities. See instructions

Part I-B Complete if the organization is exempt under section 501(c)(3).

- 1 Enter the amount of any excise tax incurred by the organization under section 4955
2 Enter the amount of any excise tax incurred by organization managers under section 4955
3 If the organization incurred a section 4955 tax, did it file Form 4720 for this year?
4a Was a correction made?
b If "Yes," describe in Part IV.

Part I-C Complete if the organization is exempt under section 501(c), except section 501(c)(3).

- 1 Enter the amount directly expended by the filing organization for section 527 exempt function activities
2 Enter the amount of the filing organization's funds contributed to other organizations for section 527 exempt function activities
3 Total exempt function expenditures. Add lines 1 and 2. Enter here and on Form 1120-POL, line 17b
4 Did the filing organization file Form 1120-POL for this year?
5 Enter the names, addresses and employer identification number (EIN) of all section 527 political organizations to which the filing organization made payments.

Table with 5 columns: (a) Name, (b) Address, (c) EIN, (d) Amount paid from filing organization's funds, (e) Amount of political contributions received and promptly and directly delivered to a separate political organization.

Complete if the organization is exempt under section 501(c)(3) and filed Form 990 (election under section 501(h)).

- A** Check if the filing organization belongs to an affiliated group (and list in Part IV each affiliated group member's name, address, EIN, expenses, and share of excess lobbying expenditures).
- B** Check if the filing organization checked box A and "limited control" provisions apply.

Limits on Lobbying Expenditures
(The term "expenditures" means amounts paid or incurred.)

(a) Filing organization's totals
(b) Affiliated group totals

- 1a** Total lobbying expenditures to influence public opinion (grass roots lobbying)
- b** Total lobbying expenditures to influence a legislative body (direct lobbying)
- c** Total lobbying expenditures (add lines 1a and 1b)
- d** Other exempt purpose expenditures
- e** Total exempt purpose expenditures (add lines 1c and 1d)
- f** Lobbying nontaxable amount. Enter the amount from the following table in both columns.

If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:
Not over \$500,000	20% of the amount on line 1e.
Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000.
Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000.
Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000.
Over \$17,000,000	\$1,000,000.

- g** Grassroots nontaxable amount (enter 25% of line 1f)
- h** Subtract line 1g from line 1a. If zero or less, enter -0-
- i** Subtract line 1f from line 1c. If zero or less, enter -0-
- j** If there is an amount other than zero on either line 1h or line 1i, did the organization file Form 4720 reporting section 4911 tax for this year? Yes No

4-Year Averaging Period Under Section 501(h)
(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the separate instructions for lines 2a through 2f.)

Lobbying Expenditures During 4-Year Averaging Period

Calendar year (or fiscal year beginning in)	(a) 2018	(b) 2019	(c) 2020	(d) 2021	(e) Total
2a Lobbying nontaxable amount					
b Lobbying ceiling amount (150% of line 2a, column(e))					
c Total lobbying expenditures					
d Grassroots nontaxable amount					
e Grassroots ceiling amount (150% of line 2d, column (e))					
f Grassroots lobbying expenditures					

Schedule C (Form 990) 2021

Part II-B Complete if the organization is exempt under section 501(c)(3) and has NOT filed Form 5768 (election under section 501(h)).

For each "Yes" response on lines 1a through 1i below, provide in Part IV a detailed description of the lobbying activity.	(a)		(b)
	Yes	No	Amount
1 During the year, did the filing organization attempt to influence foreign, national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:			
a Volunteers?			
b Paid staff or management (include compensation in expenses reported on lines 1c through 1i)?			
c Media advertisements?			

d	Mailings to members, legislators, or the public?			
e	Publications, or published or broadcast statements?			
f	Grants to other organizations for lobbying purposes?			
g	Direct contact with legislators, their staffs, government officials, or a legislative body?			
h	Rallies, demonstrations, seminars, conventions, speeches, lectures, or any similar means?			
i	Other activities?			
j	Total. Add lines 1c through 1i			
2a	Did the activities in line 1 cause the organization to be not described in section 501(c)(3)?			
b	If "Yes," enter the amount of any tax incurred under section 4912			
c	If "Yes," enter the amount of any tax incurred by organization managers under section 4912			
d	If the filing organization incurred a section 4912 tax, did it file Form 4720 for this year?			

Part III-A Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6).

	Yes	No
1 Were substantially all (90% or more) dues received nondeductible by members?	1	No
2 Did the organization make only in-house lobbying expenditures of \$2,000 or less?	2	No
3 Did the organization agree to carry over lobbying and political expenditures from the prior year?	3	No

Part III-B Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6) and if either (a) BOTH Part III-A, lines 1 and 2, are answered "No" OR (b) Part III-A, line 3, is answered "Yes."

1 Dues, assessments and similar amounts from members	1	2,175,835
2 Section 162(e) nondeductible lobbying and political expenditures (do not include amounts of political expenses for which the section 527(f) tax was paid).		
a Current year	2a	543,959
b Carryover from last year	2b	
c Total	2c	543,959
3 Aggregate amount reported in section 6033(e)(1)(A) notices of nondeductible section 162(e) dues .	3	1,631,876
4 If notices were sent and the amount on line 2c exceeds the amount on line 3, what portion of the excess does the organization agree to carryover to the reasonable estimate of nondeductible lobbying and political expenditure next year?	4	
5 Taxable amount of lobbying and political expenditures. See Instructions	5	-1,087,917

Part IV Supplemental Information

Provide the descriptions required for Part I-A, line 1; Part I-B, line 4; Part I-C, line 5; Part II-A (affiliated group list); Part II-A, lines 1 and 2 (see instructions), and Part II-B, line 1. Also, complete this part for any additional information.

Return Reference	Explanation

Additional Data

[Return to Form](#)

Software ID:
Software Version:

SCHEDULE D (Form 990)

Supplemental Financial Statements

OMB No. 1545-0047

2021

Open to Public Inspection

Complete if the organization answered "Yes," on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b.

Attach to Form 990.

Go to www.irs.gov/Form990 for instructions and the latest information.

Department of the Treasury Internal Revenue Service

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number 85-0056996

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.

Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

Table with 3 columns: Line number, (a) Donor advised funds, (b) Funds and other accounts. Includes rows for total number, aggregate value, and donor notification questions.

Part II Conservation Easements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

Form for Part II Conservation Easements, including questions about purpose, acreage, and monitoring, with a sub-table for 'Held at the End of the Year'.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

Form for Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets, including questions about reporting and amounts.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets (continued)

- 3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):
a Public exhibition
b Scholarly research
c Preservation for future generations
d Loan or exchange programs
e Other
4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.
5 During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? Yes No

Part IV Escrow and Custodial Arrangements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

- 1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? Yes No
b If "Yes," explain the arrangement in Part XIII and complete the following table:
Table with columns: Amount, 1c Beginning balance, 1d Additions during the year, 1e Distributions during the year, 1f Ending balance
2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? Yes No
b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII

Part V Endowment Funds.

Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

Table with 6 columns: (a) Current year, (b) Prior year, (c) Two years back, (d) Three years back, (e) Four years back. Rows include: 1a Beginning of year balance, b Contributions, c Net investment earnings, gains, and losses, d Grants or scholarships, e Other expenditures for facilities and programs, f Administrative expenses, g End of year balance.

- 2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:
a Board designated or quasi-endowment
b Permanent endowment
c Term endowment
The percentages on lines 2a, 2b, and 2c should equal 100%.
3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:
(i) Unrelated organizations
(ii) Related organizations
b If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R?
4 Describe in Part XIII the intended uses of the organization's endowment funds.

Small table with 2 columns: Yes, No. Rows: 3a(i), 3a(ii), 3b.

Part VI Land, Buildings, and Equipment.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Table with 4 columns: (a) Cost or other basis (investment), (b) Cost or other basis (other), (c) Accumulated depreciation, (d) Book value. Rows include: 1a Land, b Buildings, c Leasehold improvements, d Equipment (with values 75,426, 68,379, 7,047), e Other.

Total. Add lines 1a through 1e. (Column (d) must equal Form 990, Part X, column (B), line 10(c).) 7,047

Part VII Investments - Other Securities.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely-held equity interests		
(3) Other _____		
(A)		
(B)		
(C)		
(D)		
(E)		
(F)		
(G)		
(H)		
Total. (Column (b) must equal Form 990, Part X, col. (B) line 12.)		

Part VIII Investments - Program Related.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
Total. (Column (b) must equal Form 990, Part X, col.(B) line 13.)		

Part IX Other Assets.

Complete if the organization answered 'Yes' on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	(b) Book value
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
Total. (Column (b) must equal Form 990, Part X, col.(B) line 15.)	

Part X Other Liabilities.

THE DONOR OR MEMBER. GAAP REQUIRES MANAGEMENT TO EVALUATE TAX POSITIONS TAKEN BY THE ASSOCIATION AND RECOGNIZE A LIABILITY IF THE ASSOCIATION HAS TAKEN AN UNCERTAIN POSITION THAT MORE LIKELY THAN NOT WOULD NOT BE SUSTAINED UPON EXAMINATION BY THE INTERNAL REVENUE SERVICE. MANAGEMENT HAS ANALYZED THE TAX POSITIONS TAKEN BY THE ASSOCIATION AND HAS CONCLUDED THAT AS OF DECEMBER 31, 2020, THERE ARE NO UNCERTAIN POSITIONS TAKEN OR EXPECTED TO BE TAKEN THAT WOULD REQUIRE RECOGNITION OF A LIABILITY OR DISCLOSURE IN THE FINANCIAL STATEMENTS. THE ASSOCIATION IS SUBJECT TO ROUTINE AUDITS BY TAXING JURISDICTIONS; HOWEVER, THERE ARE CURRENTLY NO AUDITS FOR ANY TAX PERIODS IN PROGRESS. MANAGEMENT BELIEVES THE ASSOCIATION IS NO LONGER SUBJECT TO INCOME TAX EXAMINATION FOR YEARS PRIOR TO 2018.

PART XI, LINE 4B - OTHER ADJUSTMENTS:	SPECIAL PROJECTS 2,774,586.
PART XII, LINE 4B - OTHER ADJUSTMENTS:	SPECIAL PROJECTS 2,774,586.

Schedule D (Form 990) 2021

Additional Data

[Return to Form](#)

Software ID:
Software Version:

Schedule J
(Form 990)

Compensation Information

OMB No. 1545-0047

For certain Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees
 ▶ Complete if the organization answered "Yes" on Form 990, Part IV, line 23.
 ▶ Attach to Form 990.
 ▶ Go to www.irs.gov/Form990 for instructions and the latest information.

2021

Open to Public Inspection

Department of the Treasury
Internal Revenue Service

Name of the organization NEW MEXICO OIL & GAS ASSOCIATION	Employer identification number 85-0056996
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Part I Questions Regarding Compensation

	Yes	No
1a Check the appropriate box(es) if the organization provided any of the following to or for a person listed on Form 990, Part VII, Section A, line 1a. Complete Part III to provide any relevant information regarding these items.		
<input type="checkbox"/> First-class or charter travel	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Travel for companions	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tax idemnification and gross-up payments	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discretionary spending account	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Housing allowance or residence for personal use	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Payments for business use of personal residence	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Health or social club dues or initiation fees	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Personal services (e.g., maid, chauffeur, chef)	<input type="checkbox"/>	<input type="checkbox"/>
b If any of the boxes on Line 1a are checked, did the organization follow a written policy regarding payment or reimbursement or provision of all of the expenses described above? If "No," complete Part III to explain	1b	
2 Did the organization require substantiation prior to reimbursing or allowing expenses incurred by all directors, trustees, officers, including the CEO/Executive Director, regarding the items checked on Line 1a?	2	
3 Indicate which, if any, of the following the filing organization used to establish the compensation of the organization's CEO/Executive Director. Check all that apply. Do not check any boxes for methods used by a related organization to establish compensation of the CEO/Executive Director, but explain in Part III.		
<input type="checkbox"/> Compensation committee	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Independent compensation consultant	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Form 990 of other organizations	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Written employment contract	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Compensation survey or study	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approval by the board or compensation committee	<input type="checkbox"/>	<input type="checkbox"/>
4 During the year, did any person listed on Form 990, Part VII, Section A, line 1a, with respect to the filing organization or a related organization:		
a Receive a severance payment or change-of-control payment?	4a	No
b Participate in, or receive payment from, a supplemental nonqualified retirement plan?	4b	No
c Participate in, or receive payment from, an equity-based compensation arrangement?	4c	No
If "Yes" to any of lines 4a-c, list the persons and provide the applicable amounts for each item in Part III.		
Only 501(c)(3), 501(c)(4), and 501(c)(29) organizations must complete lines 5-9.		
5 For persons listed on Form 990, Part VII, Section A, line 1a, did the organization pay or accrue any compensation contingent on the revenues of:		
a The organization?	5a	
b Any related organization?	5b	
If "Yes," on line 5a or 5b, describe in Part III.		
6 For persons listed on Form 990, Part VII, Section A, line 1a, did the organization pay or accrue any compensation contingent on the net earnings of:		
a The organization?	6a	
b Any related organization?	6b	
If "Yes," on line 6a or 6b, describe in Part III.		
7 For persons listed on Form 990, Part VII, Section A, line 1a, did the organization provide any nonfixed payments not described in lines 5 and 6? If "Yes," describe in Part III	7	
8 Were any amounts reported on Form 990, Part VII, paid or accrued pursuant to a contract that was subject to the initial contract exception described in Regulations section 53.4958-4(a)(3)? If "Yes," describe in Part III	8	
9 If "Yes" on line 8, did the organization also follow the rebuttable presumption procedure described in Regulations section 53.4958-6(c)?	9	

For Paperwork Reduction Act Notice, see the Instructions for Form 990. Cat. No. 50053T Schedule J (Form 990) 2021

Schedule J (Form 990) 2021

Part II Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees. Use duplicate copies if additional space is needed.

For each individual whose compensation must be reported on Schedule J, report compensation from the organization on row (i) and from related organizations, described in the instructions, on row (ii). Do not list any individuals that are not listed on Form 990, Part VII.

Note. The sum of columns (B)(i)-(iii) for each listed individual must equal the total amount of Form 990, Part VII, Section A, line 1a, applicable column (D) and (E) amounts for that individual.

(A) Name and Title		(B) Breakdown of W-2, 1099-MISC compensation, and/or 1099-NEC			(C) Retirement and other deferred compensation	(D) Nontaxable benefits	(E) Total of columns (B)(i)-(D)	(F) Compensation in column (B) reported as deferred on prior Form 990
		(i) Base compensation	(ii) Bonus & incentive compensation	(iii) Other reportable compensation				
1 RYAN FLYNN PARTIAL YEAR OUTGOING DIRECTOR	(i)	173,333	105,000	0	23,400	0	301,733	0
	(ii)	0	0	0	0	0	0	0
2 AIMEE BARABE DIRECTOR OF STOCKHOLDER RELATIONS	(i)	125,000	27,500	0	16,875	3,441	172,816	0
	(ii)	0	0	0	0	0	0	0
3 ROBERT MCENTYRE DIRECTOR OF COMMUNICATIONS	(i)	116,000	25,520	0	15,660	3,441	160,621	0
	(ii)	0	0	0	0	0	0	0

SCHEDULE O
(Form 990)

Supplemental Information to Form 990 or 990-EZ

OMB No. 1545-0047

2021

Open to Public
Inspection

Department of the Treasury
Internal Revenue Service

Complete to provide information for responses to specific questions on
Form 990 or 990-EZ or to provide any additional information.

▶ Attach to Form 990 or 990-EZ.

▶ Go to www.irs.gov/Form990 for the latest information.

Name of the organization
NEW MEXICO OIL & GAS ASSOCIATION

Employer identification number

85-0056996

Return Reference	Explanation
FORM 990, PART VI, SECTION B, LINE 11B	THE RETURN IS REVIEWED BY THE BOARD PRESIDENT PRIOR TO FILING.
FORM 990, PART VI, SECTION B, LINE 12C	OFFICERS, DIRECTORS, AND KEY EMPLOYEES ARE GOVERNED BY THE CONFLICT OF INTEREST POLICY SET FORTH IN THE BY-LAWS.
FORM 990, PART VI, SECTION B, LINE 15A	THE EXECUTIVE BOARD REVIEWS AND APPROVES COMPENSATION BASED ON COMPARABILITY DATA AND CONTEMPORANEOUS SUBSTANTIATION OF THE DELIBERATION AND DECISION.
FORM 990, PART VI, SECTION C, LINE 19	THE ORGANIZATION'S GOVERNING DOCUMENTS, ANY WRITTEN POLICIES, AND/OR FINANCIAL STATEMENTS ARE AVAILABLE TO THE PUBLIC UPON REQUEST.
FORM 990, PART XII, LINE 2C	THE ASSOCIATION HAS NOT CHANGED THE OVERSIGHT OR SELECTION PROCESS SINCE THE PREVIOUS YEAR.

Additional Data

[Return to Form](#)

Software ID:
Software Version:

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

IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION DIVISION FOR
THE PURPOSE OF CONSIDERING:

APPLICATION OF LOGOS RESOURCES II, LLC CASE NO. 16069
FOR EXTENSION OF AUTHORIZATION TO
OPERATE THE ROSA UNIT RECYCLING AND
CONTAINMENT FACILITY AND FOR EXCEPTION
FROM THE CLOSURE REQUIREMENTS OF NMAC
19.15.34.14, RIO ARRIBA COUNTY, NEW MEXICO.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

April 5, 2018

Santa Fe, New Mexico

BEFORE: WILLIAM V. JONES, CHIEF EXAMINER
 PHILLIP GOETZE, TECHNICAL EXAMINER
 LEONARD LOWE, TECHNICAL EXAMINER
 DAVID K. BROOKS, LEGAL EXAMINER

This matter came on for hearing before the
New Mexico Oil Conservation Division, William V. Jones,
Chief Examiner, Phillip Goetze and Leonard Lowe,
Technical Examiners, and David K. Brooks, Legal
Examiner, on Thursday, April 5, 2018, at the New Mexico
Energy, Minerals and Natural Resources Department,
Wendell Chino Building, 1220 South St. Francis Drive,
Porter Hall, Room 102, Santa Fe, New Mexico.

REPORTED BY: Mary C. Hankins, CCR, RPR
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APPEARANCES

FOR APPLICANT LOGOS RESOURCES II, LLC:

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1 (3:22 p.m.)

2 EXAMINER JONES: Call Case 16069,
3 application of LOGOS Resources II, LLC for extension of
4 authorization to operate the Rosa Unit Recycling and
5 Containment Facility and for exception from the closure
6 requirements of NMAC 19.15.34.14 in Rio Arriba County,
7 New Mexico.

8 Call for appearances.

9 MR. HALL: Mr. Examiner, Scott Hall,
10 Montgomery & Andrews, Santa Fe, on behalf of the
11 Applicant, LOGOS Resources II. And I have one witness
12 today.

13 EXAMINER JONES: Any other appearances?

14 Will the witness please be sworn?

15 JOHN BRUNER,

16 after having been first duly sworn under oath, was
17 questioned and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. HALL:

20 **Q. For the record, would you state your name,**
21 **please?**

22 A. John Bruner, and I'm senior vice president with
23 LOGOS Resources.

24 **Q. All right. And you work for LOGOS in**
25 **Farmington; is that correct?**

1 A. That's correct.

2 Q. In what capacity?

3 A. As their senior vice president. I manage their
4 regulatory finance and accounting functions.

5 Q. And what is your professional background? Are
6 you an engineer?

7 A. I'm a petroleum engineer. I have a bachelor's
8 from Pennsylvania State University.

9 Q. You've not testified before the Division and
10 had your credentials as a petroleum engineer -- an
11 expert petroleum engineer accepted as a matter of
12 record?

13 A. I have not.

14 Q. Would you give the hearing examiners a brief
15 summary of your background, education and experience?

16 A. Okay. I have 30 years' experience in the
17 industry. The majority of it was for ConocoPhillips.
18 Approximately the first ten years of my career, I was in
19 technical engineering roles, reservoir, production,
20 completion, workover engineering in Louisiana and
21 Mississippi, onshore and offshore. I was in Dubai in
22 the Middle East. I managed a reservoir engineering
23 group while I was there. I was a joint venture manager
24 in the North Sea for some central North Sea operations.
25 And I was vice president of assets in Indonesia while we

1 were there for six years.

2 My San Juan experience started in 2012 with
3 ConocoPhillips. I was their development manager. I
4 managed their subsurface regulatory business development
5 and infrastructure groups while I was there. I left
6 ConocoPhillips in 2015 and joined LOGOS Resources.

7 MR. HALL: At this point we'd offer
8 Mr. Bruner as a qualified expert in petroleum
9 engineering.

10 EXAMINER JONES: He is so qualified.

11 Thank you.

12 Q. (BY MR. HALL) If you will, Mr. Bruner, just
13 summarize for the Examiner what LOGOS is applying for
14 here today?

15 A. Essentially, for this Rosa Unit Recycling and
16 Containment Facility, we are seeking an extension from
17 the period of the effective date of a determination of
18 cessation of operations and also would provide for the
19 administrative approval of such additional extension as
20 the Division determines reasonable and appropriate.
21 Also request the suspension of the closure and site
22 reclamation requirement for the facility for such
23 periods that would be commensurate for the extension for
24 the determination of cessation of operations.

25 Q. All right. If we turn to Exhibit 1, is that a

1 **map of the Rosa Unit?**

2 A. Yes, it is.

3 **Q. Can the facility be located on that map?**

4 A. Yes. The Rosa Unit is located in Rio Arriba
5 County. You can see it's east of Navajo Lake. The
6 facility in question is in Section 30 Township 31 North,
7 5 West.

8 **Q. All right. Would you just briefly describe the**
9 **Rosa Recycling and Containment Facility to the Examiner,**
10 **give some background on its operation?**

11 A. This facility is a large lined pit. It's a
12 little over six acres in surface area, and the capacity
13 is almost 600,000 barrels of fluid. And the intention
14 is that this facility would be used to recover produced
15 water from the Rosa Unit and then subsequently use it
16 for completion simulation purposes to minimize any
17 freshwater usage.

18 As I mentioned, it's about six acres in
19 surface area and about 20 feet deep. It's a lined pit
20 with multiple liners. The foundation liners are 30
21 mils, and it has a primary secondary 45-mil liner with
22 leak detection in between them.

23 **Q. If we turn to Exhibit 2, is that a copy of the**
24 **C-147 permit for the recycling facility?**

25 A. That's correct.

1 Q. If you look at the second line from the bottom,
2 you can see the volumes and dimensions indicated on
3 there.

4 A. That's correct. It's approximately 900-by-300
5 feet dimensionally.

6 Q. This facility is much larger than was
7 contemplated to the Division's standard form for
8 containments; is that right?

9 A. That's my understanding. Yes.

10 Q. And the facility was originally permitted by
11 WPX?

12 A. That's correct. It was --

13 Q. In 2015?

14 A. That is correct.

15 Q. And has LOGOS succeeded WPX as operator of the
16 facility?

17 A. We did. We took over operatorship of the
18 facility on January 10th of this year.

19 Q. And is a change of operator reflected at the
20 form on Exhibit 3?

21 A. It is.

22 Q. How long has LOGOS actually been in physical
23 custody of the facility?

24 A. We took over operatorship on January 10th.

25 Q. A little over three months ago?

1 A. Almost three months, yes, that's correct.

2 **Q. And is the process of receiving files from WPX**
3 **for this facility and its other facilities still ongoing**
4 **right now?**

5 A. It is. But we believe we've received the
6 majority of the physical and electronic operational
7 files, so we believe we have the information we need at
8 this point.

9 **Q. All right. Let's turn to Exhibit 4 and if you**
10 **can confirm, is the operation of the Rosa facility**
11 **subject to the Division's rules on containments?**

12 A. Yes, it is.

13 **Q. Is an excerpt those rules set forth in Exhibit**
14 **4?**

15 A. That's correct.

16 **Q. And if we look at the highlighted provisions in**
17 **Exhibit 4, are there some sunseting provisions in that?**

18 A. Could you repeat that, please?

19 **Q. If we look at the highlighted provisions of the**
20 **containment rule at Exhibit 4, are there some conditions**
21 **on the operation?**

22 A. There certainly are.

23 **Q. What are those?**

24 A. So in C, "A recycling containment" -- such as
25 this -- "shall be deemed to have ceased operations if

1 less than 20 percent of the total fluid capacity is
2 used" in a six-month period. So that would apply. On
3 this particular facility, while WPX operated it, it
4 ceased operation March 31st, 2016.

5 **Q. All right. And on the cessation, do then the**
6 **closure requirements of Rule 34.14A become triggered?**

7 A. That is correct. They would.

8 **Q. And do you have a certain period of time to**
9 **remove the fluids from the facility?**

10 A. There is removal of fluids within 60 days and
11 commencement of the closure of the containment of the
12 six months within the date of ceasing operations.

13 **Q. Now, do you know, from reviewing the WPX files**
14 **that you brought over to LOGOS, when was the last**
15 **qualifying withdrawal of disposal fluids for re-use of**
16 **the facility?**

17 A. It was March 31st, 2016.

18 **Q. And can you explain the circumstances leading**
19 **to that?**

20 A. The facility was put into use in the fall of
21 2015, and they had an event in December of 2016 where
22 the protective bird netting collapsed due to the snow
23 load, that collapsed the support posts as well. That
24 ultimately -- later they found out that that ultimately
25 caused some damage to the liner.

1 Subsequent to that, in early 2016, they
2 were filling the liner for use in one of the horizontal
3 completions, and at that point, they did see fluid
4 within the leak detection, knew they had an issue, so it
5 was drained. And then they went into repair operations
6 throughout mid -- later in 2016.

7 **Q. And was it believed that the facility liner had**
8 **been repaired at that time?**

9 A. Yes. There was a hearing in March of 2017, and
10 all the data that WPX had at the time indicated that
11 there were no leaks.

12 **Q. All right. And if we turn to Exhibit 5, is**
13 **that a copy of the order that resulted from the March**
14 **2017 hearing?**

15 A. That's correct.

16 **Q. What's your understanding of why a hearing was**
17 **necessary?**

18 A. My understanding is the -- from the -- from the
19 rule, the interpretation of the district office is they
20 could essentially have one extension approval and then
21 after that -- for a six-month period, and then after
22 that, it would go to -- a hearing would be required.

23 **Q. And so the extension is the deemed cessation**
24 **provision under the rules?**

25 A. That's correct.

1 Q. One of those is administratively? And then you
2 came back down -- WPX came back down to Santa Fe and got
3 this order. It's Number R-14314, correct?

4 A. That's correct.

5 Q. And did the order provide for additional
6 approvals by the Commission director without the need
7 for another hearing?

8 A. It provided for one.

9 Q. And if the Examiner wishes to get additional
10 background of the circumstances leading up to the order
11 of WPX's operation, can the Examiner find those details
12 in the order itself?

13 A. Yes.

14 Q. If we turn to Exhibit 6, what is that?

15 A. So Exhibit 6 is the approval from the district
16 office in August of 2017 for the continuation of the
17 extension of cessation of operations.

18 Q. Well -- in fact, let's look at the second page
19 of that exhibit. This was the director's second
20 approval; was it not?

21 A. That's correct.

22 Q. And if you look at the first page again, how
23 long was the extension valid for?

24 A. Six months.

25 Q. That would have been to March 31, 2018,

1 correct?

2 A. That's correct.

3 Q. And before that period ran, did LOGOS obtain an
4 interim order from the Division providing for -- to
5 LOGOS an extension and the suspension of the --
6 extending the conduct of this hearing?

7 A. That's correct.

8 Q. And that's found at Exhibit 7; is that correct?

9 A. That is correct.

10 Q. Let's look at Exhibit Number 8. Isn't it
11 correct that as a condition of approval -- one of the
12 conditions of approval for the operators under the
13 extension is that monthly reports would be filed?

14 A. That's correct.

15 Q. And WPX continued do that under their
16 operations, right?

17 A. They did. And we have copies of those.

18 Q. All right. And is Exhibit 8 a copy of the most
19 recent report that's been filed by LOGOS?

20 A. It is. This is the report that we filed for
21 the period from February 10th to March 9th of this year.

22 Q. Okay. And if you turn to the latter pages of
23 that report, you can see some photographs of the
24 facility, right?

25 A. That is correct.

1 **Q. Are there currently any fluids in the facility?**

2 A. There are. So as an update, this week we
3 started to do an evaluation to determine if there were
4 any leaks in the liner. And with approval from the OCD,
5 we injected 780 barrels into the leak-detection
6 interval. And this happened on April 3rd. The result
7 of that work, they identified 11 leaks. And so they're
8 currently in the process of draining that leak-detection
9 volume, and they have scheduled Ore Systems, which is
10 the original liner installation company and the company
11 that has done repairs for WPX. They are scheduled next
12 Tuesday to identify the leaks and then we will repeat
13 this type of negative test.

14 **Q. And did the discovery of the additional leaks**
15 **cause you to believe that additional time would be**
16 **required to evaluate, put the facility back into service**
17 **than you originally anticipated?**

18 A. Yes. We were, you know, under the belief that
19 the liner would meet the regulatory requirements. And
20 so, you know, obviously things have changed where we
21 will go into this first stage of repairs. We don't
22 know -- we're looking at various options. There are
23 some more advanced leak-detection options that we may
24 utilize if we see that there are still problems after
25 these initial leaks are repaired. And it's an

1 electrical leak-detection system that basically looks at
2 the water conductivity to identify leaks. It may
3 ultimately be required to replace this liner. So we're
4 going down the repair path first to see if we can repair
5 it.

6 **Q. All right. Could you describe LOGOS' plans for**
7 **future operations and development within the Rosa Unit?**

8 A. Yeah. So the Rosa Unit -- underlying the Rosa
9 Unit are -- the subsurface characterization is that the
10 Mancos Formation would have some very significant
11 resource development potential, and it was one of the
12 drivers for the company behind this acquisition beyond
13 just the PDP aspect of the existing wells. WPX was
14 going down a path of development until they made the
15 corporate decision that they wanted to sell these
16 assets.

17 There are 21 approved APDs and another
18 seven APDs that are in process, to the point where there
19 have been a number of wells that have had surface casing
20 set, and two of the major pads have full production
21 facilities set.

22 So it is our intention -- once the facility
23 is repaired, we're anticipating -- due to normal closure
24 issues that you can have with both BLM land and Forestry
25 land. So we just came out of closure on March 31st, and

1 that will begin again either November 1st or December
2 1st, depending on the Forestry or BLM land, that, you
3 know, we don't believe we can adequately do the repairs.
4 And we do have two provisional wells identified in our
5 drilling program for the Rosa Unit, but our expectation
6 is that those will most likely be 2019 wells.

7 Ultimately, we see significant development
8 potential and would want to get into virtually a
9 continuous drilling program during the nonclosure
10 periods within the Rosa Unit.

11 **Q. And what are the periods -- the dates for the**
12 **closures?**

13 A. The closure just ended March 31st. And for the
14 Forestry, it's November 1st, and the BLM is December
15 1st, the start of the closure.

16 **Q. If we turn to Exhibit 9, is that a list of the**
17 **approved APDs and APDs being processed?**

18 A. That's correct. This was the list I mentioned.
19 Total approved APDs is 21, with seven in process in the
20 Rosa Unit.

21 **Q. And is the placement of the facility back into**
22 **service necessary to support the drilling of these**
23 **wells?**

24 A. We feel that the facility concept is pretty
25 critical for future development both from a minimization

1 of the freshwater use. I mean, it's really designed
2 where we would be fully be using produced water for
3 future stimulations, so reduced truck traffic, reduced
4 surface disturbance, if we had to go out and put the
5 tankage for the completions.

6 And also there is a commercial benefit to
7 it. We would anticipate probably between 5 to 10
8 percent of the total capital of the well could be saved
9 by use of this facility. So with current gas prices
10 that are pretty marginal, we believe that that capital
11 savings could help in the overall commerciality of
12 whether something is going to be developed versus not.

13 **Q. And improved project economics is going to**
14 **support the production of further hydrocarbon resources?**

15 A. That's correct.

16 **Q. When drilling operations are able to be**
17 **recommenced and the facility placed back into use, how**
18 **quickly do you anticipate that the 20 percent withdrawal**
19 **requirement under the rules will be reached?**

20 A. Yeah. So soon after the drilling of the
21 initial well. We would be filling the containment
22 facility and then really we would expect the completion
23 to be as close to the end of drilling as we could
24 coordinate it, just from a capital perspective. So I
25 would anticipate that would be 2019, assuming we started

1 drilling right after closure.

2 Q. All right. And you've communicated with the
3 BLM?

4 A. We have.

5 Q. And do they support the extension?

6 A. They do. And I think we attached the -- their
7 email as an exhibit. But they're very supportive of
8 this facility from the standpoint of the various reasons
9 that we've explained.

10 Q. And is the BLM email Exhibit 10, for the
11 record?

12 A. That's correct.

13 Q. So what is the duration of the extension and
14 suspension requirements for the containment facility
15 that LOGOS is requesting from the Division?

16 A. The request is a one-year three-month
17 extension.

18 Q. And is LOGOS proposing that the Aztec District
19 Office be authorized to approve additional extensions
20 and exceptions administratively?

21 A. We are.

22 Q. And in your opinion, Mr. Bruner, will granting
23 LOGOS' application serve the interest of conservation,
24 the prevention of waste, including economic waste?

25 A. Yes.

1 **Q. Were Exhibits 1 through 3 and 6 through 10**
2 **prepared by you and at your direction?**

3 A. Yes, they were.

4 MR. HALL: We'd move the admission of
5 Exhibits 1 through 3 and 6 through 10 and also the
6 introduction of Exhibit 11, which is our Notice of
7 Affidavit to the BLM.

8 We ask the Division take administrative
9 notice of Exhibit 4, which is a copy of Rule 19.15.34;
10 Exhibit 5, which is a copy of Order Number R-14314; and
11 Exhibit 7, which is the interim Order R-14614 issued a
12 few days ago.

13 (LOGOS Resources II, LLC Exhibit Numbers 1
14 through 3; 6 through 11; and 4, 5 and 7 are
15 offered into evidence.)

16 EXAMINER JONES: Phil, did you get all
17 that?

18 MR. HALL: Do you need that again?

19 EXAMINER JONES: Yes, please.

20 EXAMINER GOETZE: I know what it's about.

21 MR. HALL: You're okay?

22 EXAMINER GOETZE: Yeah, I'm fine.

23 EXAMINER JONES: I didn't know if you
24 wanted to --

25 MR. HALL: That concludes my direct of the

1 witness. Pass him to --

2 EXAMINER GOETZE: I guess I'm up.

3 CROSS-EXAMINATION

4 BY EXAMINER GOETZE:

5 Q. Welcome this afternoon. You finally made it.

6 First off, with regards to your well list,
7 the email between the BLM and the list you submitted,
8 I'm assuming that the wells that you've got from the BLM
9 are the -- with the surface casing set, those would be
10 the ones you would prioritize first?

11 (Examiner Brooks exits the room.)

12 A. That's correct.

13 Q. The second item, we had a crew go out and go do
14 an evaluation. We've got 780 barrels of fluid that was
15 injected into the leak-detection system. Do we know
16 what kind of water that was?

17 A. It was fresh water.

18 Q. It was fresh water.

19 From that, looking at our current way of
20 doing things, under the conditions of approval that are
21 still being heard, is this going to be something where
22 you're going to prepare a corrective action plan and
23 submit it to the district for their approval, or is this
24 going to be -- how are we processing this?

25 A. Yeah. So under the conditions of approval that

1 we're operating under, there was a corrective action
2 plan requirement of notification, and within -- I
3 believe it was seven days. We submitted that this
4 morning.

5 Q. Okay. So you have a CAP that was submitted,
6 and the district now has it?

7 A. That's correct.

8 Q. Are you going to be continuing to test -- my
9 understanding -- I'm seeing here -- there may be
10 additional issues with --

11 A. We will correct these known leaks, and then we
12 will continue testing to ensure we have integrity.

13 Q. So you're looking at a series of processes?

14 A. That's correct.

15 Q. This is not just the end of it?

16 A. That's correct.

17 Q. One of the things -- and, unfortunately, I was
18 the one that wrote this order. Back on the original
19 order, R-14314, there is a request for some sort of
20 written procedure for monitoring a leak-detection
21 system. At this point I'm not aware -- I'm not caught
22 up. Have the district folks been provided with an
23 alternative of just having the presence of water in the
24 leak-detection system?

25 A. Not to my knowledge. Everything that I've seen

1 from the WPX reports was -- leak-detection volumes was
2 the primary method.

3 Q. Have these been recorded; do you know?

4 A. Yes.

5 Q. Okay. So -- because I'm wondering. In our
6 monthly reports, we're seeing a vague reference to
7 minimal amount. Is it such that there is a record of
8 this somewhere?

9 A. I believe there were WPX records that we should
10 be able to get.

11 Q. And I know right now we're down to a point
12 where it's minimal. We're looking down the road when
13 this restarts. And having worked with
14 electronic-detection systems, they have their flaws,
15 too. I think we're going to reiterate this again, with
16 asking you to come up with some sort of methodology
17 using volumetric and being able to report those things.

18 The other thing, I did get a phone call
19 from the district folks that the arrival on-site was
20 kind of, shall we say, rapid, that the morning you
21 called in, the folks were out in the field doing their
22 thing. So, again, we will incorporate into this a
23 request on behalf of LOGOS to give our folks a 24-hour
24 heads-up. So if you're going to do something on the
25 scale of having an inspection or have people out there

1 doing one, we have to have the opportunity to witness
2 it.

3 A. I understand. We apologize for the late
4 notice.

5 Q. I know. I hear lot of apologies, but we'll
6 give you the heads-up now, since it's going to be
7 ongoing.

8 So you figure you're going to have this in
9 a dormant state for this drilling cycle and then ramp up
10 in March 2019?

11 A. Soon after that, soon after closure.

12 Q. So you are comfortable with the 15 months as a
13 workable thing and then asking for the ability to extend
14 it based upon the district having the ability to -- for
15 a three-month? Six-month?

16 MR. HALL: To obviate the need for
17 appearing back down here, we'll do whatever you wish us
18 to do. But I would refer you to the containment rules
19 themselves. Look at 19.15.34.16. It seems to provide
20 for district office variance approvals.

21 EXAMINER GOETZE: I know, but we're playing
22 this game of resetting this. The facility has used a
23 lot of cards up in being able to reset it, of which you
24 have the benefit, and we also know where we stand. It
25 may be that we'll go ahead with district and then

1 Division from the director. I think not having to drag
2 you down here such that we have something going good, I
3 think that's a good thing.

4 Let's see. Any other omissions or
5 complaints on my part?

6 Other than that, I have no other questions
7 for this witness.

8 Thank you very much.

9 EXAMINER JONES: Mr. Lowe?

10 CROSS-EXAMINATION

11 BY EXAMINER LOWE:

12 Q. Good afternoon. I've got a few questions for
13 you.

14 On the hearing order from the WPX, 14314,
15 on 2A, the requirement that was specified here for, I
16 guess, very long leak detention and so forth, is that
17 amplified compared to the initial application process
18 that it was approved on, because I suspect when WPX
19 signed up to get this pond permitted, that there was
20 some sort of detection system in place at the time. Is
21 this more elevated --

22 A. Well, I think it's the same situation that WPX
23 was dealing with. It was leaks of the primary liner and
24 then utilizing the leak detection. You know, whether --
25 and I know there was water sampling that was done. But

1 once you had a breach, you had chlorides, you had high
2 TTS, so there was some residual there. So they reverted
3 to the primary method being volume extraction in the --

4 **Q. Also, when you got this facility from WPX, did**
5 **you receive the WPX record of inspections -- the**
6 **leak-detection inspections of this whole pond?**

7 A. We have some of the data. What I need to
8 verify is that we have the detailed data on all the
9 volumes. I've been told we have it, but I haven't seen
10 the data. We hired a lot of the WPX operators after the
11 acquisition, so there's been a continuity. I just
12 haven't seen that data yet, but the operation staff said
13 that they had been tracking those volumes.

14 **Q. Do you know what the frequency of verifying**
15 **leak detection is for a pond like that?**

16 A. Well, what's required is, basically, I think,
17 on a monthly basis. They were -- they're doing weekly
18 inspections, visual inspections, and then on a monthly
19 basis, you know, seeing what volumes they contain in the
20 leak detection.

21 **Q. Okay. So when you see fluids in the**
22 **leak-detection system, are you guys made aware**
23 **something's -- the integrity is not there or that --**

24 A. Well, yeah. Throughout the winter -- when we
25 took over operatorship, the liner was dry. So we were

1 getting a small amount. It could just be condensation
2 that they were getting. There were some precipitation
3 events throughout the winter where those were ultimately
4 pumped out, because one of the conditions is that the
5 liner remains dry. But, you know, we did the -- we
6 continued from January 10th, and we've submitted two
7 reports to date. It's been a monthly leak-detection
8 volume withdrawal. That's been the primary method.

9 (Examiner Brooks re-enters the room.)

10 **Q. And what do you mean by monthly leak-detection**
11 **volume withdrawal?**

12 A. So the leak-detection membrane is between the
13 primary and secondary liners.

14 **Q. Yes.**

15 A. So they would pump that volume out. And that
16 volume, to my understanding, is very small. It's a
17 matter of barrels -- a few barrels of volume.

18 **Q. Okay.**

19 A. But you wouldn't expect there would be much
20 volume if the containment liner is dry, which it's been
21 predominantly dry during that time period.

22 **Q. So what you're saying is whatever you see in**
23 **the leak-detection system area is not there because**
24 **their integrity is in question of the primary liner?**

25 A. We didn't know at the time because it was such

1 small volumes and there was very minimal precipitation
2 volume that was left within the containment, you know,
3 after some of these events. But with the testing that
4 was done this week, we verified that there are leaks in
5 the primary liner.

6 **Q. Okay. Okay. That's all I've got for now.**

7 **Thank you.**

8 EXAMINER JONES: Mr. Brooks?

9 EXAMINER BROOKS: No questions.

10 EXAMINER JONES: I really don't,
11 unfortunately, have any questions. Sorry.

12 EXAMINER BROOKS: I don't think that's
13 unfortunate.

14 MR. HALL: That concludes our direct, and
15 I'd ask it be taken under advisement.

16 EXAMINER JONES: Okay.

17 EXAMINER GOETZE: You're the chief
18 examiner. You can take it under advisement.

19 EXAMINER JONES: Okay. We're taking this
20 case under advisement, Case 16069.

21 Thank you very much.

22 THE WITNESS: Thank you.

23 (Case Number 16069 concludes, 3:54 p.m.)

24

25

1 STATE OF NEW MEXICO
2 COUNTY OF BERNALILLO

3

4 CERTIFICATE OF COURT REPORTER

5 I, MARY C. HANKINS, Certified Court
6 Reporter, New Mexico Certified Court Reporter No. 20,
7 and Registered Professional Reporter, do hereby certify
8 that I reported the foregoing proceedings in
9 stenographic shorthand and that the foregoing pages are
10 a true and correct transcript of those proceedings that
11 were reduced to printed form by me to the best of my
12 ability.

13 I FURTHER CERTIFY that the Reporter's
14 Record of the proceedings truly and accurately reflects
15 the exhibits, if any, offered by the respective parties.

16 I FURTHER CERTIFY that I am neither
17 employed by nor related to any of the parties or
18 attorneys in this case and that I have no interest in
19 the final disposition of this case.

20 DATED THIS 22nd day of April 2018.

21

22

23 MARY C. HANKINS, CCR, RPR
24 Certified Court Reporter
New Mexico CCR No. 20
Date of CCR Expiration: 12/31/2018
Paul Baca Professional Court Reporters

25



Exhibit E



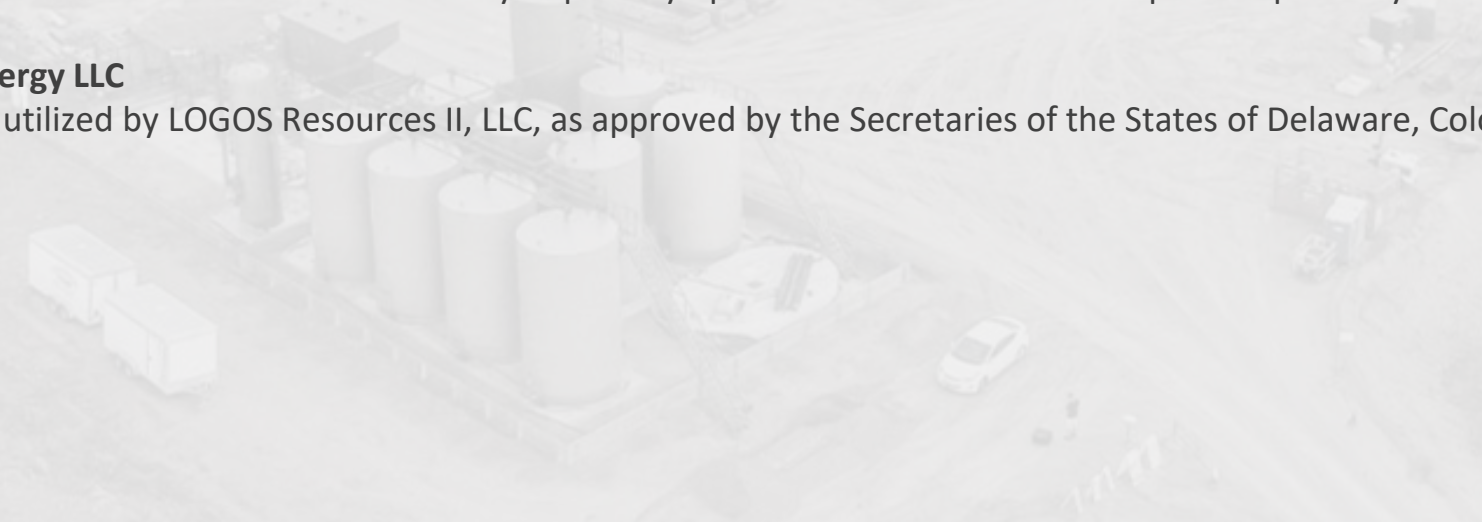
Utilizing Innovation and Technology to Reduce the San Juan Basin's Environmental Footprint

Forward-Looking Statement

Except for historical information contained herein, the statements in this presentation are forward-looking statements. Forward-looking statements include those statements made using terms such as “may,” “will,” “should,” “expect,” “anticipate,” “project,” “estimate,” “intend,” “continue,” or “believe” (or negatives thereof) or other variations thereof. Forward-looking statements and the business prospects of LOGOS are subject to a number of risks and uncertainties that may cause LOGOS’s actual results in future periods to differ materially from the forward-looking statements. These risks and uncertainties include, among other items, volatility of commodity prices; supply and demand for products produced by LOGOS; the impact of armed conflict, political instability or widespread outbreaks or illnesses, including COVID-19, on global and domestic economic activity and oil and gas demand; **regulatory or legislative actions on LOGOS or the oil and gas exploration and production industry**, including potential changes to tax laws and matters impacting LOGOS’s ability to obtain drilling, environmental and other permits; competition; the ability to obtain approvals from third parties and negotiate agreements with third parties on mutually acceptable terms; potential liability resulting from pending or future litigations; cost inflation, including that caused by supply chain disruptions and operating activities; **the risk of new restrictions impacting LOGOS’s development activities, including restrictions on water sourcing and/or disposal, restrictions on LOGOS’s water business** or restrictions on LOGOS-owned compression services; availability of equipment, services, personnel and resources adequate to perform LOGOS’s development and operating activities; access to and availability of adequate gathering, treating and processing facilities; LOGOS’s ability to implement its business plans or complete its development activities as scheduled and to achieve its ESG goals (including emissions reductions); access to and cost of capital; the financial strength of counterparties to LOGOS’s credit facilities and derivative contracts; the financial strength of purchasers of LOGOS’s oil, natural gas liquids and gas production; uncertainties about estimates of reserves, identification of drilling locations and future ability to add proved reserves; assumptions underlying forecasts, including forecasts of production, cash flow, well costs, capital expenditures, rates of return, and expenses; tax rates; quality of technical data; environmental and weather risks, including the possible impacts of climate change on LOGOS’s operations and demand for its products; cybersecurity risks; and **risks associated with the ownership and operations of LOGOS’s water and compression services**. In addition, LOGOS may be subject to currently unforeseen risks that may have a materially adverse effect on it or its operations. Accordingly, no assurances can be given that the actual events and results will not be materially different than the anticipated results described in the forward-looking statements. LOGOS undertakes no duty to publicly update these statements except as required by law.

Disclaimer Regarding Use of LOGOS Energy LLC

LOGOS Energy LLC is an assumed name utilized by LOGOS Resources II, LLC, as approved by the Secretaries of the States of Delaware, Colorado and New Mexico.



Key Takeaways – Future Rests on Innovation and Technology

- Innovation and new technology is the key to reducing the environmental footprint of the San Juan Basin
- Overall emission intensity in the San Juan Basin is heightened due to the large number of old, low producing wells in the Basin
- **LOGOS is aggressively attacking emissions via several efforts**
 - Replacing old equipment and valves, which use natural gas for valve operation, with devices powered by solar and electricity
 - Installing highly technical monitoring systems for real-time emission leak detection, enabling LOGOS to promptly mitigate emission-related problems
 - Utilizing special imaging cameras to detect and repair leaks
- **Aggressively executing projects on over 1,000 wells with the goal of nearly eliminating natural gas emissions by 1H 2024**





Company Overview

LOGOS Overview – Over a Decade of Outstanding Performance

Pure play San Juan Basin (“SJB”) oil and gas exploration and production (“E&P”) company

- One of the largest natural gas producers in the State of New Mexico
- Based in Farmington, the company directly employs over 100 local residents and, at peak operations, more than 100 additional local residents, making LOGOS one of the largest employers in the Four Corners
- Total position of ~232,000 net acres; operates ~1,400 wells with current net production of ~110 MMcfe/d (~90% gas)
- North Hudson Resources Partners LP (“North Hudson” or “NHRP”) portfolio company

Extensive track record of outstanding performance

- LOGOS has consistently delivered strong operational results for more than a decade

LOGOS is committed to achieving best-in-class environmental practices in the SJB and is dramatically reducing the company’s environmental footprint

Invested over \$1 billion dollars in the region since 2012, with over \$100 million in 2022, and have paid well over \$100 million in taxes and royalties

Leading the charge in developing the Mancos Shale in the SJB and recently brought online a SJB record-breaking natural gas well with the highest peak month production in the SJB in the last 50-years



LOGOS Management Team – Decades of SJB Experience



Name & Title	Industry Years Experience	SJB Years Experience	Previous Experience
Jay Paul McWilliams Chief Executive Officer	>20	>15	<ul style="list-style-type: none"> • CEO and Co-Founder of LOGOS II in 2016. Founded its predecessor company, LOGOS I, in 2012, where he led the successful development and monetization of a large portion of the company’s assets, providing top tier returns on capital deployed • Previously served as the lead acquisition engineer at LINN Energy, where he led approximately \$1.0 billion in transactions, as well as holding various engineering positions at Burlington Resources and Resolute • BS Chemical Engineering from New Mexico Tech (Highest Honors) and MBA from Fuqua School of Business at Duke University (Fuqua Scholar) • Serves on the Center for Energy, Development, and the Global Environment Board (EDGE) at Duke University
Kelly Maxwell Chief Operations Officer	>40	>40	<ul style="list-style-type: none"> • Co-Founder of LOGOS II • Former Operations Manager for ConocoPhillips and Burlington Resources primarily focused on San Juan Basin • Extensive experience in gas gathering, hydraulic modeling, compression, facilities optimization and production optimization throughout his 38-year career primarily in the San Juan Basin
Chris Jeffus Sr. Vice President Land and Legal	>10	>10	<ul style="list-style-type: none"> • Co-Founder of LOGOS II • Previously worked in the Rockies and Permian Asset Team at EnerVest where he was responsible for properties throughout New Mexico and Utah, including the negotiation and management of various joint operating, farm-out and gas gathering agreements • Began his career as an associate attorney at a Houston-based oil and gas law firm • BS Accounting and a Master of Science in Finance from Texas A&M University and Juris Doctor from University of Texas School of Law
Marcia Brueggjenjohann Vice President Reservoir and Regulatory	>20	>15	<ul style="list-style-type: none"> • Former Reservoir Engineering Manager, San Juan & Williston Basins for WPX • Prior to that role, was the San Juan Basin Reservoir Engineering Team Lead / Reservoir Engineer for WPX • BS Petroleum Engineering from the University of Texas
Krista McWilliams Vice President Operations Engineering	>20	>15	<ul style="list-style-type: none"> • Former senior engineer with ConocoPhillips and Burlington Resources in various capacities • Founder of Diamond Derrick Consulting, a provider of oil and gas project and data management services • BS Mechanical Engineering from New Mexico Tech (Highest Honors) • Serves on the State of New Mexico Water Quality Control Commission for Governor Michelle Lujan Grisham
John Bruner Strategic Advisor	>30	>10	<ul style="list-style-type: none"> • Co-Founder of LOGOS II • Formerly in charge of asset management, strategic planning, subsurface management, commercial and business development in various basins around the globe for ConocoPhillips over the course of 28 years • Most recently served as Development and Strategy Manager for ConocoPhillips’ San Juan Basin Unit • BS Petroleum and Natural Gas Engineering from Pennsylvania State University

Incident Number	Facility	Facility Name	API	Well	OGRID	Operator Name	Severity	Incident Type	Lease Type	Spill Referrer	Incident Date	Notification Date	Final Report Date	Material	Volume Released	Volume Recovered	Volume Lost	Unit Of Volume	Spill Cause	Spill Source	District	County	ULSTR	OCU Unit Letter	Section	Township	Range	Latitude	Longitude	Waterway Affected	Ground Water Impact	Ground Water Depth
hAPP2325041967			30-039-23464	W O HUGHES #007	289408	LOGOS OPERATING, LLC	Major	Oil Release	Private	Industry Rep	8/6/23	9/7/23		Crude Oil	33	1	32	BBL	Equipment Failure	Tank (Any)	Actec	Rio Arriba (39)	H-08-24N-03W	H	8	24N	03W	36.3275566	-107.1735153	No	No	0
hAPP2325041967			30-039-23464	W O HUGHES #007	289408	LOGOS OPERATING, LLC	Major	Oil Release	Private	Industry Rep	9/6/23	9/7/23		Produced Water	42	0	42	BBL	Equipment Failure	Tank (Any)	Actec	Rio Arriba (39)	H-08-24N-03W	H	8	24N	03W	36.3275566	-107.1735153	No	No	0
hAPP112356881			30-039-22097	JCARILLA 35 #013	289408	LOGOS OPERATING, LLC	Minor	Oil Release	Jicarilla	Industry Rep	5/3/21	5/3/21		Crude Oil	5	0	5	BBL	Equipment Failure	Separator	Actec	Rio Arriba (39)	N-36-25N-05W	N	36	25N	05W	36.35116	-107.31574	No	No	0
hAPP1123678029			30-039-22096	JCARILLA 35 #008	289408	LOGOS OPERATING, LLC	Major	Oil Release	Jicarilla	Industry Rep	1/26/21	6/1/22		Crude Oil	0	0	0	BBL	Freeze	Other (Specify)	Actec	Rio Arriba (39)	N-36-25N-05W	F	36	25N	05W	36.35393	-107.30531	Yes	No	0
HRM200387115			30-043-20655	LULU #002	289408	LOGOS OPERATING, LLC	Minor	Oil Release	Indian	Industry Rep	1/19/20	4/19/22		Crude Oil	5	0	5	BBL	Other	Separator	Actec	Sandoval (43)	I-29-23N-06W	L	29	23N	06W	36.1564422	-107.4867346	No	No	0
HW182405095			30-045-35647	DMEGA 2308 03 #001H	289408	LOGOS OPERATING, LLC	Minor	Oil Release	Federal	Industry Rep	8/11/18	10/15/18		Crude Oil	15	0	15	BBL	Equipment Failure	Flow Line - Production	Actec	San Juan (45)	H-03-23N-06W	H	3	23N	06W	36.250203	-107.660784	No	No	0
HC518204457			30-045-24720	FEDERAL #001R	289408	LOGOS OPERATING, LLC	Oil Release	Federal	Oil Conservation Division Rep		4/12/18	5/04/18		Other (Specify)	0	0	0	BBL	Other	Other (Specify)	Actec	San Juan (45)	O-21-25N-09W	O	21	25N	09W	36.3849997	-107.7919963	No	No	0
HC51701040816			30-039-20431	JCARILLA L #005	289408	LOGOS OPERATING, LLC	Minor	Oil Release	Indian	Industry Rep	12/13/16	6/18/18		Crude Oil	5	0	5	BBL	Corrosion	Separator	Actec	Rio Arriba (39)	N-33-25N-05W	N	33	25N	05W	36.35235	-107.36798	No	No	0
hAPP11205058281			30-039-21198	JCARILLA 119 N #005A	289408	LOGOS OPERATING, LLC	Minor	Other	Jicarilla	Industry Rep	2/9/21	2/19/21	1/20/22	Condensate	18	0	18	BBL	Normal Operations	Production Tank	Actec	Rio Arriba (39)	F-06-26N-04W	F	6	26N	04W	36.51822	-107.29561	No	No	0
hAPP1103256004			30-043-21165	JCARILLA O #003E	289408	LOGOS OPERATING, LLC	Other	Other	Jicarilla	Industry Rep	2/1/21	1/21/22		Crude Oil	2	0	2	BBL	Freeze	Valve	Actec	Sandoval (43)	O-10-22N-03W	D	10	22N	03W	36.14669	-107.14092	No	No	0
hAPP1100744121			30-039-07096	JCARILLA 89 #005	289408	LOGOS OPERATING, LLC	Minor	Other	Jicarilla	Industry Rep	12/23/20			Condensate	5	0	5	BBL	Equipment Failure	Production Tank	Actec	Rio Arriba (39)	A-14-27N-03W	A	14	27N	03W	36.5778313	-107.1086655	No	No	0
hAPP2025757045			30-039-25442	JCARILLA 95 #00A	289408	LOGOS OPERATING, LLC	Other	Other	Jicarilla	Industry Rep	12/2/20	1/24/22		Other (Specify)	1	0	1	BBL	Equipment Failure	Separator	Actec	Rio Arriba (39)	I-36-27N-03W	I	36	27N	03W	36.527351	-107.063996	No	No	0
hAPP2404454812			30-045-39970	PUMP CANYON SMD #001	289408	LOGOS OPERATING, LLC	Major	Produced Water Release	Federal	Industry Rep	3/4/24	3/4/24		Produced Water	240	220	20	BBL	Equipment Failure	Motor	Actec	San Juan (45)	I-07-30N-08W	J	7	30N	08W	36.0228951	-107.7140261	No	No	0
hAPP240629203			30-045-34428	CENTRAL BASIN SMD #001	289408	LOGOS OPERATING, LLC	Major	Produced Water Release	Federal	Industry Rep	3/1/24	3/5/24		Produced Water	6	6	0	BBL	Equipment Failure	Injection Well	Actec	San Juan (45)	N-05-28N-13W	N	9	28N	13W	36.6744287	-108.2277099	No	No	0
hAPP2325135212			30-039-27422	ROSA UNIT #215A	289408	LOGOS OPERATING, LLC	Minor	Produced Water Release	Federal	Industry Rep	9/7/23	9/8/23		Produced Water	8	4	4	BBL	Other	Well	Actec	Rio Arriba (39)	E-26-31N-06W	E	26	31N	06W	36.87071	-107.43731	No	No	0
hAPP2322306030			30-045-34493	C J HOLDER #5005	289408	LOGOS OPERATING, LLC	Major	Produced Water Release	Federal	Industry Rep	8/7/23	8/7/23		Produced Water	62	60	2	BBL	Equipment Failure	Dump Line	Actec	San Juan (45)	L-31-29N-13W	L	31	29N	13W	36.809387	-108.2504401	No	No	0
hAPP1127838505			30-039-29941	ROSA UNIT #267	289408	LOGOS OPERATING, LLC	Minor	Produced Water Release	Federal	Industry Rep	7/22/21	10/5/21	6/22/22	Produced Water	4	4	0	BBL	Repair and Maintenance	Production Tank	Actec	Rio Arriba (39)	I-26-31N-06W	I	26	31N	06W	36.8763225	-107.4323259	No	No	0
hAPP1116253030			30-039-24497	ROSA UNIT #218	289408	LOGOS OPERATING, LLC	Minor	Produced Water Release	Federal	Industry Rep	6/1/21	6/1/21	8/28/22	Produced Water	12	12	0	BBL	Equipment Failure	Production Tank	Actec	Rio Arriba (39)	K-25-31N-06W	K	25	31N	06W	36.8678207	-107.4165344	No	No	0
HC52125140220			30-039-26827	JCARILLA 96 #002C	289408	LOGOS OPERATING, LLC	Major	Produced Water Release	Jicarilla	Industry Rep	5/4/21	1/19/22		Produced Water	0	0	0	BBL	Equipment Failure	Separator	Actec	Rio Arriba (39)	G-02-26N-03W	G	2	26N	03W	36.51774	-107.111301	No	No	0
HC51927552019			30-039-29708	ROSA UNIT COM #376A	289408	LOGOS OPERATING, LLC	Major	Produced Water Release	Federal	Oil Conservation Division Rep	9/13/19	3/26/21		Produced Water	0	0	0	BBL	Corrosion	Tank (Any)	Actec	Rio Arriba (39)	E-25-31N-05W	E	25	31N	05W	36.9723412	-107.3201752	No	No	0
HC51929540332			30-039-29508	ROSA UNIT #312	289408	LOGOS OPERATING, LLC	Major	Produced Water Release	Federal	Oil Conservation Division Rep	9/6/19	2/4/21		Produced Water	0	1	0	BBL	Corrosion	Tank (Any)	Actec	Rio Arriba (39)	I-28-31N-04W	I	28	31N	04W	36.8674126	-107.2884555	No	No	0
HC51929538744			30-039-29963	ROSA UNIT #315A	289408	LOGOS OPERATING, LLC	Major	Produced Water Release	Federal	Oil Conservation Division Rep	9/6/19	3/22/22		Produced Water	0	2	0	BBL	Corrosion	Tank (Any)	Actec	Rio Arriba (39)	C-30-31N-04W	C	30	31N	04W	36.7775504	-107.2987598	No	No	0
HC51929540748			30-039-27832	ROSA UNIT #324A	289408	LOGOS OPERATING, LLC	Minor	Produced Water Release	Federal	Oil Conservation Division Rep	9/6/19	1/21/22		Produced Water	5	1	4	BBL	Equipment Failure	Well	Actec	Rio Arriba (39)	I-19-31N-04W	I	19	31N	04W	36.8814932	-107.2900295	No	No	0
HC5192755265			30-039-29941	ROSA UNIT #322A	289408	LOGOS OPERATING, LLC	Minor	Produced Water Release	Federal	Oil Conservation Division Rep	9/3/19	1/26/21		Produced Water	0	0	0	BBL	Other	Other (Specify)	Actec	Rio Arriba (39)	E-23-31N-05W	E	23	31N	05W	36.8668635	-107.3385239	No	No	0
HC51921756251			30-039-25012	ROSA UNIT #267	289408	LOGOS OPERATING, LLC	Minor	Produced Water Release	Federal	Industry Rep	7/19/19	7/24/19		Produced Water	15	13	2	BBL	Human Error	Tank (Any)	Actec	Rio Arriba (39)	M-28-31N-05W	M	28	31N	05W	36.8668635	-107.37464	No	No	0
HC51920393720			30-039-30755	ROSA UNIT COM #189D	289408	LOGOS OPERATING, LLC	Major	Produced Water Release	Federal	Industry Rep	7/19/19	12/19/19		Produced Water	327	35	292	BBL	Equipment Failure	Pump	Actec	Rio Arriba (39)	I-03-31N-06W	J	3	31N	06W	36.9280396	-107.4470901	No	No	0
HW1908400075			30-039-30110	ROSA UNIT #240A	289408	LOGOS OPERATING, LLC	Major	Produced Water Release	Federal	Industry Rep	3/11/19	7/23/19		Produced Water	180	180	0	BBL	Equipment Failure	Other (Specify)	Actec	Rio Arriba (39)	I-01-31N-06W	I	1	31N	06W	36.9264841	-107.41882	No	No	0
HC5182894885			30-039-24809	LOGOS RESOURCES, LLC	300547	LOGOS OPERATING, LLC	Major	Produced Water Release	Federal	Industry Rep	10/1/18	12/13/18		Produced Water	14	0	14	BBL	Other	Tank (Any)	Actec	Rio Arriba (39)	L-35-31N-05W	L	35	31N	05W	36.8557388	-107.3378901	No	No	0
HW1820751135			30-045-35687	HEROS 2308 ORL COM #002H	289408	LOGOS OPERATING, LLC	Major	Produced Water Release	Federal	Industry Rep	7/29/18	4/27/20		Other (Specify)	120	0	120	BBL	Human Error	Transport	Actec	San Juan (45)	I-09-23N-08W	L	9	23N	08W	36.238493	-107.69484	Yes	No	0
HW1820751135			30-045-35687	HEROS 2308 ORL COM #002H	289408	LOGOS OPERATING, LLC	Major	Produced Water Release	Federal	Industry Rep	7/25/18	4/27/20		Other (Specify)	120	0	120	BBL	Human Error	Transport	Actec	San Juan (45)	I-09-23N-08W	L	9	23N	08W	36.238493	-107.69484	Yes	No	0
HW1820751135			30-045-35687	HEROS 2308 ORL COM #002H	289408	LOGOS OPERATING, LLC	Major	Produced Water Release	Federal	Industry Rep	12/26/13	12/27/13		Other (Specify)	4	4	0	BBL	Other	Tank (Any)	Actec	Sandoval (43)	6-06-22N-05W	L	6	22N	05W	36.1646194	-107.4102097	No	No	0
nK1416931595			30-043-21158	LOGOS #010	289408	LOGOS OPERATING, LLC	Minor	Produced Water Release	Federal	Industry Rep	10/3/12	10/3/12		Produced Water	0	0	0	BBL	Overflow - Tank, Pk, Etc.	Tank (Any)	Actec	Rio Arriba (39)	D-11-26N-03W	D	11	26N	03W	36.50511	-107.120207	No	No	0
nK150664675			30-043-21158	LOGOS #010	289408	LOGOS OPERATING, LLC	Minor	Produced Water Release	Federal	Industry Rep	10/3/12	10/3/12		Produced Water	0	0	0	BBL	Overflow - Tank, Pk, Etc.	Tank (Any)	Actec	Rio Arriba (39)	D-11-26N-03W	D	11	26N	03W	36.50511	-107.120207	No	No	0
nK1306649305			30-039-21230	JCARILLA 95 #005A	289408	LOGOS OPERATING, LLC	Major	Produced Water Release	Indian	Industry Rep	11/18/20	7/1/22		Crude Oil	0	0	0	BBL	Equipment Failure	Separator	Actec	Rio Arriba (39)	F-36-27N-03W	F	36	27N	03W	36.532089	-107.099235	No	No	0
HRM2034957931			30-039-26854	JCARILLA 95 #007B	289408	LOGOS OPERATING, LLC	Major	Release Other	Indian	Industry Rep	11/18/20	7/1/22		Crude Oil	0	0	0	BBL	Equipment Failure	Separator	Actec	Rio Arriba (39)	F-36-27N-03W	F	36	27N	03W	36.532089	-107.099235	No	No	0
HRM2034957931			30-039-26854	JCARILLA 95 #007B	289408	LOGOS OPERATING, LLC	Major	Release Other	Indian	Industry Rep	11/18/20	7/1/22		Crude Oil	0	0	0	BBL	Equipment Failure	Separator	Actec	Rio Arriba (39)	F-36-27N-03W	F	36	27N	03W	36.532089	-107.099235	No	No	0
HRM2023249231			30-039-22096	JCARILLA 35 #008	289408	LOGOS OPERATING, LLC	Release Other	Jicarilla	Industry Rep	8/4/20	8/18/20	4/26/22	Crude Oil	2	0	2	BBL	Equipment Failure	Separator	Actec	Rio Arriba (39)	N-36-2										

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

MARIO ATENCIO, PAUL and MARY ANN ATENCIO, DANIEL TSO, SAMUEL SAGE, CHEYENNE ATENCIO, KENDRA PINTO, JULIA BERNAL, JONATHAN ALONZO, PASTOR DAVID ROGERS, YOUTH UNITED FOR CLIMATE CRISIS ACTION, PUEBLO ACTION ALLIANCE, INDIGENOUS LIFEWAYS, THE CENTER FOR BIOLOGICAL DIVERSITY, and WILDEARTH GUARDIANS,

Plaintiffs,

v.

No. D-101-CV-2023-01038

STATE OF NEW MEXICO, NEW MEXICO LEGISLATURE, GOVERNOR MICHELLE LUJAN GRISHAM, NEW MEXICO ENVIRONMENT DEPARTMENT, SECRETARY JAMES KENNEY, in his official capacity, ENERGY NMINERALS AND NATURAL RESOURCES DEPARTMENT, SECRETARY SARAH COTTRELL PROPST, in her official capacity, ENVIRONMENTAL IMPROVEMENT BOARD, and OIL CONSERVATION COMMISSION

Defendants,

and

INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO,

Proposed Intervenor-Defendant.

**INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO'S
MOTION TO INTERVENE**

Pursuant to Rule 1-024 NMRA, the Independent Petroleum Association of New Mexico (“IPANM”) respectfully moves to intervene in this matter. Defendant the New Mexico Legislature does not oppose this Motion; Defendants the State of New Mexico, Governor Michelle Lujan Grisham, the New Mexico Environment Department (“NMED”), Secretary James Kenney, Energy Minerals and Natural Resources Department (“EMNRD”), Secretary Sarah Cottrell Propst, the Environmental Improvement Board (“EIB”), and the Oil Conservation Commission (“OCC”) take no position on this Motion; Plaintiffs oppose this Motion.

Pursuant to Rule 1-024(C), a responsive pleading is attached hereto as Exhibit A.¹

INTRODUCTION

Plaintiffs take direct aim at the oil and gas industry. They allege that the industry has caused all manner of pollution and claim that the failure to control the actions of oil and gas companies violates their constitutional rights. They seek to suspend and rewrite the entire statutory and regulatory scheme that governs oil and gas activities across New Mexico. No matter how they couch their Complaint, Plaintiffs seek to control and change the behavior of each and every company and individual working in the oil and gas industry.

IPANM represents over 350 businesses, owners, operators, workers, and families involved in the oil and gas industry across New Mexico. IPANM members have invested hundreds of millions of dollars in their oil and gas interests and facilities and they would be directly and substantially impacted by the relief sought by Plaintiffs.

The question presented in this Motion is whether IPANM should be allowed to intervene to protect its interests where the requested relief would suspend permitting for IPANM’s members,

¹ IPANM agrees with State Defendants that the Complaint does not state a cognizable claim. If the Court allows the case to proceed, however, IPANM has positions that are in tension with State Defendants on numerous issues relevant to the Complaint.

rewrite the statutes and regulations that apply to IPANM’s activities, and cause immediate and substantial economic consequences for IPANM and its members. As demonstrated below, the answer to that question is yes.

ARGUMENT

I. STANDARD OF REVIEW

Intervention is governed by Rule 1-024. Under Rule 1-024(A)(2), intervention is required:

when the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

Our courts have recognized that “New Mexico cases provide limited guidance on the application of Rule 1-024.” *Rivera-Platte v. First Colony Life Ins. Co.*, 2007-NMCA-158, ¶ 89, 143 N.M. 158, *rev'd on other grounds by Platte v. First County Life Ins. Co.*, 2008-NMSC-058. Therefore, because Rule 1–024(A) “is almost identical to Federal Rule 24(a),” *In re Marcia L.*, 1989-NMCA-110, ¶ 6, 109 N.M. 420; New Mexico courts “naturally turn to federal texts and decisions for clarification” of the principles governing intervention. *Tom Fields Ltd. v. Tigner*, 1956-NMSC-083, ¶¶ 12-13, 61 N.M. 382; *see Rivera-Platte*, 2007-NMCA-158, ¶ 89 (stating that “the district court may utilize federal case law in its analysis” of Rule 1-024).

II. IPANM IS ENTITLED TO INTERVENE AS OF RIGHT

A. IPANM’s Motion to Intervene Is Timely

“Timeliness is a threshold requirement for intervention” under Rule 1-024. *Apodaca v. Town of Tome Land Grant*, 1974-NMSC-026, ¶ 6, 86 N.M. 132. Whether a motion for intervention is timely “depends upon the circumstances of each case.” *Id.* (citations omitted). In this case, IPANM’s Motion is timely for two reasons.

First, the “most important consideration in deciding whether a motion for intervention is untimely is whether the delay in moving for intervention will prejudice the existing parties.” *Nissei Sangyo Am., Ltd. v. United States*, 31 F.3d 435, 439 (7th Cir. 1994). In this case, the Court has not yet entered a scheduling order, there have been no substantive orders, and the parties have not engaged in discovery. It follows that no party will be prejudiced if IPANM is allowed to intervene.

Second, “[t]he mere passage of time, in itself, does not render a motion untimely; rather the focus should be on actual proceedings of substance on the merits.” 6 *Moore’s Federal Practice*, ¶ 24.21[1] (3d ed. 2023). Timeliness is “measured from the point at which the applicant knew, or should have known, of *the risk to its rights*.” *United States v. Alcan Aluminum, Inc.*, 25 F.3d 1174, 1183 (3d Cir.1994) (emphasis added). Therefore, in determining whether a motion to intervene is timely, “[a] key consideration . . . is whether the effort to intervene occurred shortly after the would-be intervenor discovered such action was necessary to protect its interests.” *Thriftway Mktg. Corp. v. State*, 1990-NMCA-115, ¶ 3, 111 N.M. 763 (citation omitted).

Here, there is no “risk to [IPANM’s] rights” unless and until the Court denies the dispositive motions that are currently pending. *Alcan Aluminum*, 25 F.3d at 1183. IPANM was aware that the Legislature had filed a Motion for Judgment on the Pleadings and the other Defendants had filed a Motion to Dismiss. Winchester Decl., Exh. B, ¶ 25. If granted, those motions would dispose of this case without relief. Conversely, it is only if the Motion to Dismiss and Motion for Judgment on the Pleadings are denied, and the case proceeds, that intervention is “necessary to protect [IPANM’s] interests.” *Thriftway*, 1990-NMCA-115, ¶ 3. Therefore, IPANM was originally content to monitor the case until the motions were decided so that it did not disrupt or unnecessarily complicate the matter. Winchester Decl., Exh. B, ¶ 26. That plan changed only after the New Mexico Chamber of Commerce filed its own separate motion to intervene. At that point, IPANM

determined that it would be helpful for the Court to have a more complete understanding of the entities interested in the case before it decides who should be allowed to intervene. *Id.* ¶ 27; *see Salvors, Inc. v. Unidentified Wrecked & Abandoned Vessel*, 861 F.3d 1278, 1294 (11th Cir. 2017) (motion to intervene timely despite 7-year delay where intervenor had no reason to intervene).

B. IPANM and Its Members Have Interests in the Subject Matter of this Litigation

The applicant seeking intervention must demonstrate a direct interest in the action. Rule 1-024(A)(2) NMRA. “The equitable test is, ‘Does the intervenor stand to gain or lose by the judgment?’” *Stovall v. Vesely*, 1934-NMSC-055, ¶ 11, 38 N.M. 415. “[T]o establish an interest in the pending action a party seeking to intervene must show that it has an interest that is significant, direct rather than contingent, and based on a right belonging to the proposed intervenor rather than an existing party to the suit.” *In re Marcia L.*, 1989-NMCA-110, ¶ 7. This standard is analogous to the standing rule. *See N.M. Right to Choose/NARAL v. Johnson*, 1999-NMSC-005, ¶ 17, 126 N.M. 788 (hereinafter “*NARAL*”).

Plaintiffs directly target the oil and gas industry. They broadly claim that the oil and gas industry “despoil[ed] . . . the air, water, environment and natural resources of New Mexico,” in violation of the Constitution. Complaint at 4. Almost every substantive allegation in Plaintiffs’ Complaint targets IPANM members by raising allegations concerning industry practices, regulations, enforcement, inspections, and the alleged impacts of the industry on Plaintiffs. Winchester Decl., Exh. B, ¶ 11. For their remedy, Plaintiffs “seek an order enjoining” State Defendants “to cease authorizing new oil and gas production until the Defendants have established and implemented a [new] statutory, regulatory, and enforcement framework” for the industry. Put simply, Plaintiffs seek a moratorium on oil and gas permitting, and they plan to completely rewrite the statutes and regulations that apply to IPANM members, and the industry. Winchester Decl.,

Exh. B, ¶ 13; Armstrong Decl., Exh. C, ¶ 10; Yates Decl., Exh. D, ¶ 8; McHugh Decl., Exh. E, ¶ 10; McMinn Decl., Exh. F, ¶ 17.

IPANM, in turn, represents the very industry that Plaintiffs target. It advocates for the interests of independent oil and gas producers across New Mexico. Winchester Decl., Exh. B, ¶ 16. Those independent producers are made up of New Mexico businesses, owners, operators, workers, and families who are directly impacted by issues related to the oil and gas industry. *Id.* ¶¶ 8-9. IPANM members have invested hundreds of millions of dollars in their business interests, permits, and facilities and they depend on the continuation of the industry for their livelihoods. *See* Winchester Decl., Exh. B, ¶ 13; Armstrong Decl., Exh. C, ¶ 17; Yates Decl., Exh. D, ¶ 11-13; McHugh Decl., Exh. E, ¶ 14; McMinn Decl., Exh. F, ¶ 25. If the relief identified in the Complaint is granted, “IPANM members will suffer significant economic losses and it is likely that some IPANM members will go out of business.” Winchester Decl., Exh. B, ¶ 12. “The threat of economic injury from the outcome of litigation undoubtedly gives a petitioner the requisite interest” to intervene. *Utahns for Better Transp. v. U.S. Dep’t of Transp.*, 295 F.3d 1111, 1115-16 (10th Cir. 2002); *see Nat’l Farm Lines v. Interstate Commerce Comm’n*, 564 F.2d 381, 382 (10th Cir.1977) (reversing denial of intervention because adverse decision would “render unenforceable a statutory scheme which directly protects their economic interests”). IPANM more than satisfies that standard in this case.

Likewise, in New Mexico, a party who is regulated has standing to participate in a lawsuit challenging the underlying statute or regulation. *See Am. Civil Liberties Union of N.M. v. City of Albuquerque*, 1999-NMSC-044, ¶ 9, 128 N.M. 315 (plaintiffs had standing to challenge curfew ordinance before it went into effect because it “is not necessary that [plaintiff] first expose himself [or herself] to actual arrest or prosecution”); *Protection & Advocacy Sys. v. City of Albuquerque*,

2008-NMCA-149, ¶ 23, 145 N.M. 156 (individuals with mental illnesses had standing to challenge ordinance concerning outpatient facilities); *Rio Grande Kennel Club v. City of Albuquerque*, 2008-NMCA-093, ¶ 9, 144 N.M. 636 (plaintiffs had standing to challenge ordinance because “each of them either owns animals or runs a business that is subject” to the ordinance, and the ordinance “would curtail their previously lawful activities”). Thus, “in cases challenging various statutory schemes as unconstitutional or as improperly interpreted and applied, the courts have recognized that the interests of those who are governed by those schemes are sufficient to support intervention.” 7C Wright, Miller & Kane, Fed. Prac. & Proc. § 1908.1 (3d ed.).

Here IPANM members are directly governed by the statutes and regulations that Plaintiffs challenge. Winchester Decl., Exh. B, ¶ 13; Armstrong Decl., Exh. C, ¶ 10; Yates Decl., Exh. D, ¶ 8; McHugh Decl., Exh. E, ¶ 10; McMinn Decl., Exh. F, ¶ 17. In the language of New Mexico Courts, IPANM members “run[] business[es] that [are] subject” to the challenged statutes and regulations, and the relief that Plaintiffs propose “would curtail their previously lawful activities” at existing, permitted facilities. *Rio Grande Kennel Club*, 2008-NMCA-093, ¶ 9. IPANM has thus alleged a sufficient interest to satisfy the intervention of right standard. *See NRDC v. U.S. Nuclear Regulatory Comm’n*, 578 F.2d 1341, 1346 (10th Cir. 1978) (potential licensees allowed to intervene in an action by environmental groups against federal agencies); *Kleissler v. USFS*, 157 F.3d 964, 973 (3d Cir. 1998) (logging trade association had sufficient interest to intervene in action to enjoin logging in a national forest); *Conservation Law Foundation of New England, Inc. v. Mosbacher*, 966 F.2d 39, 43-44 (1st Cir. 1992) (commercial fishing groups had sufficient interest to intervene in suit aimed at adopting regulations to reduce over-fishing).

C. The Disposition of this Action May Impair or Impede the Interests of IPANM and Its Members

A potential intervenor must further demonstrate that the “disposition of the action may as a practical matter impair or impede the applicant’s ability to protect [their] interest.” Rule 1-024(A)(2) NMRA. The “question of impairment is not separate from the question of existence of an interest.” *NRDC*, 578 F.2d at 1345. To satisfy this element, a would-be intervenor must show only that impairment “is possible if intervention is denied. This burden is minimal.” *Utah Ass’n of Cnty. v. Clinton*, 255 F.3d 1246, 1253 (10th Cir. 2001) (internal quotation marks omitted).

There can be little doubt that IPANM satisfies this standard. Plaintiffs seek expansive injunctive relief, including: (1) implementation of a new “statutory, regulatory and enforcement framework,” (2) a new financial assurance system, (3) treatment of produced water as hazardous waste, and (4) suspension of additional permitting for oil and gas wells. Complaint at 106, ¶¶ 6-10. Each of these requests would directly and substantially affect IPANM and its members. Winchester Decl., Exh. B, ¶ 12. Specific, but not exclusive, examples of the ways that IPANM and its members will be impaired include the following:

- A new statutory and regulatory framework would completely disrupt the operations of IPANM members, who have relied on the current framework to invest and operate for decades. *See* Armstrong Decl., Exh. C, ¶ 10; Yates Decl., Exh. D, ¶ 19; McHugh Decl., Exh. E, ¶ 10; McMinn Decl., Exh. F, ¶ 19.
- Requiring financial assurance without a bonding cap would tie up significant resources in bonds and would be unworkable for smaller operators because they do not have the resources or capital that Plaintiffs’ proposed relief would require. Yates Decl., Exh. D, ¶ 14; McHugh Decl., Exh. E, ¶ 12.
- Plaintiffs’ demand to treat produced water as hazardous and radioactive waste would require substantial additional permitting and would likely preclude the re-use of produced water for secondary recovery projects. The costs and burden associated with treating produced water as hazardous waste would be insurmountable for many IPANM members. Armstrong Decl., Exh. C, ¶¶ 15-16; McMinn Decl., Exh. F, ¶ 23.

- Plaintiffs’ request to suspend additional permitting until a new regulatory framework is developed would result in losses of significant upfront investments, substantial devaluations of existing assets, and possible expirations of valuable leasehold interests. *See* Armstrong Decl., Exh. C, ¶ 14; Yates Decl., Exh. D, ¶¶ 11, 14; McHugh Decl., Exh. E, ¶ 11; McMinn Decl., Exh. F, ¶ 26.

Indeed, the very existence of some IPANM members is threatened. *See* Armstrong Decl., Exh. C, ¶ 10; McHugh Decl., Exh. E, ¶ 10; McMinn Decl., Exh. F, ¶ 27. Many smaller operators struggle to hire the consultants that are already required to comply with the increasingly stringent regulations. *See* McHugh Decl., Exh. E, ¶ 15; McMinn Decl., Exh. F, ¶ 22. Additional requirements would likely make production of oil and gas from older wells unprofitable, forcing these wells to be plugged, and resulting in unrecoverable hydrocarbons owned by the operators, the State of New Mexico, the federal government, tribes, and private owners. Armstrong Decl., Exh. C, ¶¶ 16, 20; McHugh Decl., Exh. E, ¶ 15; McMinn Decl., Exh. F, ¶¶ 25-27.

D. IPANM’s Interests Are Not Adequately Represented by the Parties

Finally, a potential intervenor must demonstrate that its interest is not “adequately represented by existing parties.” Rule 1-024(A)(2) NMRA. “The most important factor in determining adequacy of representation is how the interest of the absentee compares with the interests of the present parties.” 7C Wright, Miller & Kane, Fed. Prac. & Proc. § 1909. Because intervention is assessed at the start of a case, IPANM need show only that the States’ representation of its interests “may be inadequate.” *Sierra Club v. Espy*, 18 F.3d 1202, 1207 (5th Cir. 1994) (internal quotation omitted). That possibility exists when an intervenor’s interests “may not align precisely,” *Brumfield v. Dodd*, 749 F.3d 339 345 (7th Cir. 2014); or are “related, but not identical.” *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 (1972). That is the case here.

Where the State is a party, however, a “presumption of adequate representation exists.” *NARAL*, 1999-NMSC-005, ¶ 19. That presumption may be overcome “by showing, for example,

an adversity of interest” or other circumstance that indicates representation by the existing government party is inadequate. *Id.* ¶ 20. In this case, three circumstances demonstrate an adversity of interest.

First, “[b]ecause a governmental entity ordinarily must represent broad public interests, a private intervenor with specific, narrow interests will usually be able to meet the ‘minimal’ burden of showing inadequacy of representation by the governmental entity.” 6 *Moore’s Federal Practice*, ¶ 24.03[4][a][iii] (section cited favorably in *NARAL*, 1999-NMSC-005, ¶¶ 19-20). IPANM has private objectives to protect its members’ investments and support oil and gas development. Winchester Decl., Exh. B, ¶¶ 6, 16. In contrast, State Defendants must balance competing public concerns in interpreting the New Mexico Constitution and regulating IPANM’s members. Denying IPANM intervention would leave State Defendants with the task of representing not only the public’s interest (including the environmental community), but also the narrow private interest of IPANM. *See Utahns for Better Transp.*, 295 F.3d at 1117. This task is “on its face impossible and creates the kind of conflict that satisfies the minimal burden of showing inadequacy of representation.” *Id.* (citation and internal quotation omitted); *see, e.g., Kleissler*, 157 F.3d at 972 (inadequate representation “when an agency’s views are necessarily colored by its view of the public welfare rather than the more parochial views of a proposed intervenor”); *Espy*, 18 F.3d at 1207-08 (“government must represent the broad public interest, not just the economic concerns of the timber industry”). In fact, State Defendants have already shown themselves incapable of representing IPANM when weighing competing interests. Winchester Decl., Exh. B, ¶¶ 19, 21.

Second, adversity exists where a potential intervenor’s “interests diverge from the [State party’s] interests in a manner germane to the case.” *Texas v. United States*, 805 F.3d 653, 661-62

(5th Cir. 2015). Here State Defendants have taken positions that are directly contrary to IPANM on issues alleged in the Complaint, including ozone precursor requirements, Complaint ¶ 215, financial assurance, *id.* ¶¶ 215-261; setback requirements, *id.* ¶¶ 305-308; venting and flaring, *id.* ¶¶ 250-253; produced water, *id.* ¶¶ 162-165; spills, *id.* ¶¶ 246-249, 335, and the impact of fracking, *id.* ¶¶ 280, 295; among others. *See* Winchester Decl., Exh. B, ¶¶ 16-21; Armstrong Decl., Exh. C, ¶¶ 18-21. State Defendants cannot be expected to represent IPANM members on these issues when they have litigated or otherwise contested IPANM’s position on these same issues.

Third, the role of OCD and NMED is to regulate and enforce the applicable law *on IPANM members*. The very nature of the relationship is thus inherently adversarial. Winchester Decl., Exh. B, ¶ 20. Plaintiffs recognize this tension, but nonetheless argue that the Constitution requires the Defendants to conduct more enforcement proceedings against IPANM members. *See, e.g.*, Complaint ¶¶ 240-253. It is beyond reason that the State could represent the interests of IPANM in this case given the adversarial nature of the relationship and Plaintiffs’ allegations.²

III. IN THE ALTERNATIVE, IPANM SHOULD BE GRANTED PERMISSIVE INTERVENTION

An applicant “may be permitted to intervene” when its “claim or defense and the main action have a question of law or fact in common.” Rule 1-024(B). IPANM’s defenses to the allegations in Plaintiffs’ Complaint, share a question of law or fact in common with the main action. Specifically, while IPANM may differ on the interpretation, the same constitutional provision, statutes, and regulations are at the heart of the defense for both State Defendants and IPANM. Moreover, like IPANM, all of the parties will be evaluating the same facilities, the same

² IPANM will bring to this case a unique perspective and specialized expertise in the oil and gas industry that is not currently represented. *See* Winchester Decl., Exh. B, ¶¶ 22-24.

oil and gas practices, and the same data. If the Court denies intervention as of right, it should nonetheless exercise its discretion and allow IPANM to intervene under Rule 1-024(B).

CONCLUSION

As demonstrated above, the Motion should be granted and IPANM should be allowed to intervene in this case.

Respectfully submitted,

MONTGOMERY & ANDREWS, P.A.

By: /s/ Jeffrey J. Wechsler

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 12, 2024, the foregoing was filed through the Court's electronic filing system, which caused all parties or counsel of record to be served by electronic means. A courtesy copy of the foregoing was also served by email.

 /s/ Jeffrey J. Wechsler

Jeffrey J. Wechsler

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

**MARIO ATENCIO, PAUL and MARY ANN
ATENCIO, DANIEL TSO, SAMUEL SAGE,
CHEYENNE ATENCIO, KENDRA PINTO,
JULIA BERNAL, JONATHAN ALONZO,
PASTOR DAVID ROGERS, YOUTH UNITED
FOR CLIMATE CRISIS ACTION, PUEBLO
ACTION ALLIANCE, INDIGENOUS
LIFEWAYS, THE CENTER FOR
BIOLOGICAL DIVERSITY, and
WILDEARTH GUARDIANS,**

Plaintiffs,

v.

No. D-101-CV-2023-01038

**STATE OF NEW MEXICO, NEW MEXICO
LEGISLATURE, GOVERNOR MICHELLE
LUJAN GRISHAM, NEW MEXICO
ENVIRONMENT DEPARTMENT,
SECRETARY JAMES KENNEY, in his official
capacity, ENERGY NMINERALS AND
NATURAL RESOURCES DEPARTMENT,
SECRETARY SARAH COTTRELL PROPST,
in her official capacity, ENVIRONMENTAL
IMPROVEMENT BOARD, and OIL
CONSERVATION COMMISSION**

Defendants,

and

**INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO,**

Proposed Intervenor-Defendant.

**INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO'S
NOTICE OF JOINDER IN MOTION TO DISMISS AND
IN MOTION FOR JUDGMENT ON THE PLEADINGS**

Pursuant to Rule 1-024 NMRA, in support of its Motion to Intervene, proposed Intervenor-Defendant Independent Petroleum Association of New Mexico (“IPANM”) hereby responds to the Complaint in this matter by joining in the Motion to Dismiss filed by Defendants State of New Mexico, Governor Michelle Lujan Grisham, the New Mexico Environment Department, Secretary James Kenney, the Energy, Minerals and Natural Resources Department, Secretary Sarah Cottrell Propst, the Environmental Improvement Board, and the Oil Conservation Commission on September 1, 2023 and the Motion for Judgment on the Pleadings filed by Defendant The New Mexico Legislature on September 22, 2023 (collectively, “Motions to Dismiss”).

IPANM has interests that significantly diverge from those of the State Defendants, which are detailed in IPANM’s Motion to Intervene. For example, IPANM’s objective is to protect its members’ private investments while the State Defendants’ focus will be to balance competing public concerns regarding the interpretation of the New Mexico Constitution and regulation of IPANM’s members. These separate interests are reflected in historic disparate positions by IPANM and the State Defendants on issues that are directly raised in the Complaint, such as financial assurance, setback requirements, venting and flaring, treatment of produced water, and the impacts of fracking. *See, e.g.*, IPANM’s Motion to Intervene at 10.

Nonetheless, IPANM agrees with the arguments of the State Defendants as set forth in the Motions to Dismiss. In short, Plaintiffs’ Complaint fails to state a cognizable claim because it raises non-justiciable political questions which, if addressed by the Court, would result in a violation of the separation of powers.

For these reasons, the Motions to Dismiss should be granted. If, however, the Motions are not granted and IPANM is permitted to intervene, IPANM will file an answer, stating its defenses

to Plaintiffs' allegations and claims. IPANM will thereafter litigate the issues raised by Plaintiffs as necessary to protect the interests of IPANM's members.

Respectfully submitted,

MONTGOMERY & ANDREWS, P.A.

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*Attorneys for Independent Petroleum Association of
New Mexico*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 12, 2024, the foregoing was filed through the Court's electronic filing system, which caused all parties or counsel of record to be served by electronic means.

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

**MARIO ATENCIO, PAUL and MARY ANN
ATENCIO, DANIEL TSO, SAMUEL SAGE,
CHEYENNE ATENCIO, KENDRA PINTO,
JULIA BERNAL, JONATHAN ALONZO,
PASTOR DAVID ROGERS, YOUTH UNITED
FOR CLIMATE CRISIS ACTION, PUEBLO
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WILDEARTH GUARDIANS,**

Plaintiffs,

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No. D-101-CV-2023-01038

**STATE OF NEW MEXICO, NEW MEXICO
LEGISLATURE, GOVERNOR MICHELLE
LUJAN GRISHAM, NEW MEXICO
ENVIRONMENT DEPARTMENT,
SECRETARY JAMES KENNEY, in his official
capacity, ENERGY NMINERALS AND
NATURAL RESOURCES DEPARTMENT,
SECRETARY SARAH COTTRELL PROPST,
in her official capacity, ENVIRONMENTAL
IMPROVEMENT BOARD, and OIL
CONSERVATION COMMISSION**

Defendants,

and

**INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO,**

Proposed Intervenor-Defendant.

**DECLARATION OF JIM WINCHESTER IN SUPPORT OF
INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO'S
MOTION TO INTERVENE**

I Jim Winchester, pursuant to Rule 1-011 NMRA, state as follows:

1. I affirm in writing under penalty of perjury under the laws of the State of New Mexico that the following statements are true and correct.
2. I am over 18 years of age and have personal knowledge of the facts stated herein.
3. I hold a Bachelor of Science degree in Mechanical Engineering from the University of Notre Dame.
4. I previously served as the Communications Director for both the New Mexico Energy, Minerals & Natural Resources Department (“EMNRD”) and the New Mexico Environment Department (“NMED”).
5. I am currently employed as the Executive Director of the Independent Petroleum Association of New Mexico (“IPANM”).

Description of IPANM & Its Members

6. Formed in 1978, IPANM advances and preserves the interests of independent oil and gas producers across New Mexico while educating the public to the importance of oil and gas to the state. The Independent Petroleum Association of American defines an “independent” company as a producer who has less than \$5 million in retail sales of oil and gas in a year. Independent producers develop 91 percent of the wells in the United States – producing 83 percent of America’s oil and 90 percent of America’s natural gas. IPANM actively works to promote legislation and regulations, engages with state regulatory agencies that oversee the oil and gas industry, and pursues litigation when necessary. It also provides technical education to members on matters of interest, including on regulatory compliance matters.

7. IPANM is governed by an elected Board of Directors comprised of 17 members from across the State of New Mexico. As Executive Director, I am responsible for overseeing IPANM's functions and for carrying out the direction of the Board of Directors.

8. IPANM has over 350 members representing over 120 distinct member companies working in all aspects of the oil and gas industry. The oil and gas industry is sometimes divided into segments, with upstream referring to exploration and production, midstream referring to transportation and storage of oil and natural gas, and downstream referring to the conversion of crude oil and natural gas into a variety of finished products. IPANM members include companies working in upstream, midstream, and downstream segments of the industry. Our members are responsible for tens of thousands of oil and gas wells and other facilities and represent hundreds of thousands of acres of oil and gas interests across the State of New Mexico.

9. The majority of IPANM members are New Mexico based companies and many are relatively small. In that sense, IPANM represents New Mexico businesses, owners, operators, workers, and families who are impacted by issues related to the oil and gas industry.

10. The IPANM Board unanimously voted to move to intervene in *Atencio v. State of New Mexico*, No. D-101-CV-2023-01038 to protect the interests of IPANM and its members.

IPANM Members Would Be Directly Impacted by the Relief Plaintiffs Seek in this Lawsuit

11. I have reviewed Plaintiffs' Complaint to Enforce Constitutional Rights for a Healthful and Beautiful Environment and Protection of Natural Resources from Despoilment Due to Oil and Gas Pollution ("Complaint"). That Complaint takes direct aim at IPANM and IPANM members. For example, Plaintiffs make the following illustrative allegations:

- a. The State Defendants have "authorized oil and gas production and pollution while failing to control the concomitant emissions and contamination, resulting in a pollution crisis." Complaint, ¶ 2.

- b. “Despite its constitutional duty to protect New Mexico’s air, water, environment and other natural resources, the State continues to authorize and promote oil and gas production, without establishing and implementing a statutory, regulatory and enforcement scheme that ensures the protection of New Mexico’s beautiful and healthful environment.” *Id.* ¶ 4.
- c. “New Mexicans face grave harms to their health, safety, and longevity caused by . . . oil and gas development and production without an adequate system for controlling the pollution and despoilment of natural resources from such activities.” *Id.* ¶ 8.
- d. “[T]he Legislature has not passed laws sufficient to protect the air, land, water or a beautiful and healthful environment from pollution created by oil and gas development.” *Id.* ¶ 145.
- e. “Defendants have violated the New Mexico Constitution by enacting, funding, and enforcing a statutory and regulatory framework for oil and gas extraction and development that authorizes oil and gas development yet fails to regulate oil and gas activities in a manner that protects New Mexico’s land, air, water, and natural resources, for the maximum benefit of the people.” *Id.* ¶ 156.
- f. “Each stage of oil and gas production results in air pollution, including well pad construction, drilling, well completion, fracking and maintenance, enhanced oil recovery, transportation, waste disposal, inactive wells, and abandoned infrastructure.” *Id.* ¶ 158.
- g. “Today’s [oil and gas] production creates more pollution and more environmental damage than in the past since operators must continually drill further, use fracking, and drill more wells to maintain and increase production.” *Id.* ¶ 172.
- h. “Plaintiffs are at increased risk for health harms from oil and gas production. . . .” *Id.* ¶ 308.

Each of these allegations is directly targeted at the oil and gas industry that IPANM represents.

What’s more, almost every one of the other substantive paragraphs in Plaintiffs’ Complaint also targets IPANM and IPANM members, including allegations concerning industry practices, regulations, enforcement, inspections, and the unproven impacts of the oil and gas industry on Plaintiffs. I disagree with the foregoing illustrative allegations, as well as almost every other claim in Plaintiffs’ Complaint.

12. For their remedies, Plaintiffs also target the oil and gas industry. They demand relief that will have a direct and substantial impact on IPANM and IPANM members. For example, Plaintiffs request:

- a. A declaration that the State violated the New Mexico Constitution “because they permit oil and gas extraction, production and concomitant pollution.” Complaint at Prayer for Relief, 104, ¶ 1.
- b. A declaration that the State must adopt a new “statutory, regulatory and enforcement scheme” governing “oil and gas extraction and production.” *Id.* at 104-105, ¶¶ 1-3.
- c. A declaration that “permitting of oil and gas production and concomitant pollution” violated Plaintiffs’ constitutional rights. *Id.* at 105, ¶¶ 4-5.
- d. An injunction “suspend[ing] additional permitting of oil and gas wells.” *Id.* at 106, ¶ 6.
- e. An injunction requiring the State to “enact, fund and implement a [new] statutory, regulatory and enforcement structure and plan” to govern “the oil and gas industry.” *Id.* at 106, ¶¶ 7-8.
- f. An injunction “to treat the byproduct waste of oil and gas extraction, including produced water, as Hazardous Waste and Radioactive Waste.” *Id.* at 106, ¶ 9.
- g. An injunction to “establish a [new] financial assurance system and remediation system for oil and gas wells.” *Id.* at 106, ¶ 10.
- h. An injunction to “use the best available science to detect and analyze the environmental and health impacts of pollution caused by oil and gas production and to control the release of oil and gas pollution.” *Id.* at 106, ¶ 11.
- i. That this Court “retain[] jurisdiction” over the case until all of the remedies listed above are completed to the satisfaction of the Court.

Each of these remedies would have an immediate impact on IPANM and IPANM members. If any of this relief is granted, IPANM members will suffer significant economic losses, and it is likely that some IPANM members will go out of business.

13. IPANM members are subject to the statutes and regulations that Plaintiffs challenge in this case. In essence, Plaintiffs are asking that this Court order that the entire statutory and

regulatory regime that applies to IPANM members be enjoined and rewritten. The impact on IPANM and IPANM members would be devastating. IPANM members have relied upon the existing statutory and regulatory system to make investments, obtain authorizations, and conduct their day-to-day business. If Plaintiffs are successful in this suit, it would disrupt and undermine the entire system, costing IPANM members hundreds of millions of dollars and impacting thousands of families across the State. In addition, the new statutes and regulations contemplated by Plaintiffs would quite literally govern the actions and behavior of IPANM members going forward.

14. The Oil Conservation Division (“OCD”) comprehensively regulates the oil and gas industry in New Mexico. That means that IPANM members must generally obtain approval for drilling a well, changing a well, recompletions, plugging and abandoning a well, and other aspects of their operations. Due to steep decline curves, IPANM members must maintain a consistent drilling schedule to maintain production levels and realize a return on their investments. If additional permitting of oil and gas wells were suspended, as Plaintiffs request, it would impact current operations and render many existing wells uneconomic.

15. As another example of the economic loss that would occur if Plaintiffs were successful, IPANM members make substantial investments in leaseholds with the federal and state government. These leasehold investments can cost as much as \$30,000 per acre. Many leaseholds are for short time periods and the value is lost if they are not developed expeditiously. To get value out of the upfront investments, IPANM members must be able to develop the leaseholds. If a moratorium is placed on OCD permits and authorizations, as requested by Plaintiffs, IPANM members would lose the investments that were already made in existing leaseholds.

IPANM Is Not Adequately Represented by the State Defendants

16. IPANM's interests are focused on supporting the oil and gas industry and helping its members succeed in the short and long term. The interests of the State Defendants are not so limited. Instead of focusing on the oil and gas industry, the State Defendants must balance the interests and goals of all citizens in the State. In other words, by design, the State Defendants must consider the interests of Plaintiffs and other entities that are intentionally working *against* the oil and gas industry. For that reason, I do not believe the State Defendants can adequately represent the narrow and specific interests of IPANM and IPANM members.

17. IPANM regularly engages in statutory and regulatory issues affecting the oil and gas industry. In my experience, IPANM and IPANM members regularly disagree with the State Defendants over the meaning of statutes and regulations, the need for statutes and regulations, the impact of oil and gas operations, the meaning of technical analyses, the authority and jurisdiction of regulatory agencies, how to properly balance policy governing the oil and gas industry, and numerous other issues. The State Defendants have repeatedly taken divergent positions that do not represent the best interests of IPANM, IPANM members, or the oil and gas industry.

18. Three recent examples are instructive:

- a. Ozone Precursor Rules: Defendant the Environmental Improvement Board ("EIB") has recently promulgated regulations purportedly intended to limit emissions of "ozone precursor pollutants." See 20.2.50 NMAC. Plaintiffs argue that the Ozone Precursor Rules adopted by the EIB are inadequate and should be more stringent. See Complaint, ¶ 215. IPANM opposes both the State and Plaintiffs' position. After the rulemaking proceeding, IPANM filed an appeal against the EIB over the Ozone Precursor Rules. See Ct. App. No. A-1-CA-40546. Thus, IPANM is involved in active litigation with the State Defendants over matters directly relevant to the Complaint.
- b. Financial Assurance: As part of the process for an oil and gas operator to obtain a permit to drill, the State requires a financial assurance bond. In 2018, over IPANM's objections, the State amended the Oil and Gas Act to increase the multiple well blanket bond cap from \$50,000 to a maximum of \$250,000.

Plaintiffs now claim that the financial assurance cap should be eliminated. *See* Complaint, ¶¶ 258-261. The negative impact on IPANM members would be significant. Unfortunately, the State Defendants seem to support a change in line with the Plaintiffs' allegations. The OCD has publicly indicated its intent to seek amendments to the Oil and Gas Act in the upcoming legislative session. Among the changes it will seek is an increase to the required financial assurance to an amount as high as \$10 million (40 times the current cap). Once again, IPANM opposes this State proposal that is directly relevant to the Plaintiffs' allegations.

- c. Setbacks: A number of environmental groups have advocated for arbitrary setbacks from production sites. Plaintiffs claim that setbacks are necessary for oil and gas operations. *See* Complaint, ¶¶ 305-308. In the changes being considered to the Oil and Gas Act, the State is supporting setbacks. In contrast, IPANM opposes setbacks as unnecessary and harmful to the industry. I provided comments on the draft legislation to EMNRD on December 15, 2023. Those comments are attached to this Declaration as Winchester Attachment 1.

These three examples are only intended to be illustrative. There are numerous recent instances where the State and IPANM have taken divergent positions on important statutory and regulatory matters impacting the oil and gas industry. Many of those divergent positions are directly applicable to the allegations brought by Plaintiffs in the current lawsuit.

19. The proposal to amend the Oil and Gas Act provides another good example of why the State Defendants cannot represent the interests of IPANM in this litigation. EMNRD provided a draft of the proposed amendments to both industry and the environmental community because EMNRD wanted to fulfill its role of balancing competing New Mexico interests. As I indicated to EMNRD, however, IPANM was concerned because the updated draft legislation accepted numerous suggestions offered by environmental groups to the detriment of IPANM and IPANM members. *See* Attachment 1 at 1. In contrast, EMNRD did not accept any proposed changes from IPANM. *Id.*

20. Another reason why the State Defendants cannot represent IPANM in this case is that OCD and NMED are responsible for regulating and overseeing IPANM members. For

example, Plaintiffs generally claim that the State's enforcement scheme is insufficient and unconstitutional. *See* Complaint, ¶¶ 240-253. Plaintiffs are therefore claiming that the State Defendants must conduct additional enforcement against IPANM members. In my experience, the oversight and enforcement role of OCD and NMED is inherently adversarial, and IPANM members have been the target of various inappropriate or unfounded enforcement actions.

21. Last, as it relates to the State being unable to represent IPANM's interests, there is an unfortunate trend in recent years in which the State Defendants have left IPANM out of discussions, information sessions and negotiations related to important oil and gas topics. It is hard to imagine that the State Defendants are able to represent IPANM's interests in this case when they have shown an unwillingness to receive IPANM's input on a number of related issues.

IPANM Offers a Unique Perspective

22. The Plaintiffs represent environmental interests; the Legislature, the OCC, and the EIB represent the entities responsible for adopting statutes and regulations; and EMNRD, OCD, and NMED represent the entities responsible for administering and overseeing the oil and gas industry. At present, however, there is no party in the lawsuit that actually represents the interests of the oil and gas industry. Therefore, allowing IPANM to intervene would provide the Court with an important and missing perspective as it considers the statutes and regulations governing the oil and gas industry.

23. One of the tasks the Court will be charged with is interpreting Article XX, Section 21 of the Constitution. Based on our interests and history, IPANM is almost certain to have a different interpretation of Article XX, Section 21 as the State Defendants and Plaintiffs.

24. Moreover, IPANM would bring to the case a unique understanding of the oil and gas industry, from those directly involved in the industry. This includes a practical understanding

of the methods and techniques involved, business considerations, the impacts, and relevant data and analysis.

IPANM's Motion to Intervene Is Timely

25. Last, I want to address the issue of the timing of IPANM's motion to intervene. IPANM has been monitoring this case for a couple of months. Specifically, the IPANM Board was aware that the State of New Mexico, Governor Lujan Grisham, NMED, Secretary Kenney, EMNRD, Secretary Cottrell Propose, the EIB, and the OCC filed a Motion to Dismiss and that the Legislature had filed a Motion for Judgment on the Pleadings. IPANM's understanding was (and remains) that if the Motion to Dismiss and Motion for Judgment on the Pleadings are granted, then the case will be dismissed. If the case is dismissed, it is highly unlikely to impact IPANM's interests.

26. Out of respect for the Court, IPANM therefore originally decided to wait to file a motion to intervene until the Court decided the Motion to Dismiss and the Motion for Judgment on the Pleadings. The rationale was that if the dispositive Motion to Dismiss and Motion for Judgment on the Pleadings were denied, IPANM would seek to intervene at that time and it would still be at the very beginning of the case.

27. IPANM's thinking changed after the New Mexico Chamber of Commerce ("NMCC") moved to intervene. IPANM decided it would be helpful to the Court to understand all of the interested entities and potential intervenors before the Court made a decision on who should be allowed to intervene. IPANM therefore decided to file its motion to intervene now. The short period after the NMCC motion was filed represents the holidays, the time for the IPANM Board to meet and vote, and the time to prepare the motion.

28. To be clear, IPANM supports the NMCC's motion to intervene. I am aware of the good work that the NMCC plays throughout the State, and I believe they have an important role to play in this case. However, IPANM and NMCC have different positions, interests, and roles. IPANM is not able to represent the broader economic interests of NMCC any more than NMCC can represent the specific oil and gas interests of IPANM and IPANM members.

FURTHER, DECLARANT SAYETH NAUGHT.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 12, 2024.

/s/ Jim Winchester

Jim Winchester



P.O. Box 6101
 Roswell, NM 88202
 (575) 622-2566

Final

December 15, 2023

New Mexico Oil Conservation Division
 Attn: Mr. Dylan Fuge
 1220 South St. Francis Drive
 Santa Fe, NM 87505
 (e-mail submittal)

RE: IPANM Comments Regarding Oil & Gas Act Discussions: *Setbacks & Freshwater.*

Dear Director Fuge,

On behalf of the 350+ members the Independent Petroleum Association of New Mexico (IPANM), comprised of independent oil & gas producers and associated industry members, I'd like to respectfully submit these comments regarding topics discussed for the past three months on proposed reforms to the Oil & Gas Act. This letter is in addition to comments filed by IPANM on November 17th on the topics of Financial Assurance, Civil Penalties, Well Transfers, Codifying Gas Capture, and Reclamation Funding.

The specific topics below include IPANM's input on setbacks and freshwater. Please consider the following comments, many of which we have already conveyed throughout this process.

Setbacks – Overview

For our setbacks comments, IPANM will break our written feedback into three parts:

Part 1: Setbacks – The Consequences of Implementing the Final Draft

Part 2: Setbacks – Concerns with the Stakeholder Process

Part 3: IPANM's Final & Reasonable Distance for Setbacks Moving Forward

Regarding Part 1: As expressed in November's comments on previous topics, IPANM's intention has been to listen and participate in the stakeholder process to point out the potential negative or unintended consequences of new rule proposals. This letter will not only make mention of those adverse consequences, but we are also providing strong visual illustrations and statistical research that further demonstrate the dramatic impact of the newly drafted regulations. (See expanded Part 1 comments below.)

Regarding Part 2: Regrettably, IPANM feels further compelled to express serious concerns regarding the **stakeholder process** pertaining to setbacks. In IPANM's view, these were the main problematic process issues:

- Each newly proposed conceptual draft unveiled throughout this three-month process consistently increased the regulatory scope and metrics of the setbacks.
- The number of regulatory suggestions offered by environmental groups that were incorporated into new drafts was disproportionate to IPANM's (& industry's) suggestions, which were almost entirely left out of new drafts. (IPANM does acknowledge minor improvements to some industry suggestions, but not IPANM's suggestions.)

- The lack of IPANM considerations that were incorporated into conceptual drafts generated a feeling of futility in the stakeholder process from the standpoint of IPANM members, as opposed to the OCD's stated goal of generating collaboration.
- See expanded Part 2 comments below.

Regarding Part 3: Specific comments related to setback distances that are reasonable and appropriate are detailed in our expanded Part 3 comments below. Simply stated, IPANM has not seen any credible evidence or justifiable reason or study presented by OCD on the need to increase setbacks ANY distance beyond those already in local ordinances.

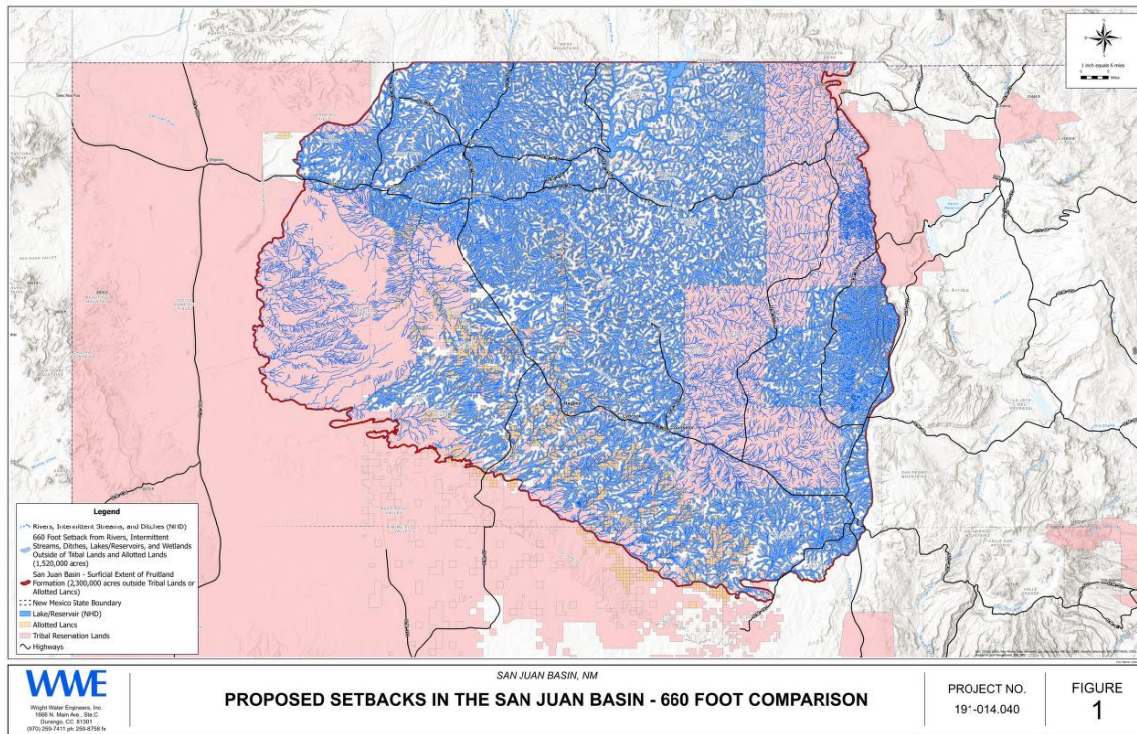
Below are IPANM's expanded comments from IPANM's perspective on each of the above parts identified above.

Setbacks – Part 1: The Consequences of Implementing the Final Draft

As mentioned, IPANM's stated goal throughout this process has been to point out the consequences that will result if the currently proposed setback distances are drafted and adopted. With the understanding that IPANM will later articulate our concerns in Parts 2 & 3 over the lack of justifiable reasons for increasing setbacks across the state, this first section will focus on the latest conceptual draft setback distances as they are currently proposed. IPANM offers the following points for serious consideration:

- **Setbacks of 2640' (1/2 Mile) from health facilities, state health institutions, correctional facilities, adult and adolescent treatment facilities, multi-family residential structures, and any public, private or charter schools have been proposed.**
 - Despite our repeated questions throughout the stakeholder process, IPANM still has yet to hear any definitive reason from OCD as to why this arbitrary and excessive distance of 2640' has been established. While we have heard environmental groups espouse particular studies, the OCD has not referenced any particular study that provides a clear, technical basis for this setback length.
 - As quickly as environmental groups point to specific studies deemed as scientific (despite mostly being funded by environmental groups), IPANM can point to [different studies](#) that come to more substantial conclusions that refute arguments that a distance as extreme as a mile or half-mile is needed as a "health bufferzone".
 - During recent commission hearings on setbacks in Colorado, multiple scientists and safety experts testified on record that there is no evidence to suggest that any setback beyond 500 feet is more protective of public health.
 - Extending the setback will increase the acreage that is off limits to new oil and gas drilling. For example, extending the setback from just 500 feet to 1,500 feet is a nine-fold increase in area and negatively impacts directional drilling.
 - 500ft setback equals an area of 785,398 sq ft.
 - 1,500ft setback equals an area of 7,068,583 sq ft.
 - 2,400ft setback equals an area of 18,095,574 sq ft – which is a development setback that is twenty-three times greater in size
 - Finally, arbitrary setback distances have been proposed absent any analysis or OCD citation of a particular study (or studies) related to associated costs for producers or economic impacts on local communities. This is an unbalanced approach to rulemaking.

- **Setbacks of 2,640' (almost a 1/2 mile) from any detached single-family permanently occupied residence, including manufactured homes, unless the homeowner provides consent in a manner provided by the division, in which case the setback in this paragraph may be reduced to one thousand (1,000) feet without prior approval from the previous version which was 1,750'.**
 - All questions and IPANM counterpoints related to the decision to arbitrarily use 2,640 feet (1/2 mile) for the previously discussed facilities setbacks (above) remain the same for this proposal to also use 2,640 feet (1/2 mile) for the homes and dwelling setbacks. These proposed setback lengths, as discussed above, are not justified. They are also more stringent than what is appropriate for public gathering spaces.
 - While IPANM appreciates the effort on the part of OCD to include a homeowner/landowner consent reduction provision to reduce it by 1,000' without going to the Commission for approval, the reduced distance of 1,640 feet still is too excessive to allow for adequate development of existing mineral rights within those proposed setback distances.
 - Neighborhoods would likely require consent on the part of multiple homeowners/landowners, which becomes more burdensome and more unlikely with multiple parties involved in a process to grant consent. This fact alone disincentivizes producers from even attempting to plan projects within setback zones despite offering consent reductions.
 - The burden on the part of operators to acquire consent permission doesn't account for the possibility of a new or different home purchaser of an already approved consent area protesting the development after it has begun. There is no deadline to provide certainty that an operator can move forward on a consented reduction that covers the risk of a landownership change whereby the new owner rejects the prior owner's consent. Thus, there are no protections in place for producers between the time of preliminary consent through drilling and production of the well.
- **Six hundred sixty (660) feet from any Continuously flowing watercourse, water of the state, lakebed, sinkhole, playa lake, seep, spring or acequia; or wetland.**
 - Upon learning of the OCD's draft considerations of 750' setbacks from waters, IPANM members hired independent consultant firm Wight Water Engineers, Inc. (WWE) to use GIS to map out the setback restrictions and analyze the land percentage impacted.
 - Figure 1 generated by WWE (inserted at the top of the next page) visually illustrates **in blue** the land that would become immediately banned from future potential development under the latest revised OCD 660' setback proposal. (Figure 1 is also available in fullpage view in Appendix A.)



- As illustrated, the setback of 660' from water courses is extremely restrictive, especially in the San Juan Basin, and would prohibit new surface occupancy on a significantly high percentage of land.
- Table 1 provided by WWE presents the metrics on what would become newly restricted land. The figures offer numerical context to the stark visual restrictions illustrated in Figure 1.

Table 1: Area of Land Restricted from Development with 750 Foot & 660 Foot Setbacks

Total Area of San Juan Basin (acres)	Area of Tribal Lands and Allotted Lands Within the San Juan Basin (acres)	Area of San Juan Basin Outside of Tribal Lands and Allotted Lands (acres)	750 foot Setback		660 foot Setback	
			Total Area of Proposed Setback (acres)	Percent of Land Area Within Proposed Setback	Total Area of Proposed Setback (acres)	Percent of Land Area Within Proposed Setback
(8)	(9)	(10)	(11)	(12)	(13)	(14)
3,700,000	1,400,000	2,300,000	1,700,000	74%	1,520,000	66%

Column Notes:

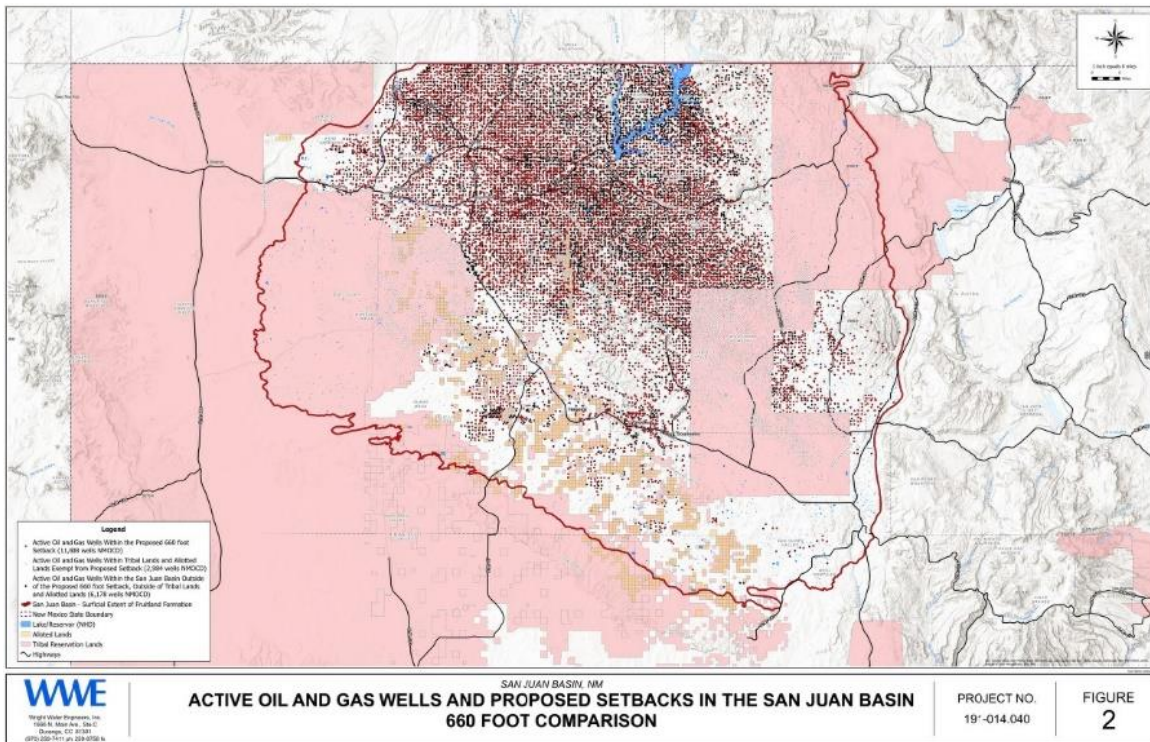
- (8) Total Area of San Juan Basin based on surficial extent of the Fruitland Formation.
- (9) Area of Tribal Lands or Allotted Lands within the San Juan Basin.
- (10) Column (8) - Column (9)
- (11) Area of Land Located Within proposed 750 foot setback.
- (12) Column (11) / Column (10)
- (13) Area of Land Located Within proposed 660 foot setback.
- (14) Column (13) / Column (10)

Wright Water Engineers, Inc.
12/7/2023

Des by: TMD

- As mentioned above, the “ecological receptors” setback draft has been reworded and the setback reduced from 750’ to 660’, but, as Table 1 shows, in the San Juan Basin reduction in restricted land is still significant.
 - Under the 750’ setback proposal, WWE finds that specific new restricted surface disturbance would prohibit oil and gas development on 74% of all available acreage. However, even under the revised 660’ proposal, there would STILL be new restrictions on 66% of all available San Juan acreage.

- In real numbers, of the 3,700,000 acres available to develop right now in the San Juan Basin, the 660's setback would restrict 1,520,000 acres.
- Stating the obvious, this much of a sudden restriction would upend development in the San Juan Basin.
- The 660' proposal does include a very concerning language change to focus on live watercourses to the phrase "water of the state".
- The statutory definition of "water of the state" is found in [NM Stat § 72-1-1 \(2021\)](#): **All natural waters flowing in streams and watercourses, whether such be perennial, or torrential, within the limits of the state of New Mexico, belong to the public and are subject to appropriation for beneficial use. A watercourse is hereby defined to be any river, creek, arroyo, canyon, draw or wash, or any other channel having definite banks and bed with visible evidence of the occasional flow of water.**
- While the recent 660' proposal removed references to "dashed blue line on a USGS 7.5 minute quadrangle map or the next lower order tributary with a defined bed and bank of such watercourses" included in the 750' proposal, the inclusion of "waters of the state" has re-introduced the same problems that existed before. Virtually any drainage, ephemeral, etc, is subject to this provision. If the OCD looks to limit this **only** to live water courses, ponds, lakes, etc., the 660'setback is less problematic, albeit still to large of a setback that IPANM would consider reasonable.
- Figure 2 generated by WWE (inserted below) visually illustrates the existing producing wells **in dark red** that currently operate within the 660' setback as proposed. (Figure 2 is also available in fullpage view in Appendix B.)



- As illustrated on the previous page, the setback of 660’ impacts thousands of the existing wells in Figure 2. In addition to those existing wells, the 660’ setback ends the ability of producers to safely develop thousands of more wells that would lie within the 660’ setback.
- Table 2 provided by WWE presents the metrics on the exact number of wells within the 660’ setbacks:

Table 2: Existing Wells Within Both 750' & 660' Proposed Setbacks

Total Active Oil and Gas Wells In San Juan Basin	Active Oil and Gas Wells Located On Tribal Lands or Allotted Lands, Exempt from Setback	Active Oil and Gas Wells Outside of Tribal Lands and Allotted Lands	750 foot Setback		660 foot Setback	
			Active Wells Located In Proposed Setback	Percent Of Active Wells In Proposed Setback	Active Wells Located In Proposed Setback	Percent Of Active Wells In Proposed Setback
(1)	(2)	(3)	(4)	(5)	(6)	(7)
20,770	2,984	17,786	12,679	71%	11,608	65%

Column Notes:
 (1) Active Oil and Gas Wells Located in the San Juan Basin Per NMOCD Database.
 (2) Wells located on Tribal Lands or Allotted Lands are Exempt from Setback.
 (3) Column (1) - Column (2)
 (4) Active Oil and Gas Wells Located Within proposed 750 foot setback.
 (5) Column (4) / Column (3)
 (6) Active Oil and Gas Wells Located Within proposed 660 foot setback.
 (7) Column (6) / Column (3)

Wight Water Engineers, Inc.
12/7/2023

Des by: TMD

- As mentioned above, the “ecological receptors” setback distance was reduced from 750’ to 660’ in the latest conceptual draft, but, as Table 2 indicates, nearly two-thirds of all wells in the San Juan fall still fall within this proposed setback zone.
 - Under the 750’ setback proposal, WWE finds that 12,679 active wells of the total of 20,770 total active wells located in the San Juan Basin. That amounts to 71% of all active wells that fall within the 750’ setback.
 - Under the 660’ setback proposal, WWE finds that 11,608 active wells of the total of 20,770 total active wells located in the San Juan Basin. That still amounts to 65% of all active wells that fall within the 660’ setback.
 - What Figure 2 and Table 2 do not show is the potentially hundreds to thousands of new wells that would not be able to be developed in the San Juan Basin moving forward.
 - Likewise, Figure 2 and Table 2 do not account for the number of existing projects already in planning development phase that would suddenly be upended the moment the new 660’ setback would take effect in the San Juan Basin.
- All maps and tables have been generated by independent consultant firm Wight Water Engineers, Inc. (WWE) using hydrologic data from the USGS and wetlands information from the U.S. Fish and Wildlife Service.
- IPANM urges the OCD to perform its own GIS analysis of all proposed setbacks (not just the 660’ setback) to fully understand the major impacts these setbacks have on future development in BOTH the San Juan Basin and the New Mexico Permian Basin.
- As already mentioned, the all setback distance proposals in the latest contextual draft will essentially kill future development plans of companies that recently acquired leases with the intention to grow their businesses, including projects that IPANM members are already into the preliminary stages of analysis and planned development.
- Those new planned oil & gas development projects from existing IPANM members already amount to millions of dollars of investments thus far. Without the ability to move forward under new setback rules, IPANM members stand to lose hundreds of millions of

dollars of planned future revenue vital to the solvency of those companies, of which are both small and large producers in New Mexico.

- **Three hundred (300) feet from any other sensitive ecological or environmental receptor identified by the commission.**
 - This provision is vague and open-ended. It gives the OCD too much discretion to create new regulations under new, undefined terms that would present uncertainty and threaten all future development.

- **Measurements shall be made for the outer edge of the sensitive receptor listed above to the nearest corner of the well pad, production facility, tank battery, compressor station, or gas plant. The outer edge of the sensitive receptor shall be determined by the recorded property line boundaries unless the receptor in question is greater than fifty feet from property line boundary, in which cases the distance shall be determined from the nearest developed edge of the applicable structure in question.**
 - This is blatant, underhanded tactic used to further pushback the already overly exaggerated proposed setback boundaries. When you measure to the outer edge of the pad instead of equipment or wellheads, this will add 100' to 200' of additional buffer depending upon the dimensions of the wellpad. This is a purposeful misrepresentation of the actual setback distance from the potential emission source that is the true target point of the setback rule.
 - IPANM and industry spent considerable time and discussion on this very topic, and how using measurement from the outer edges was simply an unjustified way to further hinder oil & gas development.

- **The commission is authorized to make rules, pursuant to 70-2-12 NMSA 1978, to establish additional setbacks, to increase the setback distances established in this section, or to provide technical standards and procedures for the conduct of administrative proceedings for the processing of requests to deviate from any setback established by this section or rule, for the purposes of protecting public health and the environment.**
 - IPANM has pointed out that this provision, and others like it, are purposefully vague ways for OCD to ask the legislature to pass a statute or legislative bill first, and then OCD will determine what's in that bill at a later date. It is an open-ended invitation for this or other future administration to establish more setbacks subject to any standard, including standards based on the political whims of the administration in power.

Setbacks – Part 2: Concerns with the Stakeholder Process

- The purported purpose of a setback is to protect the public from health impacts as the direct result of proximity of wells to the public. However, IPANM believes the fundamental question of the impacts on public health remain scientifically unfounded especially as it correlates to setback distances.

- The initial August 15th Oil Conservation Division's summary page of the desired Oil & Gas Act made no mention of "ecological receptors" as a desired parameter. Furthermore, early stakeholder meetings were strictly framed as emission concerns as they pertain to public health. However, a chronological accounting of the stakeholder discussions demonstrates the massive setback

distance expansions with each subsequent conceptual draft, and the a sudden inclusion of “ecological receptor” setbacks halfway into the three-month long process.

- A month into the conversations, IPANM observed the obvious pressure applied by environmental groups on the OCD Director to consider further setback considerations beyond the originally proposed parameters.
 - At the midpoint of the stakeholder process, OCD introduced an initial draft where upon setbacks of 750 feet from the so-called “ecological receptors”, which remains an undefined term.
 - This draft was proposed by OCD without discussion or input from industry on the consequences to New Mexico production, existing wells, and future plans already years into development in both the New Mexico San Juan and Permian Basins.
 - Additional industry concerns raised after the 750 foot setbacks appeared in the drafts were noted, but the OCD used the 750’ standard as the new baseline without scientific justification. While potentially viewed as a concession, IPANM still is not satisfied on the lack any explanation as to why a public health emissions setback unduly and unjustifiably morphed into the major regulatory “ecological receptor” expansion. The lack of any scientific explanation can be viewed as yet another tactic to simply limit oil & gas development for political purposes.
 - To put it simply and succinctly: the regulatory goalposts were suddenly and inexplicably moved. IPANM finds this unacceptable, regardless of the 750’ proposal and the later 660’ proposal. IPANM will later use comparison maps and tables to demonstrate this minor distance reduction does little to change the dramatic negative impacts on the ability of industry to develop new oil & gas wells in the future.
 - The inexplicable, increasing regulatory parameters and distances, sadly, matches the pattern of “moving the regulatory goalposts” in many of the other topics under consideration in this potential legislation (See IPANM’s November 17th Comments). IPANM members already had questions about the credibility of stakeholder process’ under this administration given similar “moving the goalpost” experiences during the methane rule stakeholder meetings.
- Given the OCD’s inability to produce justifiable reasons for repeated increases of setback scope and distance parameters, IPANM members are left to conclude that these regulatory decisions were made behind closed doors and the reason for the setback increases were political and are based in desire to kill oil & gas development for independent producers.
 - Without justifiable scientific reasons for incremental setback increases in draft proposals, IPANM struggles to find another reason for setback regulatory expansion, especially considering existing regulatory authorities already exist. Consider the following:
 - Existing New Mexico Oil & Gas Act regulations already provides strict regulatory protections of lands that fall into this newly classified category of “ecological receptors”.
 - The existing New Mexico Oil & Gas Act has a robust spill rule which the department is aggressively enforcing under recently-adopted expansive authorities that ensure reporting, clean-up, and restoration.
 - The OCD is aggressively issuing civil penalties to hold operators more accountable for incidents of protection violations.

- Beyond the existing powers granted to the OCD, there are dozens of other regulatory protections that both the state and federal government have jurisdiction in numerous departments for natural resource protection.
 - Multiple state and federal agencies have regulatory authority over environmental protection of water and waterways.
 - The Bureau of Land Management also oversees numerous exclusion zones under protection from development for safe habitat development and protection of species.
 - Finally, industry voluntarily enrolls in robust Candidate Conservation Agreements (CCA's) and CCA's with Assurances (CCAA's).
- Furthermore, setbacks around live waterways or “waters of the state” do not offer any further protection for state lands that might otherwise be safely developed by responsible oil & gas producers for mutual economic benefits to local communities, tribes, and the state.
 - From the beginning, industry expressed discomfort with initial proposals calling for 1500-foot setbacks from hospitals, schools, and related public facilities. When industry repeatedly presented substantive arguments against proposed distance, each subsequent stakeholder session inexplicably led to further setback increases without explanation.
 - The incremental setback increases discussed, presented, and drafted with each new stakeholder meeting set in motion a progression upped the level of regulatory excessiveness. The chronology of increased regulatory actions demonstrates a repeated theme that occurred during previous stakeholder engagements: The administration continuing the move the regulatory goalposts when crafting new environmental rules.
 - In conclusion, the problematic patterns of the stakeholder process that became apparent to IPANM throughout this process has sadly reinforced a justified distrust on the part of IPANM in the sincerity of the OCD wanting to find collaboration. As IPANM reported back updates to members on the progression of stakeholder meetings, a frequent and repeated question posed to IPANM's representatives was, “How much further will the OCD and the environmental groups expand the regulatory parameters in the next meeting?” Sadly, each subsequent meeting proved that question as justified, as demonstrated in the points articulated in this section. Therefore, any suggestion by OCD or environmental groups that the outcome of drafts was collaborative will not only be vocally refuted by IPANM, but also be declared an overall exercise in futility on the part of our participants. We will give credit to the OCD to account for very minor considerations that did fractually dial back the excessive regulatory suggestions, proposals, and drafts. But, those considerations were given after the baseline parameters had already moved into unreasonable parameters. Thus, the examples discussed in this letter point to an inherent bias against industry and industry's right to safely and responsibly develop oil & gas resources in New Mexico. IPANM respectfully asks for further consideration of the above points.

Part 3: IPANM's Final & Reasonable Distance for Setbacks Moving Forward

- While OCD and environmental groups have been working off an assumption that increased setback distances are warranted for wells and facilities across the state, IPANM has remained clear and consistent in our position that already existing local ordinances for adequate setbacks

have already been established through thorough public input processes and require no further adjustments.

- IPANM points out that there is a plethora of environmental regulations that already exist for oil and gas operations on state, federal, and tribal lands. The OCD needs to defer to existing regulatory requirements that are being administered by other agencies, both from state and federal agencies.
- IPANM strongly believes the issue of setbacks is best and most appropriately handled by local counties and municipalities. Please see below for the current local setback ordinance already on record. (*Setbacks for Dwellings in Parenthesis*)
 - [New Mexico County & Municipal Law Pertaining to Oil & Gas Surface Operations](#)
 - [City of Farmington Municipal Setbacks](#) (200 to 300 Feet)
 - [City of Aztec Municipal Setbacks & General Provisions](#) (400 Feet)
 - [City of Carlsbad Municipal Setbacks](#) (500 Feet)
 - [City of Hobbs City Code on Production Wells](#) (300 Feet)
 - [Eddy County Oil and Natural Gas Well Setback Provisions](#) (300 Feet)
 - [Rio Arriba County Setback Provisions](#) (650 Feet)
- Environmental groups contend that established ordinances did not include thorough public input or review. To the contrary, Farmington’s municipal ordinance on setbacks was intensive and included significant public input and hearings throughout the process of which IPANM members companies were heavily involved. Furthermore, IPANM believes local ordinances serve to protect the unique needs of individual communities instead of what is dictated as policy from people who do not live and work in those communities.

Setbacks – Overall Conclusions

- Regardless of environmental groups, political groups, and media reporting, oil and natural gas is needed for the foreseeable future, and it’s being developed in New Mexico cleaner and better than anywhere else. It’s better to do it right and to do it right here, where we can ensure the already high level of safety and environmental protections that exist in the state. Further regulations continue to put IPANM producers at a disadvantage relative the rest of the country and world.
- New Mexico’s industry has been the biggest economic driver of the state and now funds over half of the state budget in addition to employing over 134,000 people within the state. Adopting these overly restrictive setbacks would be a crippling blow not just to IPANM producers, but to the overall wellbeing of its residents, the stability of the overall state economy, and is needed to power all other sectors in the decades ahead.

Freshwater

IPANM has several concerns regarding the evolving parameters related to freshwater limitations that have emerged from stakeholder discussions.

IPANM's biggest concern is the uncertainty surrounding water usage due to the absence of clearly defined regulations expected in the potential final draft:

- The rules proposed would set a troublesome precedent, giving untethered discretion to the Director and the Oil Conservation Commission regarding whether freshwater use necessary for the safe and environmentally protective practices and future development will be allowed in the future.
- For the San Juan Basin in particular, the freshwater mandates and acceleration of application of these mandates to 2030 (versus 2035 in prior drafts) fails to distinguish between the massive water production (and, consequently, potential use of recycled water) in Southeast New Mexico and leaves little room for certainty, regarding the potential for future development in Northwest New Mexico, as it would allow for the rules to be formulated in the future that would immediately disrupt the water sources used for existing and future planned operations. IPANM notes that (i) there are no assurances given that the rules impacting lands north of Township 10 North formulated beginning January 1, 2030, would be limited to those already defined for lands south of Township 10 North and (ii) the volume of produced water in the San Juan Basin would be inadequate to support reasonable development, so the San Juan Basin is placed in a much more vulnerable position than the Delaware/Permian Basin.
- Given the sensitivities around water in New Mexico, IPANM believes the legislature will demand more clarification in drafts to allow for their own legislative analysis and fiscal impacts.
- While IPANM producers are generally in favor of minimizing freshwater usage across all operations, they acknowledge the necessity for flexibility in cases where specific conditions or limitations prevent adherence to the proposed regulations. Having a provision for exceptions is crucial, especially when considering scenarios where necessary water infrastructure is unavailable, geographical constraints limit access to water, technical infeasibility exists, or unexpected circumstances arise.

IPANM also have concerns with the following language regarding the future of Northwest freshwater limitations:

Effective January 1, 2030 the commission may establish by rule additional requirements for the use of produced water, recycled produced water, treated produced water, or non-produced water that contains greater than 3,000 milligrams per liter total dissolved solids for uses north of the Township 10 North line.

- During the stakeholder meetings, the group outlined why the San Juan Basin should be excluded from the same regulations as the Southeast due to obvious differences in the two areas. The OCD proposed a January 1, 2035 rulemaking process and then later changed it to January 1, 2030. IPANM does not believe industry had the chance to weigh in on this arbitrary date change from January 1, 2030. At a minimum, the January 1, 2030 rulemaking authority should be limited to apply rules beginning on the originally-discussed January 1, 2035 date (providing an appropriate buffer for implementation of the currently-undefined rules).

Given the lack of any parameters on the Northwest, and lack of guidelines for and limitations on the commission's proposed rulemaking authority, there is nothing to stop the commission from simply adopt the same rules verbatim that will be established in the Southeast or even establishing rules that are much more stringent than those established for the Southeast. No assurance is given that the January 1, 2030 rulemaking process will give any consideration to the significant geographical constrains, geologic differences, the comparatively minor (compared to Southeast production) volumes of produced water available or infrastructure necessary to collect and distribute that produced water for use in operations, or the significant environmental impairment considerations that would appropriately be given to increased trucking of produced water that would almost certainly become necessary in the event the rules currently proposed for the Southeast wells (or a more restrictive suite of rules, as discussed above) are implemented for the Northwest wells. Nor are these differences expected to change by 2030 or 2035.

Next, IPANM has concerns around disagrees with the presumed consensus regarding restrictions on higher-quality water usage. While most IPANM members feedback indicates that non-produced waters that contain 3,000 parts per million of total dissolved solids (ppm TDS) is workable, IPANM prefers a 1,000 parts per million threshold, which is adequate to protect the higher quality freshwater in the state, while allowing better access to water that is actually available around a wellsites.

Finally, IPANM insists on the necessity of a comprehensive exemption process authorizable through an administrative rule that must be in place as opposed to requiring the petitioning for a hearing on a case-by-case basis.

- This will allow for certainty with established parameters that will not delay projects, as well as make clear what water quality that may be used in each specific basin.
- IPANM operations have substantial concerns that exemptions being handled through a hearing process will unnecessarily delay the already-backlogged OCD and OCC suite of hearings. Further, given the tone of stakeholder discussions, waivers would potentially be contested at every level and the ability to obtain a final waiver would be extremely costly and lengthy even where the exemption is based upon a reasonable request and is ultimately found to be meritorious.

Freshwater – Overall Conclusion

The data provided by the OCD during the stakeholder process shows the volume of water used in the San Juan Basin is less than 0.1% of the total water used in the New Mexico Delaware/Permian Basin. This nearly complete difference in the volume of used water has not been adequately accounted for in the present proposals for freshwater restrictions, given the acceleration of the "rulemaking date" from 2035 back to 2030 and the lack of guidelines for and limitations to the commission's rulemaking authority for regulating freshwater use in the San Juan Basin beginning January 1, 2030 (without legislative action). While it may be argued that the lack of definitive guidelines for the San Juan Basin today is preferential to the defined suite of regulations applicable to the Permian/Delaware Basin (beginning January 1, 2030), the complete lack of transparency regarding the rules that may be created and applied to the San Juan Basin beginning January 1, 2030 (the same date defined regulations begin to apply to the Permian/Delaware Basin) combined with the unavailability of the produced water that would be necessary to comply with the defined suite of regulations applicable to the Permian/Delaware Basin creates an untenably risky situation for San Juan Basin producers – one that is even more risky than the currently-defined suite of proposed regulations applicable to the Permian/Delaware Basin.

Final Summary

In summary, IPANM urges the department to hold off on all proposed reforms to the New Mexico Oil & Gas Act until further progress can be made to fully consider the impacts to not only industry, but all New Mexicans. IPANM is sincerely grateful for the invitation to participate in these discussions, and have provided input with the hope there would be at least some opportunities to find common ground. Unfortunately, there has been little, if any, common ground found in this process. While IPANM appreciated the attempt at a collaborative process, the end results were not collaborative.

However, we respect the authority of the Oil Conservation Division as regulator, regardless of policy differences. While we may strongly disagree with the results in these proposals, IPANM's operators will always continue to strive for regulatory compliance. If such proposals are written into law, or developed through future administrative rulemaking hearings, we do hope such regulations will be executed with careful consideration of the circumstances independent operators will need to safely and efficiently produce oil & gas in New Mexico.

Highest Regards,



Jim Winchester
Executive Director
Independent Petroleum Association of New Mexico

Attachments:

- Appendix A (Separate Document)
- Appendix B (Separate Document)

The Independent Petroleum Association of New Mexico (IPANM) is a non-profit 501c(6) that serves as the voice of the independent oil and gas producers in New Mexico, and advances and preserves the interests of independents to safely and responsibly produce oil and gas while educating the public to the importance of these natural resources to the state and all our lives.

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

**MARIO ATENCIO, PAUL and MARY ANN
ATENCIO, DANIEL TSO, SAMUEL SAGE,
CHEYENNE ATENCIO, KENDRA PINTO,
JULIA BERNAL, JONATHAN ALONZO,
PASTOR DAVID ROGERS, YOUTH UNITED
FOR CLIMATE CRISIS ACTION, PUEBLO
ACTION ALLIANCE, INDIGENOUS
LIFEWAYS, THE CENTER FOR
BIOLOGICAL DIVERSITY, and
WILDEARTH GUARDIANS,**

Plaintiffs,

v.

No. D-101-CV-2023-01038

**STATE OF NEW MEXICO, NEW MEXICO
LEGISLATURE, GOVERNOR MICHELLE
JUAN GRISHAM, NEW MEXICO
ENVIRONMENT DEPARTMENT,
SECRETARY JAMES KENNEY, in his official
capacity, ENERGY NMINERALS AND
NATURAL RESOURCES DEPARTMENT,
SECRETARY SARAH COTTRELL PROPST,
in her official capacity, ENVIRONMENTAL
IMPROVEMENT BOARD, and OIL
CONSERVATION COMMISSION**

Defendants,

and

**INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO,**

Proposed Intervenor-Defendant.

**DECLARATION OF KYLE ARMSTRONG IN SUPPORT OF
INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO'S
MOTION TO INTERVENE**

I Kyle Armstrong, pursuant to Rule 1-011 NMRA, state as follows:

1. I affirm in writing under penalty of perjury under the laws of the State of New Mexico that the following statements are true and correct.

2. I am over 18 years of age and have personal knowledge of the facts stated herein.

3. I hold a bachelor's degree from Georgetown University and a JD from the University of Pennsylvania School of Law.

4. I have worked in the oil and gas industry for approximately eight years. I previously served on Governor Lujan Grisham's Energy, Minerals and Natural Resources Team, on the New Mexico State Land Office Oil & Gas Advisory Committee, and am a past president of the Independent Petroleum Association of New Mexico ("IPANM").

5. I am currently employed by Armstrong Energy Corporation ("AEC") as President and Chief Executive Officer ("CEO"). As President and CEO, I am responsible for all of AEC's oil and gas operations in New Mexico and elsewhere.

6. AEC is a small independent oil and gas exploration and production company that was incorporated in New Mexico on December 27, 1976. Since it was established, AEC has participated in over 600 wells across several states. AEC currently operates approximately 77 producing wells in New Mexico in Chaves, Eddy, Lea, and Roosevelt Counties, as well as several injection wells. It also owns non-operated interests in more than 400 properties and holds more than 80,000 acres of leasehold interests.

7. AEC is a member of IPANM.

8. As an operator, AEC is subject to the statutes and regulations that govern oil and gas development in New Mexico. As it relates to the *Atencio v. New Mexico* lawsuit, AEC is

directly regulated and governed by the statutes and regulations that the Plaintiffs claim are unconstitutional.

9. I understand that the Plaintiffs in this case are asking the Court to declare that the statutory, regulatory, and enforcement scheme that applies to AEC violates the New Mexico Constitution. *See* Complaint to Enforce Constitutional Rights at 104-105, Prayer for Relief ¶¶ 1-5. I also understand that the Plaintiffs have requested that the Court enjoin the State Defendants to establish a new statutory, regulatory, and enforcement scheme under the Court's direction. *See id.* at 106, Prayer for Relief ¶¶ 7-8.

10. AEC is authorized to operate under the existing statutes and regulations governing oil and gas operations, and it makes every effort to comply with the existing statutory and regulatory regime. If Plaintiffs were successful in the relief that they seek, it would be highly disruptive to AEC's operations and would directly and substantially impact AEC's business. At the very least, it would substantially devalue AEC's assets and increase operating costs to the point that AEC might not be able to continue its operations. Based on my understanding of the oil and gas industry, if the existing statutory and regulatory regime were declared unconstitutional and replaced, it would have a major impact across the industry.

11. I am familiar with relevant regulations in other states. Oil and gas operations in New Mexico are already subject to regulations on par with or more stringent than many other states. Increasing the regulatory burden as requested by Plaintiffs in this case would disproportionately impact independent operators who have more limited resources.

12. I understand that another form of relief sought by the Plaintiffs in this case is to suspend additional permitting of oil and gas wells. *See* Complaint to Enforce Constitutional Rights at 104-105, Prayer for Relief ¶ 6. In New Mexico, drilling a new well and most recompletions in

an existing well require a permit. A moratorium on issuing permits would effectively prevent new and continued development while the Court oversees the adoption of new, more stringent statutes and regulations. Independent operators do not have the money to move operations to other states and will suffer severe economic damage if a moratorium is imposed.

13. For example, AEC's wells, like most oil and gas wells, face steep decline curves. This means that AEC must maintain a consistent drilling and recompletion program to maintain production levels. As production in wells declines, AEC must obtain authorization to recomplete its wells on an ongoing and regular basis. Permission to recomplete a well requires a new permit from the Oil Conservation Division ("OCD") of the Energy, Minerals and Natural Resources Department. If Plaintiffs were successful in the present lawsuit, it would prevent AEC from obtaining permits, substantially impair AEC's current operations, and render many existing wells uneconomic, leading to premature plugging of such wells and waste.

14. If Plaintiffs were successful in suspending permitting on oil and gas wells, it would also substantially devalue AEC's existing assets. This is true because AEC participates in a number of horizontal well projects. If permitting were suspended, it would call into question the ability of AEC or another company to develop horizontally. For existing leaseholds, that would diminish the value of those leaseholds to AEC's detriment.

15. One last example of the potential far-reaching impact of Plaintiffs' lawsuit on AEC and other IPANM members is Plaintiffs' request regarding produced water. Produced water is water that is produced as a byproduct during the extraction of oil and natural gas. Plaintiffs ask this Court to enjoin the State to treat produced water as hazardous and radioactive waste. *See* Complaint to Enforce Constitutional Rights at 104-105, Prayer for Relief ¶ 9.

16. AEC produces up to 3,400 barrels of produced water a day. As an illustration, in 2022, AEC produced 609,338 barrels of produced water. That translates to approximately 25.6 million gallons of produced water that year. The bulk of AEC's water is disposed in three permitted saltwater disposal wells under existing regulations. The existing regulations do not treat produced water as hazardous or radioactive waste. Such hazardous waste is subject to substantial additional permitting and other requirements. If the Plaintiffs were successful, it would place substantial additional regulatory burdens on AEC, and would render many wells immediately uneconomical. Based on my current understanding, these burdens would be insurmountable for AEC and many other IPANM members.

17. The interests of AEC are often different from the interests of the State of New Mexico. Indeed, as an oil and gas exploration and production company, AEC is directly regulated by several State agencies, including OCD, the New Mexico Environment Department ("NMED") and the other Defendants in this lawsuit. While I respect OCD, NMED, and the other Defendants, our interests are frequently divergent.

18. For example, the Oil Conservation Commission ("OCC") recently adopted rules governing venting and flaring. While AEC supports some regulation of venting and flaring, the new rules are "one size fits all" and do not take into account the location, type, or history of wells. As a result, these new venting and flaring rules impose difficult problems on AEC.

19. In fact, AEC is currently involved in an ongoing dispute with OCD, among others, over a state lease that AEC briefly operated almost 40 years ago. The State and AEC have different interests in that dispute, just as they do in the present case.

20. In short, AEC's interest in *Atencio v. State* is different than the State Defendants and other members of the general public. I do not believe that AEC will be adequately represented

without IPANM's intervention. The Plaintiffs request relief which will directly and negatively impact operations and profitability of independent operators statewide by delaying, preventing or rendering future operations in New Mexico uneconomical.

FURTHER, DECLARANT SAYETH NAUGHT.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 12, 2024.

/s/ Kyle Armstrong

Kyle Armstrong

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

**MARIO ATENCIO, PAUL and MARY ANN
ATENCIO, DANIEL TSO, SAMUEL SAGE,
CHEYENNE ATENCIO, KENDRA PINTO,
JULIA BERNAL, JONATHAN ALONZO,
PASTOR DAVID ROGERS, YOUTH UNITED
FOR CLIMATE CRISIS ACTION, PUEBLO
ACTION ALLIANCE, INDIGENOUS
LIFEWAYS, THE CENTER FOR
BIOLOGICAL DIVERSITY, and
WILDEARTH GUARDIANS,**

Plaintiffs,

v.

No. D-101-CV-2023-01038

**STATE OF NEW MEXICO, NEW MEXICO
LEGISLATURE, GOVERNOR MICHELLE
LUJAN GRISHAM, NEW MEXICO
ENVIRONMENT DEPARTMENT,
SECRETARY JAMES KENNEY, in his official
capacity, ENERGY NMINERALS AND
NATURAL RESOURCES DEPARTMENT,
SECRETARY SARAH COTTRELL PROPST,
in her official capacity, ENVIRONMENTAL
IMPROVEMENT BOARD, and OIL
CONSERVATION COMMISSION**

Defendants,

and

**INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO,**

Proposed Intervenor-Defendant.

**DECLARATION OF EMMONS YATES IN SUPPORT OF
INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO'S
MOTION TO INTERVENE**

I Emmons Yates, pursuant to Rule 1-011 NMRA, state as follows:

1. I affirm in writing under penalty of perjury under the laws of the State of New Mexico that the following statements are true and correct.

2. I am over 18 years of age and have personal knowledge of the facts stated herein.

3. I hold a bachelor's degree from Boston University.

4. I have worked in the oil and gas industry for approximately 14 years.

5. I am currently employed by Jalapeno Corporation as Vice President. As Vice President I am responsible for Jalapeno's oil and gas operations in New Mexico and elsewhere.

6. Jalapeno is an independent oil and gas exploration and production company that was incorporated in New Mexico in 1993.

7. Jalapeno is a member of IPANM.

8. Jalapeno is subject to the statutes and regulations that Plaintiffs claim are unconstitutional. As a general matter, if the Plaintiffs were successful and the statutes and regulations governing oil and gas operations in New Mexico were deemed unlawful, it would significantly disrupt Jalapeno's operations and cause substantial economic harm to Jalapeno.

9. I understand that the Plaintiffs have requested that the Court oversee the adoption of replacement statutes and regulations. If that were to occur, Jalapeno would be subject to the new laws. As I understand the Complaint, the new laws that Plaintiffs claim must be adopted would impose numerous novel obligations on Jalapeno and other oil and gas companies. The replacement statutes and regulations that Plaintiffs allege should be adopted would place substantial burdens on Jalapeno that are unnecessary and unauthorized.

10. Based on my experience in other states, New Mexico is already a challenging regulatory environment for oil and gas operations. Recent rules adopted by the Oil Conservation

Commission (“OCC”) have caused Jalapeno to transfer some of our resources to Texas. Additional changes would likely have a similar effect.

11. Nonetheless, Jalapeno continues to operate in New Mexico. We hold interests in the southeast, northwest and in Valencia County. These interests represent significant financial investments. But those investments would be lost or considerably diminished if the Court grants the relief requested by Plaintiffs.

12. A large part of our current business model is to investigate new areas for oil and gas production. Jalapeno conducts research and drills wells to prove that certain areas will be productive. Rather than develop the wells and operate the leases ourselves, however, Jalapeno sells its interests in the area and moves on to discover and develop the next project.

13. As part of that business model, Jalapeno makes a significant upfront investment. If the relief requested by Plaintiff, including the permitting moratorium, were imposed by the Court, that upfront investment would be lost.

14. Plaintiffs ask the Court to enjoin the State Defendants to establish a new financial assurance system and remediation system. Under the current system, there is a bonding cap of \$250,000 for an oil and gas company like Jalapeno. As I understand it, Plaintiffs would require increased financial assurance and would remove the bonding cap. Such a plan, if adopted by the Court, would tie up significant resources in bonds or other financial assurance mechanisms. As a smaller company, Jalapeno would struggle with the resources or capital that Plaintiffs’ system would require. As a result, Plaintiffs’ system would cause Jalapeno to reduce activity in New Mexico.

15. The State Defendants include the entities responsible for overseeing and regulating Jalapeno and other oil and gas companies. In my experience, it is typical for Jalapeno to disagree

with the Oil Conservation Division of the Energy, Minerals and Natural Resources Department, New Mexico Environment Department and other agencies on the adoption, meaning, and application of statutes and regulations. Similarly, Jalapeno frequently disagrees with the statutes and regulations adopted or supported by the Legislature, the Environmental Improvement Board, and the OCC. For that reason, I do not believe that the State Defendants can represent the interests of Jalapeno or the oil and gas industry in this case.

FURTHER, DECLARANT SAYETH NAUGHT.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 12, 2024.

/s/ Emmons Yates

Emmons Yates

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

**MARIO ATENCIO, PAUL and MARY ANN
ATENCIO, DANIEL TSO, SAMUEL SAGE,
CHEYENNE ATENCIO, KENDRA PINTO,
JULIA BERNAL, JONATHAN ALONZO,
PASTOR DAVID ROGERS, YOUTH UNITED
FOR CLIMATE CRISIS ACTION, PUEBLO
ACTION ALLIANCE, INDIGENOUS
LIFEWAYS, THE CENTER FOR
BIOLOGICAL DIVERSITY, and
WILDEARTH GUARDIANS,**

Plaintiffs,

v.

No. D-101-CV-2023-01038

**STATE OF NEW MEXICO, NEW MEXICO
LEGISLATURE, GOVERNOR MICHELLE
LUJAN GRISHAM, NEW MEXICO
ENVIRONMENT DEPARTMENT,
SECRETARY JAMES KENNEY, in his official
capacity, ENERGY NMINERALS AND
NATURAL RESOURCES DEPARTMENT,
SECRETARY SARAH COTTRELL PROPST,
in her official capacity, ENVIRONMENTAL
IMPROVEMENT BOARD, and OIL
CONSERVATION COMMISSION**

Defendants,

and

**INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO,**

Proposed Intervenor-Defendant.

**DECLARATION OF JEROME P. MCHUGH, JR. IN SUPPORT OF
INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO'S
MOTION TO INTERVENE**

I, Jerome P. McHugh, Jr., pursuant to Rule 1-011 NMRA, state as follows:

1. I affirm in writing under penalty of perjury under the laws of the State of New Mexico that the following statements are true and correct.

2. I am over 18 years of age and have personal knowledge of the facts stated herein.

3. I hold a bachelor's degree from Colorado College in economics.

4. I have worked in the oil and gas industry in the San Juan Basin of New Mexico for approximately 45 years.

5. I am the President and owner of San Juan Resources, Inc. ("SJR"). I am responsible for all of SJR's oil and gas operations, including exploration and leasing, project formation, drilling and completing, and production of new gas and oil reserves.

6. SJR is a member of IPANM, where I previously served as a board member.

7. SJR is a small independent oil and gas exploration and production company that was founded in 1990. Since it was established, SJR has participated either as operated or non-operated in over 115 wells in New Mexico. SJR currently operates approximately 40 producing wells in New Mexico in San Juan, Rio Arriba, and Sandoval Counties. SJR has fee and federal leasehold interests in approximately 45,000 acres in the San Juan Basin. SJR has two Mancos Shale drilling projects, one in the oil window (25,000 acres) and the other in the Carson National Forest (7,000 acres). Recently, SJR has been working through the Federal regulatory processes to get these projects ready-to-drill and has seven federal permits pending. Once the federal permits are approved, they will be submitted to OCD for final approval.

8. Like all companies in the oil and gas industry, SJR must comply with the statutes and regulations governing oil and gas development in New Mexico. SJR is directly regulated and

governed by the statutes and regulations that the Plaintiffs claim are unconstitutional in this lawsuit.

9. I understand that the Plaintiffs in this case are asking the Court to declare that the statutory, regulatory, and enforcement scheme that applies to SJR violates the New Mexico Constitution and to require the State to implement a new regulatory system.

10. SJR is authorized to operate under the existing statutes and regulations governing oil and gas operations, and it makes every effort to comply with the existing statutory and regulatory regime. SJR would be significantly and substantially impacted, if Plaintiffs were successful in the relief that they seek. The resulting economic costs to SJR could destroy its economic viability.

11. I understand that the Plaintiffs also ask that additional permitting of oil and gas wells be suspended. If permitting for oil and gas is suspended, it would be devastating for SJR as it has no projects in any other state. The resources expended in the current new projects would be in limbo and the related assets would be devalued at best and possibly lost due to expired leases. Stated simply, SJR's investments in its current projects would be substantially at risk.

12. Plaintiffs also want the State to impose new financial assurance requirements for wells and other facilities, with no maximum cap. Currently, many bonding companies are requiring cash deposits that are unavailable for any other purpose. Increasing the financial assurance requirements without a maximum cap will force small operators out of business.

13. SJR's interests are different from the interests of the State of New Mexico. The State enforces the requirements on the oil and gas industry, and disputes can arise. For example, SJR was recently fined by OCD for a casing leak discovered in a well test, which had previously been undetected.

14. Imposing more stringent regulations affects the economic viability of SJR's wells, and SJR itself, because it lacks the financial resources to engage the environmental consultants that are necessary to comply with more stringent regulations without consideration of the location, type, and history of a well.

/s/ Jerome P. McHugh, Jr.
Jerome P. McHugh, Jr.

January 11, 2024
Date

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

**MARIO ATENCIO, PAUL and MARY ANN
ATENCIO, DANIEL TSO, SAMUEL SAGE,
CHEYENNE ATENCIO, KENDRA PINTO,
JULIA BERNAL, JONATHAN ALONZO,
PASTOR DAVID ROGERS, YOUTH UNITED
FOR CLIMATE CRISIS ACTION, PUEBLO
ACTION ALLIANCE, INDIGENOUS
LIFEWAYS, THE CENTER FOR
BIOLOGICAL DIVERSITY, and
WILDEARTH GUARDIANS,**

Plaintiffs,

v.

No. D-101-CV-2023-01038

**STATE OF NEW MEXICO, NEW MEXICO
LEGISLATURE, GOVERNOR MICHELLE
LUJAN GRISHAM, NEW MEXICO
ENVIRONMENT DEPARTMENT,
SECRETARY JAMES KENNEY, in his official
capacity, ENERGY NMINERALS AND
NATURAL RESOURCES DEPARTMENT,
SECRETARY SARAH COTTRELL PROPST,
in her official capacity, ENVIRONMENTAL
IMPROVEMENT BOARD, and OIL
CONSERVATION COMMISSION**

Defendants,

and

**INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO,**

Proposed Intervenor-Defendant.

**DECLARATION OF RORY MCMINN IN SUPPORT OF
INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO'S
MOTION TO INTERVENE**

I, Rory McMinn, pursuant to Rule 1-011 NMRA, hereby state as follows:

1. I am over the age of 18, and have the capacity to execute this affirmation, which is based on my personal knowledge.
2. I am the Manager-President and one of three owners of Quatro Osos E&P, LLC (“Quatro”), which is a member of the Independent Petroleum Association of New Mexico.
3. I am also a VP-Operations of EOR Operating Company (“EOR”).
4. Quatro and EOR are authorized by the Oil Conservation Division to operate wells in New Mexico.
5. Prior to working in oil and gas business through Quatro and EOR, I worked in the oil and gas industry in New Mexico for other companies for approximately 35 years.
6. Quatro has been operating in New Mexico for approximately 6-7 years. It operates approximately 60 wells and 9 facilities in Chavez Company. The wells produce minerals underlying approximately 2300 acres in 3 different parcels.
7. Approximately 50 wells operated by Quatro are located on state lands and produce state minerals. Approximately 10 wells are located on fee lands located and produce fee minerals.
8. Quatro pays between \$6,500 and \$10,000 per month in royalties to owners of mineral interests, including the State Land Office and fee owners.
9. Quatro disposes of its produced water by truck and by pipeline to saltwater disposal wells.
10. Up to two months ago, I personally did the pumping for the Quatro wells. My wife and I pay the bills, do the accounting, and perform the office administrative tasks associated with Quatro’s business.

11. EOR has been operating in New Mexico since approximately 2007. The current owners acquired the stock in EOR in August 2023.

12. EOR currently operates approximately 37 wells on approximately 8,400 acres in New Mexico. These wells are within the Milnesand San Andres Unit in Roosevelt County, which is located on fee land and produces federal minerals under an approved waterflood injection project. EOR reinjects its produced water into the waterflood injection system to enhance oil production in the Milnesand San Andres Unit.

13. EOR pays between \$3,500 and \$5,500 in royalties to owners of mineral interests, including the federal government.

14. The members and owners of Quatro and EOR personally finance Quatro and EOR's operations.

15. Recently, EOR invested approximately \$100,000 to repair the waterflood injection system that it operates in the Milnesand San Andres Unit.

16. As operators, Quatro and EOR are subject to the statutes and regulations that govern oil and gas development in New Mexico. As it relates to the *Atencio v. New Mexico* lawsuit, Quatro and EOR are directly regulated and governed by the statutes and regulations that Plaintiffs claim are unconstitutional.

17. Quatro and EOR is authorized to operate under the existing statutes and regulations governing oil and gas operations, and it makes every effort to comply with the existing statutory and regulatory regime. EOR and Quatro operate wells that were drilled decades ago and operated by other companies under historic regulations in effect at that time. If Plaintiffs were successful in the relief that they seek, the operations of both companies would be significantly impacted.

18. Since I acquired my interests in EOR and Quatro, we have worked with the Division to ensure that EOR and Quatro's operations are in compliance with the current statutory and regulatory requirements. The original investments were made in reliance on requirements in place at the time of drilling and historic production from the wells and on current requirements.

19. I understand that Plaintiffs also want the State to stop permitting until the new oil and gas requirements are in place. At times, Quatro and EOR must submit sundry notices for approval of any changes to a well, in order to comply with statutes and regulations enforced by the Division. Suspending approval of sundry notices will impact Quatro and EOR's operations.

20. The interests of Quatro and EOR are different from the interests of the State of New Mexico. The State enforces the requirements that companies must comply with and disputes can arise. For example, prior to our acquisition of interest in EOR, it received a notice of violation and now has an agreed compliance order with the Division. As another example, the new venting and flaring rules are particularly onerous for smaller operators like Quatro and EOR who personally perform the work and finance the operations because they cannot afford to hire the specialized help necessary to comply with more and more stringent regulation, like that requested by Plaintiffs.

21. Plaintiffs' request for relief to enjoin the State to regulate produced water as hazardous and radioactive waste also has the potential for far-reaching impact, particularly on EOR. *See* Complaint to Enforce Constitutional Rights at 104-105, Prayer for Relief ¶ 9. Treating produced water as hazardous waste would likely preclude the efficient re-use of such water for purposes of secondary recovery, as is EOR's practice.

22. I have substantial concerns about the lawsuit's impact on companies such as Quatro and EOR. Both companies are closely managed by the members and owners, who operate efficiently and effectively, balancing costs that results in a reasonable but small profit margin.

23. As small oil and gas companies in New Mexico, Quatro and EOR's interests could be severely impaired by the changes in law and the relief requested by Plaintiffs in this matter. Quatro and EOR's profit margins are not large enough to pay for the additional costs that could arise if the Court awarded Plaintiffs their requested relief. The costs of treating produced water as hazardous waste alone would preclude profitable operations.

24. Further, Quatro and EOR's inability to operate and produce under the pertinent leases could result in the loss of valuable leasehold interests.

25. Simply put, companies like Quatro and EOR would be forced out of business and may face the loss of valuable leasehold assets, if Plaintiffs were awarded the relief requested in this matter.

I affirm under penalty of perjury under the laws of the State of New Mexico that this statement is true and correct.

/s/ Rory McMinn
Rory McMinn

January 11, 2024
Date

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

**MARIO ATENCIO, PAUL and MARY ANN
ATENCIO, DANIEL TSO, SAMUEL SAGE,
CHEYENNE ATENCIO, KENDRA PINTO,
JULIA BERNAL, JONATHAN ALONZO,
PASTOR DAVID ROGERS, YOUTH UNITED
FOR CLIMATE CRISIS ACTION, PUEBLO
ACTION ALLIANCE, INDIGENOUS
LIFEWAYS, THE CENTER FOR
BIOLOGICAL DIVERSITY, and
WILDEARTH GUARDIANS,**

Plaintiffs,

v.

No. D-101-CV-2023-01038

**STATE OF NEW MEXICO, NEW MEXICO
LEGISLATURE, GOVERNOR MICHELLE
LUJAN GRISHAM, NEW MEXICO
ENVIRONMENT DEPARTMENT,
SECRETARY JAMES KENNEY, in his official
capacity, ENERGY NMINERALS AND
NATURAL RESOURCES DEPARTMENT,
SECRETARY SARAH COTTRELL PROPST,
in her official capacity, ENVIRONMENTAL
IMPROVEMENT BOARD, and OIL
CONSERVATION COMMISSION**

Defendants,

and

**INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO,**

Proposed Intervenor-Defendant.

IPANM'S REPLY IN SUPPORT OF MOTION TO INTERVENE

Independent Petroleum Association of New Mexico ("IPANM") hereby files this reply in support of its Motion to Intervene and, pursuant to Rule 1-024(C) NMRA, its proposed Answer to Complaint as IPANM Exhibit G.

ARGUMENT

I. IPANM MAY INTERVENE AS A MATTER OF RIGHT

New Mexico law governing intervention is settled. Rule 1-024(A)(2) NMRA supplies the standard for intervention of right. Under Rule 1-024(A)(2), the Court *must* permit intervention where the applicant timely files an application and satisfies a “three-part test showing that (1) the applicant has an interest in the subject matter of the action; (2) protection of the applicant’s interest may be impaired or impeded by disposition of the action; and (3) the interest sought to be protected is not adequately represented by existing parties.” *Chino Mines Co. v. Del Curto*, 1992-NMCA-108, ¶ 7, 114 N.M. 521. For the reasons that follow, and as stated in IPANM’s Motion, IPANM has satisfied this standard and intervention should be granted.

Plaintiffs make three arguments in support of their position that IPANM has not satisfied the requirements for intervention as a matter of right: (1) IPANM and its members lack a significant and direct interest, (2) IPANM and its members do not have independent defenses or claims in this case, and (3) IPANM and its members’ interests are adequately represented by the State Defendants. Each argument fails for the reasons that follow.

A. IPANM Has a Protectible Interest that May Be Impaired by the Outcome of this Action

Plaintiffs’ first argument is that IPANM is not entitled to intervene because it did not establish a sufficient interest in this case. Resp. at 2. To make this point, Plaintiffs claim that IPANM *must have standing* to establish a sufficient interest in the case. Plaintiffs then try to demonstrate that IPANM and its members lack standing “because they fail to demonstrate an injury that is actual or imminent.” Resp. at 3. This argument should be dismissed for two reasons.

1. Standing Is Not Required for Intervention

Rule 1-024(A)(2) makes no mention of standing. Plaintiffs' novel interpretation of Rule 1-024(A)(2) to nevertheless require an intervenor defendant to establish "standing to intervene" should first be dismissed because it is at odds with the core "purpose of the standing question ...— to protect against improper *plaintiffs*." *De Vargas Sav. & Loan Ass'n of Santa Fe v. Campbell*, 1975-NMSC-026, ¶ 6, 87 N.M. 469, 535 P.2d 1320 (emphasis added); accord *ACLU of N.M. v. City of Albuquerque*, 2008-NMSC-045 ¶ 11, 144 N.M. 471 (citing *De Vargas*).

Plaintiffs' argument on standing is also at odds with established law on intervention. Plaintiffs assert that New Mexico courts *interpret* Rule 1-024(A)(2) to require standing. See Resp. at 2. Plaintiffs cite to *N.M. Right to Choose/NARAL v. Johnson*, 1999-NMSC-005, ¶ 17, 126 N.M. 788, [(hereinafter *NARAL*)] as authority for this assertion. But that opinion does not establish that an intervenor "must have standing." Rather, the Court merely observed that the requirements under Rule 1-024 to demonstrate an interest in the action "*seem to accord with* the general requirements of standing." *Id.* (emphasis added). "Seem to accord with" does not mean that requirements for standing are applicable to intervention. In fact, the Court's opinion makes clear that standing is not equal to intervention: "[W]hile [the court] may confer standing to decide an issue of great public importance, this power to confer standing, does not equate with rights of indiscriminate intervention. The bounds of Rule 1-24 are to be observed." *Id.* ¶ 17 (internal quotation marks, citation, and brackets omitted).

Even federal courts subject to jurisdictional limitations under Article III do not require intervenors to have standing unless the intervenor by right seeks relief different from a litigant with standing. See, e.g., *Town of Chester, N.Y. v. Laroe Estates, Inc.*, 581 U.S. 433, 440 (2017) (determining that an intervenor of right must demonstrate Article III standing when it seeks additional relief beyond that which plaintiff requests); *Purnell v. City of Akron*, 925 F.2d 941, 948

(6th Cir.1991) (“[A] party seeking to intervene need not possess the standing necessary to initiate the lawsuit.”); *Am. Ass’n of People with Disabilities v. Herrera*, 257 F.R.D. 236, 249 (D.N.M. 2008) (“Intervenors are not required to establish standing” (citing *San Juan County, Utah v. United States*, 503 F.3d 1163, 1172 (10th Cir. 2007)); see also *Rivera-Platte v. First Colony Life Insurance Co.*, 2007-NMCA-158, ¶ 89, 143 N.M. 158 (stating that “the district court may utilize federal case law in its analysis” of Rule 1-024).

In sum, standing is not a requirement for IPANM’s intervention. Plaintiffs’ injury argument, derived from the standard for standing, is thus not applicable.

2. IPANM Meets the Minimal Burden to Show “Standing to Intervene”

Even if IPANM is required to show “standing to intervene,” it has done so. Plaintiffs’ injury/impairment arguments conflate an injury in fact analysis under the test for standing and a demonstration of interest analysis under Rule 1-024(A)(2). Nevertheless, IPANM’s Motion, supported by 25 pages of testimony (in the form of affidavits), exceeds the minimal burden under either standard to show that IPANM, and its over 350 members representing over 120 distinct member companies working in all aspects of the oil and gas industry in New Mexico, have a protectable interest, and that Plaintiffs’ allegations in this action concerning industry practices, regulations, enforcement, inspections, and the unproven impacts of the oil and gas industry on Plaintiffs threatens injury and impairment to IPANM and its members’ interests. See, e.g., Winchester Decl., Mot. Exh. B, ¶¶ 8-10; see also *ACLU of N.M. v. City of Albuquerque*, 2008–NMSC–045, ¶ 11, 144 N.M. 471 (recognizing that “the litigant need only show that . . . “he is faced with a real risk of future injury, as a result of the challenged action or statute and that “once the party seeking review alleges he himself is among the injured, the extent of injury can be very slight”); *Kane Cnty, Utah v. United States*, 928 F.3d 877 (10th Cir. 2021) (“To meet the interest

requirement, an applicant ‘must have an interest that *could* be adversely affected by the litigation.’” (emphasis added); *Utah Ass’n of Cmty. v. Clinton*, 255 F.3d 1246, 1253 (10th Cir. 2001) (stating that a would-be intervenor must meet the minimal burden of showing that impairment “is possible if intervention is denied”).

For example, in his declaration, IPANM’s Executive Director Jim Winchester states that “[Plaintiffs’] Complaint takes direct aim at IPANM and IPANM members” and highlights eight illustrative allegations directly targeted at the oil and gas industry that IPANM members represent. In addition, Mr. Winchester identifies at least nine examples of remedies sought by Plaintiffs that, if granted, “would have an immediate impact on IPANM and IPANM members,” cause significant economic losses to IPANM and its members, and put some IPANM members out of business.

For their part, Plaintiffs do not directly attack IPANM’s interest and showing of injury or impairment as a result of this action. Instead, Plaintiffs attempt to establish that IPANM’s interest and risk of injury or impairment as a result of Plaintiffs’ lawsuit is too speculative to support intervention under New Mexico law. *See, e.g.*, Resp. at 3-5. These arguments should be dismissed for two reasons. First, Plaintiffs ignore the detailed facts and examples provided in IPANM’s declarations. Second, they again rely on a manufactured standard for intervention without supporting authority. *See Robey v. Parnell*, 2017-NMCA-038, ¶ 40, 392 P.3d 642 (“[T]his Court will not consider propositions that are unsupported by citation to authority.”).

Contrary to Plaintiffs’ arguments, the burden to meet the interest requirement is minimal and does not demand detailed cost calculations and other evidentiary support. *Kane Cnty*, 928 F.3d at 891 (“We apply ‘practical judgment’ when ‘determining whether the strength of the interest and the potential risk of injury to that interest justify intervention.’ Establishing the potential impairment of such an interest ‘presents a minimal burden,’ and such an impairment may be

‘contingent upon the outcome of litigation.’”); see *Dominguez v. Rogers*, 1983-NMCA-135, ¶ 11, 100 N.M. 605 (acknowledging “that courts ordinarily interpret Rule 24(a) liberally”), *superseded by statute on other grounds as stated in Spoon v. Mata*, 2014-NMCA-115, ¶ 23, 338 P.3d 113.

Plaintiffs do not establish otherwise or demonstrate under the applicable standard that this Court can or should deny intervention by right. Plaintiffs rely on inapposite cases in support of their position. *American Federation of State, County & Municipal Employees v. Board of County Commissioners of Bernalillo County* discusses the standing requirements under the New Mexico Declaratory Judgment Act, which are also inapplicable here. 2016-NMSC-017, ¶¶ 31-32. Further, the facts in *NARAL* are distinguishable. The Court’s holding in *NARAL* does not rest on the sufficiency of information the intervenor provided to show impairment. Instead, the Court found that the proposed intervenors had not met the interest requirement because they failed to allege *any way* in which their tax liability would be changed by the challenged expenditure. *NARAL*, 1999-NMSC-005, ¶ 18. Here, that is not the case. IPANM undoubtedly exceeds the minimal burden applied in *NARAL* by alleging several ways in which IPANM’s interest will be impaired by this action. Indeed, Plaintiffs quote IPANM’s pertinent allegations here—IPANM members “will suffer significant economic losses and it is likely that some IPANM members will go out of business” as a result of Plaintiffs’ requests for relief. Resp. at 3.

In sum, review under the correct standard for intervention by right reveals that the threat of economic injury to IPANM and its members as a result of the outcome of litigation “undoubtedly gives a petitioner the requisite interest” to intervene. *Utahns for Better Transp. v. U.S. Dep’t of Transp.*, 295 F.3d 1111, 1115-16 (10th Cir. 2002).

3. Participation in Subsequent Rulemaking and Legislation Does Not Negate the Impairment that Would Result from a Verdict for Plaintiffs

Plaintiffs argue throughout the Response that “most of” the relief sought by Plaintiffs in this case “would require further legislative and executive action in which [IPANM] will have ample opportunity to participate.” Resp. at 7. Plaintiffs attempt to justify the harm that its requested relief will undoubtedly cause to IPANM and its members by rationalizing that IPANM will have the opportunity to participate in the re-drafting of legislation after Plaintiffs succeed in having all current regulations and statutes declared unconstitutional. This argument is nonsensical.

The ability to participate in rulemaking and legislation following the declaration of oil and gas regulations as unconstitutional does not rectify the harm that will come to IPANM and its members as a result of Plaintiffs’ requested relief. As described in detail in the Motion, the injunctive relief sought by Plaintiffs will disrupt the operations of IPANM members, *see* Armstrong Decl., Mot. Exh. C, ¶ 10; Yates Decl., Mot. Exh. D, ¶ 19; McHugh Decl., Mot. Exh. E, ¶ 10; McMinn Decl., Mot. Exh. F, ¶ 19; create insurmountable costs for many IPANM members, *see* Armstrong Decl., Mot. Exh. C, ¶¶ 15-16; McMinn Decl., Mot. Exh. F, ¶ 23; and result in losses of investments and devaluations of assets and leasehold interests. *See* Armstrong Decl., Mot. Exh. C, ¶ 14; Yates Decl., Mot. Exh. D, ¶¶ 11, 14; McHugh Decl., Mot. Exh. E, ¶ 11; McMinn Decl., Mot. Exh. F, ¶ 26; *see also* Mot. at 7-8.

The above-described harm to IPANM and its members will not be limited by their ability to participate in subsequent rulemaking and legislation. In summary, the 25 pages of testimony provided by IPANM meets the standard of proving that IPANM has a protectible interest in this action and the “disposition of the action may as a practical matter impair or impede [IPANM’s] ability to protect” that interest. The first and second prongs of Rule 1-024(A)(2) are thus satisfied.

B. IPANM Has Demonstrated Its Own Claims

Plaintiffs’ second argument generally contends that IPANM should not be granted intervention in this case because it is not a proper defendant. To support this claim, Plaintiffs

generally assert that IPANM does not have its own independent claims or defenses and is instead trying to stand in place of or alongside the State to defend the State. Resp. at 6-7. As a threshold matter, Plaintiffs make this assertion without citation to any supporting authority and it should be dismissed on that basis. *See Robey*, 2017-NMCA-038, ¶ 40, 392 P.3d 642.

Plaintiffs also argue that IPANM has not asserted independent claims or “specific harms from the relief sought in this case.” Resp. at 7. This assertion is patently false. *See, e.g.*, Mot. Ex. B, Winchester Decl. ¶¶ 8, 9, 12, 13, 16-24 (identifying IPANM’s unique interest and providing at least nine examples of remedies sought by Plaintiffs that, if granted, “would have an immediate impact on IPANM and IPANM members,” cause significant economic losses to IPANM and its members, and put some IPANM members out of business); Mot. Ex. C, Armstrong Decl. ¶¶ 10-20 (identifying specific impairment to AEC’s and differences from State Defendants); Mot. Ex. D, Yates Decl. ¶¶ 9-15 (identifying specific impairment to Jalapeno and differences from State Defendants); Mot. Ex. F, McMinn Decl. ¶¶ 16-23 (identifying specific impairment to Quatro and EOR and differences from State Defendants). In fact, IPANM would be the only party to this lawsuit with on the ground experience in the oil and gas industry. This knowledge and understanding of oil and gas production in New Mexico is vitally important to the issues and claims brought by Plaintiffs and fundamentally differs from the State Defendants’ experience.

C. IPANM’s Interest Is Not Adequately Represented by the State Defendants

Plaintiffs argue that IPANM has not overcome the presumption that the State Defendants adequately represent its interests in this litigation. Resp. at 7. Similar to Plaintiffs’ argument discussed above, Plaintiffs support this assertion with the sweeping claim that IPANM “has made no showing that its or its members’ interests are not adequately protected by the governmental defendants.” Resp. at 8. Again, Plaintiffs’ assertion is patently false. IPANM provided 25 pages of declarations identifying its and its members’ unique interests and the specific and numerous

ways in which those interests cannot be adequately protected by the State Defendants. *See, e.g.* Mot. Ex. B, Winchester Decl. ¶¶ 16 to 21; Mot. Ex. C, Armstrong Decl. ¶¶ 10-20; Mot. Ex. D, Yates Decl. ¶¶ 9-15; Mot. Ex. E, McMinn Decl. ¶¶ 16-23.

Plaintiffs also contend that IPANM had claimed but “has failed to show any actual adversity.” Mot. at 8. This argument also fails. Plaintiffs’ primary argument is that IPANM and the State Defendants cannot establish adversity of interest because they share the same objective. Resp. at 9. Plaintiffs assert this is true because “a large part of the State’s defense is—and will continue to be—promoting oil and gas development because of the economic importance of the industry to the state.” *Id.* Plaintiffs provide no support for their theory of the State Defendants’ litigation strategy. Moreover, Plaintiffs conflate the State’s economic interest and risk of impairment to the State and IPANM’s economic interest and potential impairment to IPANM and its members. Contrary to Plaintiffs’ assertions, those interests are not the same. Again, this is made clear in the declarations provided with IPANM’s Motion explaining why IPANM cannot be adequately represented by the State Defendants. *Supra* at 8. As one example, Mr. Winchester explained that “IPANM’s interests are focused on supporting the oil and gas industry and helping its members succeed in the short and long term,” whereas the “State Defendants must balance the interests and goals of all citizens in the State” which, by design, includes “the interests of Plaintiffs and other entities that are intentionally working against the oil and gas industry.” Mot. Ex. B, Winchester Decl. ¶¶ 16; *see* Mot. Ex. C, Armstrong Decl. ¶ 5 (identifying specific economic impact on AEC that would not necessarily impact the economic interest of the State).

Plaintiffs’ lack of adversity argument also fails because the adversity of interest between State Defendants and private entities is what gives Plaintiffs standing to bring this action. If Plaintiffs are correct that the State Defendants’ interests “adequately represent” IPANM, then it

necessarily follows that the State Defendants interests also “adequately represent” Plaintiffs and this lawsuit must be dismissed. Plaintiffs have not established otherwise.

II. IPANM ALSO MEETS THE STANDARD FOR PERMISSIVE INTERVENTION

IPANM’s Motion demonstrates that IPANM should be permitted to intervene under Rule 1-024(B). For their argument in opposition, Plaintiffs simply restate the assertions that IPANM’s “claims of possible future economic harm are entirely speculative” and that IPANM “has not demonstrated any claim or defenses that the governmental Defendants are not already making.” Resp. at 10. These arguments were responded to above and should be dismissed because they are belied by the actual showing in IPANM’s Motion and supporting Declarations and because they misapply the standard for decision.

Finally, Plaintiffs assert that IPANM’s filings will result in duplication and delay. This assertion is also unfounded. Resp. at 2, 10. As discussed in the Motion, IPANM represents over 350 businesses, owners, operators, workers, and families in the oil and gas industry across New Mexico. Mot. at 1 If granted intervention by this Court, IPANM will be the only party in this lawsuit with boots on the ground experience in the oil and gas industry. Moreover, IPANM and its members will be the parties subject to the requested permitting stay and the demanded extensive controls and requirements. This knowledge and understanding of oil and gas production in New Mexico is vitally important to the issues and claims brought by Plaintiffs. Finally, as explained above, IPANM’s interests are not the same as, and are not adequately represented by, the State Defendants. Because IPANM’s interests are specific to its members, its filings will undoubtedly be individualized and divergent to the filings of the other parties. For these reasons, and the reasons stated in the Motion, permissive intervention should be granted.

CONCLUSION

For the foregoing reasons, IPANM respectfully requests that the Court grant the Motion, allow intervention, and permit IPANM to file the pleading attached hereto as Exhibit G.

Respectfully submitted,

MONTGOMERY & ANDREWS, P.A.

By: /s/ Jeffrey J. Wechsler

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*Attorneys for Independent Petroleum Association of
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 11, 2024, the foregoing was filed through the Court's electronic filing system, which caused all parties or counsel of record to be served by electronic means.

/s/ Jeffrey J. Wechsler

Jeffrey J. Wechsler

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

MARIO ATENCIO, PAUL and MARY ANN ATENCIO, DANIEL TSO, SAMUEL SAGE, CHEYENNE ATENCIO, KENDRA PINTO, JULIA BERNAL, JONATHAN ALONZO, PASTOR DAVID ROGERS, YOUTH UNITED FOR CLIMATE CRISIS ACTION, PUEBLO ACTION ALLIANCE, INDIGENOUS LIFEWAYS, THE CENTER FOR BIOLOGICAL DIVERSITY, and WILDEARTH GUARDIANS,

Plaintiffs,

v.

No. D-101-CV-2023-01038

STATE OF NEW MEXICO, NEW MEXICO LEGISLATURE, GOVERNOR MICHELLE LUJAN GRISHAM, NEW MEXICO ENVIRONMENT DEPARTMENT, SECRETARY JAMES KENNEY, in his official capacity, ENERGY NMINERALS AND NATURAL RESOURCES DEPARTMENT, SECRETARY SARAH COTTRELL PROPST, in her official capacity, ENVIRONMENTAL IMPROVEMENT BOARD, and OIL CONSERVATION COMMISSION

Defendants,

and

INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO,

Proposed Intervenor-Defendant.

PROPOSED INTERVENOR-DEFENDANT INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO'S ANSWER TO COMPLAINT

Proposed Intervenor-Defendant Independent Petroleum Association of New Mexico (“IPANM”) hereby responds to Plaintiffs’ Complaint.

PRELIMINARY STATEMENT

Plaintiffs’ prefatory paragraph is a summary of the complaint and the relief requested to which no response is required. To the extent a response is required, IPANM denies the allegations therein.

INTRODUCTION

1. Paragraph 1 states a legal argument and conclusion for which no answer is required. To the extent an answer is required, IPANM denies the same.

2. IPANM admits that the State has authorized oil and gas production. IPANM denies the remaining allegations of Paragraph 2.

3. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 3 regarding Plaintiffs’ place of residence and therefore denies the same. IPANM denies the remaining allegations of Paragraph 3.

4. Paragraph 4 states in part a legal argument and conclusion for which no answer is required. To the extent an answer is required, IPANM denies the same. IPANM admits that the State authorizes oil and gas production. IPANM denies the remaining factual allegations in Paragraph 4.

5. IPANM denies the allegations in Paragraph 5.

6. IPANM admits that the State approves permits for oil and gas production and promulgates rules relating to such production. IPANM denies the remaining allegations in Paragraph 6.

7. IPANM admits that the State authorizes oil and gas production. IPANM denies

the remaining allegations in Paragraph 7.

8. IPANM admits that the State authorizes oil and gas production. IPANM denies the allegations in Paragraph 8.

9. Paragraph 9 states Plaintiffs' alleged reasons for filing this lawsuit, to which no response is required. To the extent a response is required, the allegations of Paragraph 9 are denied.

PARTIES

I. Plaintiffs

10. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 10 and therefore denies the same.

11. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 11 and therefore denies the same.

12. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 12 and therefore denies the same.

A. Dine Family Plaintiffs

1) Paul, Mary Ann and Mario Atencio

13. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 13 and therefore denies the same.

14. IPANM denies that any harm to the Atencios was caused by Defendants' authorization of oil and gas development. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 14 and therefore denies the same.

15. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 15 and therefore denies the same.

16. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 16 and therefore denies the same.

17. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 17 and therefore denies the same.

18. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 18 and therefore denies the same.

19. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 19 and therefore denies the same.

20. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 20 and therefore denies the same.

21. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 21 and therefore denies the same.

22. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 22 and therefore denies the same.

23. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 23 and therefore denies the same.

24. IPANM denies that any harm to the Atencio family was caused by Defendants' authorization or permitting of oil and gas development. IPANM denies that Defendants authorize or permit "pollution." IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 24 and therefore denies the same.

2) Daniel Tso

25. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 25 and therefore denies the same.

26. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 26 and therefore denies the same.

27. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 27 and therefore denies the same.

28. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 28 and therefore denies the same.

29. IPANM denies that Defendants' authorizing of oil and gas development has caused harm to Plaintiff Tso. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 29 and therefore denies the same.

30. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 30 and therefore denies the same.

31. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 31 and therefore denies the same.

3) Samuel Sage

32. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 32 and therefore denies the same.

33. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 33 and therefore denies the same.

34. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 34 and therefore denies the same.

35. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 35 and therefore denies the same.

36. IPANM denies that any harm to Mr. Sage was caused by Defendants'

authorization or permitting of oil and gas development. IPANM denies that Defendants authorize or permit “pollution.” IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 36 and therefore denies the same.

37. IPANM denies that any harm to Mr. Sage was caused by Defendants’ authorization of oil and gas development. IPANM lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37 of the Complaint.

4) Cheyenne Antonio

38. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 38 and therefore denies the same.

39. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 39 and therefore denies the same.

40. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 40 and therefore denies the same.

41. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 41 and therefore denies the same.

42. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 42 and therefore denies the same.

43. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 43 and therefore denies the same.

44. IPANM denies that Defendants’ permitting of oil and gas production resulted in threats to Ms. Antonio’s safety or social-environmental harm to the community. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 44 and therefore denies the same.

45. IPANM denies the allegations in Paragraph 45.

5) Kendra Pinto

46. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 46 and therefore denies the same.

47. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 47 and therefore denies the same.

48. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 48 and therefore denies the same.

49. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 49 and therefore denies the same.

50. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 50 and therefore denies the same.

51. IPANM denies that Defendants' authorizing of oil and gas development caused harm to Ms. Pinto's sense of safety. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 51 and therefore denies the same.

52. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 52 and therefore denies the same.

53. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 53 and therefore denies the same.

54. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 54 and therefore denies the same.

55. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 55 and therefore denies the same.

56. IPANM denies the allegations of Paragraph 56.

57. IPANM denies the allegations of Paragraph 57.

6) Common Harm to the Diné Family Plaintiffs

58. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 58 and therefore denies the same.

59. IPANM denies that Defendants authorize and permit VOCs and hazardous air pollutants to be released into the air by oil and gas operators. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 59 and therefore denies the same.

60. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 50 and therefore denies the same.

61. IPANM denies that Defendants permit pollution and that Defendants' authorization of oil and gas production has caused the air quality to worsen. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 61 and therefore denies the same.

62. IPANM denies that the State's authorization of oil and gas production impacts freshwater resources or makes it increasingly difficult to access clean water. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 62 and therefore denies the same.

63. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 63 and therefore denies the same.

64. IPANM denies that Defendants' increased permitting of oil and gas development has resulted in a loss of plants and animals. IPANM lacks sufficient information to admit or

deny the remaining allegations in Paragraph 64 and therefore denies the same.

65. IPANM lacks sufficient information to admit or deny the allegations in Paragraph 65 and therefore denies the same.

66. IPANM denies that Defendants' authorization of oil and gas development caused the destruction of the Diné Family Plaintiffs' ancestral lands. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 66 and therefore denies the same.

67. IPANM denies that Defendants' permitting of oil and gas activities has caused the destruction of sacred places, ancestral landscapes and traditional cultural resources or impeded the Diné Family Plaintiffs' ability to practice traditional ceremonies. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 67 and therefore denies the same.

68. IPANM denies that oil and gas operations and pollution harm the sacred and spiritually significant sites of the Navajo people and their traditionally practicing members. IPANM lacks sufficient information to admit or deny the remaining allegations in Paragraph 68 and therefore denies the same.

69. IPANM is without sufficient information to admit or deny the allegations in the first sentence and the first half of the second sentence of Paragraph 69 and therefore denies the same. IPANM denies the remaining allegations of Paragraph 69.

70. IPANM denies the allegations of Paragraph 70.

71. IPANM denies the first sentence of Paragraph 71. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 71 and therefore denies the same.

B. Pueblo Family Plaintiffs

1) Julia Bernal

72. IPANM lacks sufficient information to admit or deny the allegations of Paragraph 72 and therefore denies the same.

73. IPANM lacks sufficient information to admit or deny the allegations of Paragraph 73 and therefore denies the same.

74. IPANM lacks sufficient information to admit or deny the allegations of Paragraph 74 and therefore denies the same.

75. IPANM denies the allegations of Paragraph 75.

2) Jonathan Alonzo

76. IPANM lacks sufficient information to admit or deny the allegations of Paragraph 76 and therefore denies the same.

77. IPANM lacks sufficient information to admit or deny the allegations of Paragraph 77 and therefore denies the same.

78. IPANM denies the allegations of Paragraph 78.

79. IPANM denies the allegations in the first and second sentences of Paragraph 79. IPANM denies that oil and gas development has degraded Mr. Alonzo's ancestral lands. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 79.

80. IPANM denies the allegations of Paragraph 80.

3) Common Harm to the Pueblo Family Plaintiffs

81. IPANM is without sufficient information to admit or deny the allegations in Paragraph 81 and therefore denies the same.

82. IPANM is without sufficient information to admit or deny the allegations in Paragraph 82 and therefore denies the same.

83. IPANM denies the allegations of Paragraph 83.

84. IPANM denies the allegations of Paragraph 84.

C. Permian Family Plaintiff

85. IPANM is without sufficient information to admit or deny the allegations in Paragraph 85 and therefore denies the same.

86. IPANM admits that Eddy County is located in the Greater Carlsbad region of southeast New Mexico, which is part of the Permian Basin.

87. IPANM admits that horizontal drilling opened up significant areas of hydrocarbons that were previously uneconomical to extract, resulting in an increase in oil and gas production in the Permian Basin, including Eddy County, starting about ten years ago. IPANM denies the remaining allegations in Paragraph 87.

88. IPANM admits that truck traffic exists in Eddy County as a result of oil and gas production. IPANM denies the remaining allegations in Paragraph 88.

89. IPANM is without sufficient information to admit or deny the allegations in Paragraph 89 and therefore denies the same.

90. IPANM denies the allegations in Paragraph 90.

91. In response to Paragraph 91, IPANM denies that Defendants' permitting or regulation has caused pollution and destruction of the environment. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 91 and therefore denies the same.

92. IPANM is without sufficient information to admit or deny the allegations in

Paragraph 92 and therefore denies the same.

93. IPANM denies that oil and gas wells harm the health of children in schools. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 82 and therefore denies the same.

94. IPANM denies the allegations of Paragraph 94.

D. Organizational Plaintiffs

1) Youth United for Climate Crisis Action (YUCCA)

95. IPANM denies that Defendants' permitting of oil and gas production caused harm to YUCCA or is a threat to life on earth, the future of YUCCA's members, and their children and grandchildren's ability to live in New Mexico. IPANM denies that Defendants permit pollution. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 95 and therefore denies the same.

96. IPANM is without sufficient information to admit or deny the allegations in Paragraph 96 and therefore denies the same.

97. IPANM denies that Defendants' permitting caused harm to YUCCA or is a threat to life on earth, the future of YUCCA's members, and their children and grandchildren's ability to live in New Mexico. IPANM denies that pollution controls are inadequate. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 97 and therefore denies the same.

98. IPANM denies that Defendants' authorizing of oil and gas development caused harm to YUCCA members. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 98 and therefore denies the same.

99. IPANM denies that Defendants' permitting of oil and gas development caused

harm to YUCCA members. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 99 and therefore denies the same.

100. IPANM denies that Defendants' authorization of oil and gas development caused harm to YUCCA members, contamination, pollution, or despoilment. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 100 and therefore denies the same.

2) Pueblo Action Alliance

101. IPANM is without sufficient information to admit or deny the allegations in Paragraph 101 and therefore denies the same.

102. IPANM denies that the State authorizes pollution. IPANM denies that Pueblo Action Alliance's staff members and board members are harmed by the State's permitting of oil and gas production. IPANM denies that the State's authorizing of oil and gas extraction destroys cultural and spiritual ties to land and landscapes. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 102 and therefore denies the same.

103. IPANM denies that the Greater Chaco Landscape of northwestern New Mexico has been despoiled by the State's authorization of oil and gas production without controlling for pollution. IPANM denies that the livable futures of Pueblo Action Alliance staff and board members are threatened by Defendants' authorization of oil and gas production. IPANM denies that Defendants authorize pollution. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 103 and therefore denies the same.

104. IPANM is without sufficient information to admit or deny the allegations in Paragraph 104 and therefore denies the same.

105. IPANM is without sufficient information to admit or deny the allegations in

Paragraph 105 and therefore denies the same.

106. IPANM is without sufficient information to admit or deny the allegations in Paragraph 106 and therefore denies the same.

3) Pueblo Action Alliance

107. IPANM is without sufficient information to admit or deny the allegations in Paragraph 107 and therefore denies the same.

108. IPANM denies that the State's authorizing of oil and gas development has harmed Plaintiff Indigenous Lifeways' staff, board members, volunteers and members; that indigenous ways of life are harmed by the State's actions to permit oil and gas development; and that the State's permitting of oil and gas development is without adequate pollution control and harm management. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 108 and therefore denies the same.

109. IPANM is without sufficient information to admit or deny the allegations in Paragraph 109 and therefore denies the same.

4) Center for Biological Diversity

110. IPANM is without sufficient information to admit or deny the allegations in Paragraph 110 and therefore denies the same.

111. IPANM is without sufficient information to admit or deny the allegations in Paragraph 111 and therefore denies the same.

112. IPANM denies that the State authorizes oil and gas development without controlling pollution and denies that the Center's members are harmed by the same. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 112 and therefore denies the same.

113. IPANM denies that inadequately regulated oil and gas production in New Mexico is a leading contributor to the global climate crisis. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 113 and therefore denies the same.

114. IPANM is without sufficient information to admit or deny the allegations in Paragraph 114 and therefore denies the same.

5) WildEarth Guardians

115. IPANM is without sufficient information to admit or deny the allegations in Paragraph 115 and therefore denies the same.

116. IPANM denies that the State authorizes oil and gas development without sufficient pollution controls. IPANM denies the last sentence of Paragraph 116. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 116 and therefore denies the same.

117. IPANM is without sufficient information to admit or deny the allegations in Paragraph 117 and therefore denies the same.

7) Common Harms to Organizational Plaintiffs

118. IPANM is without sufficient information to admit or deny the allegations in Paragraph 118 and therefore denies the same.

119. IPANM denies that Defendants permit oil and gas pollution. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 119 and therefore denies the same.

8) Common Harm to All Plaintiffs

120. IPANM denies the allegations in Paragraph 120.

121. IPANM denies the allegations in Paragraph 121.

II. Defendants

122. The allegations in the first sentence of Paragraph 122 are statements of law to which no response is required. To the extent the allegations therein are inconsistent with the law, IPANM denies those allegations. IPANM denies the allegations in the second sentence of Paragraph 122.

123. The allegations in the first sentence of Paragraph 123 are statements of law to which no response is required. To the extent the allegations therein are inconsistent with the law, IPANM denies those allegations. IPANM denies the remaining allegations in Paragraph 123.

124. IPANM is without sufficient information to admit or deny the allegation in the first sentence of Paragraph 124 and therefore denies the same. The allegations in the second, third, and fourth sentences of Paragraph 124 are statements of law to which no response is required. To the extent the allegations therein are inconsistent with the law, IPANM denies those allegations. IPANM admits that the Governor proposes a state budget, leads state policy matters, and exercises veto power over legislation, including the budget. IPANM denies that the Governor is ultimately responsible for all State agency actions, denies that the State authorizes oil and gas production with inadequate pollution controls, and denies that the Governor has failed to prevent substantial impairment to the environment and to effectively implement and enforce the laws and constitution causing injury to plaintiffs.

125. IPANM admits the allegations of Paragraph 125.

126. IPANM admits that the Oil Conservation Division (“Division”) is part of the New Mexico Energy, Minerals and Natural Resources Department. The remaining allegations in the first sentence and the allegations in the second sentence of Paragraph 126 are statements of

law to which no response is required; to the extent the allegations therein are inconsistent with the law, IPANM denies those allegations. IPANM is without sufficient information to admit or deny the allegations in the third sentence of Paragraph 126 and therefore denies the same. IPANM admits that the Division's website has language similar to that alleged in the fourth sentence of Paragraph 126. Such language speaks for itself. IPANM denies any allegation in Paragraph 126 that is inconsistent with the language on the website.

127. IPANM is without sufficient information to admit or deny the allegations in the first sentence of Paragraph 127 and therefore denies the same. The remaining allegations in Paragraph 127 are statements of law to which no response is required; to the extent the allegations therein are inconsistent with the law, IPANM denies those allegations.

128. The allegations in Paragraph 128 are statements of law to which no response is required; to the extent the allegations therein are inconsistent with the law, IPANM denies those allegations.

129. IPANM denies the allegations in Paragraph 129.

130. The allegations in Paragraph 130 are statements of law to which no response is required; to the extent the allegations therein are inconsistent with the law, IPANM denies those allegations.

131. IPANM is without sufficient information to admit or deny the allegations in the first sentence of Paragraph 131 and therefore denies the same. The remaining allegations in Paragraph 131 are statements of law to which no response is required; to the extent the allegations therein are inconsistent with the law, IPANM denies those allegations.

132. The allegations in Paragraph 132 are statements of law to which no response is required; to the extent the allegations therein are inconsistent with the law, IPANM denies those

allegations.

133. The allegations in Paragraph 133 through “regulations” are statements of law to which no response is required; to the extent the allegations are inconsistent with the law, IPNAM denies those allegations. IPANM denies the remaining allegations in Paragraph 133.

134. The allegations in the first sentence of Paragraph 134 are statements of law to which no response is required; to the extent the allegations are inconsistent with the law, IPNAM denies those allegations. IPANM denies the remaining allegations in Paragraph 134.

JURISDICTION AND VENUE

135. In response to Paragraph 135, IPANM denies that the court has jurisdiction to consider the political questions raised by Plaintiffs’ complaint. IPANM is without sufficient information to admit or deny the remaining allegations and therefore denies the same.

136. In response to Paragraph 136, IPANM admits that the court has jurisdiction to review actions of the executive branch of any executive branch for which a statute provides for judicial review. IPANM denies that the court has jurisdiction to consider the political questions raised by Plaintiffs’ complaint.

137. In response to Paragraph 137, IPANM admits that venue is proper.

STATEMENT OF FACTS

I. Plaintiffs’ Rights Under the New Mexico Constitution

138. The allegations in Paragraph 138-144 are statements of law to which no response is required. To the extent the allegations are inconsistent with the law, IPNAM denies the same.

139. IPANM denies the first sentence of Paragraph 145. IPANM denies that the State is not complying with its own statutes. The remaining allegations in Paragraph 145 are statements of law to which no response is required; to the extent these allegations are

inconsistent with the law, IPNAM denies the same.

140. IPANM denies the allegations of Paragraph 146.

141. The allegations in Paragraphs 147-153 are statements of law to which no response is required. To the extent the allegations are inconsistent with the law, IPNAM denies the same.

142. IPANM denies the allegations of Paragraph 154.

143. The allegations in Paragraph 155 are statements of law to which no response is required. To the extent the allegations are inconsistent with the law, IPNAM denies the same.

144. IPANM denies the allegations in Paragraph 156.

II. Oil and Gas Production in New Mexico

145. In response to Paragraph 157, IPANM admits that oil and gas production in New Mexico has increased in the past decade and continues to increase. IPANM denies the remaining allegations in Paragraph 157.

146. IPANM denies the allegations in Paragraph 158.

147. In response to Paragraph 159, IPANM admits that chemicals are used in some stages of production and that such chemicals, if used improperly, can cause adverse health impacts. IPANM admits that hydrocarbons can be harmful to human health, if handled improperly. IPANM denies that the proper use and handling of chemicals and hydrocarbons will cause adverse health impacts or otherwise be harmful to human health. IPANM denies any remaining allegations in Paragraph 159.

148. In response to Paragraph 160, IPANM admits that oil and gas production in New Mexico may result in the release of substances into the air if, during certain stages of production, operations are conducted improperly. IPANM denies that these releases lead to poor air quality

and immediate negative health impacts and accelerate a climate crisis.

149. In response to Paragraph 161, IPANM admits that most new oil and gas production in New Mexico is done using hydraulic fracturing, which involves the injection of water, sand, or other proppant, and sometimes chemicals into the ground under pressure, and that the resulting fracture to underground bedrock allows recovery of oil or gas. IPANM denies any remaining allegations in Paragraph 161.

150. In response to Paragraph 162, IPANM admits that fracking liquids may return to the surface along with water from the target formation. IPANM denies the remaining allegations in Paragraph 162.

151. In response to Paragraph 163, IPANM admits that barrels of water may be produced along with each barrel of oil. IPANM denies that all such water is toxic. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 163 and therefore denies such allegations.

152. In response to Paragraph 164, IPANM admits that “produced water” must be stored, disposed, or re-used. IPANM denies the remaining allegations in Paragraph 164.

153. In response to Paragraph 165, IPANM admits that there are numerous storage and disposal ponds or pits in New Mexico that contain liquid, other than oil, resulting from the production of oil and gas production. IPANM denies that all of these ponds or pits emit volatile chemicals, leak, or contaminate the land and ground water. IPANM denies any remaining allegations in Paragraph 165.

154. IPANM is without sufficient information to admit or deny Paragraph 166 and therefore deny the same.

155. In response to Paragraph 167, IPANM admits that a spill may contaminate land

where the spill occurs. IPANM denies that “many [spills] contaminate or threaten to contaminate” fresh water. IPANM denies that “[m]ost of these spills are not remediated.”

156. In response to Paragraph 168, IPANM admits that an inactive well could, under some circumstances, result in a release to the land, and it is possible that an inactive well could cause a release to water. IPANM denies that such releases are “typical” or that all such releases are “chemical.” IPANM denies any remaining allegations in Paragraph 168.

157. In response to Paragraph 169, IPANM denies that tens of thousands of inactive, unplugged wells in New Mexico emit dangerous pollutants into the air. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 169 and therefore denies these allegations.

158. In response to Paragraph 170, IPANM admits that the State has a record budget surplus due to oil and gas production. IPANM denies the remaining allegations in Paragraph 170.

159. IPANM denies the allegations in Paragraphs 171-174.

III. Defendants Authorize Oil and Gas Production and Pollution Without Protecting New Mexico’s Beautiful and Healthful Environment, in Violation of the New Mexico Constitution.

A. The Legislature has exempted oil and gas pollution from key environmental protections.

160. The allegations in Paragraph 175 consist of argument and statements of the law, to which a response is not required. To the extent that a response is required, IPANM denies those allegations in Paragraph 175 containing argument and denies any allegation that is inconsistent with New Mexico law.

1) Environmental Improvement Act and the 1971 Legislative Session

161. IPANM admits the first sentence of Paragraph 176. The second sentence of

Paragraph 176 is a statement of law to which no response is required. To the extent the allegations are inconsistent with the law, IPNAM denies the same.

162. The allegations in Paragraphs 177-178 are statements of law to which no response is required. To the extent the allegations are inconsistent with the law, IPNAM denies the same.

163. IPANM admits that the State enacted the NM NEPA during the 1971 legislative session. The remaining allegations of Paragraph 179 are a statement of law to which no response is required. To the extent the allegations are inconsistent with the law, IPNAM denies the same.

164. IPANM is without sufficient information to admit or deny the allegations in the first sentence and in the second sentence up to “1971” of Paragraph 180 and therefore denies the same. The allegation in the last sentence of Paragraph 180, beginning with “thus,” is a statement of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

165. IPANM is without sufficient information to admit or deny the allegations in the first sentence of Paragraph 181 and therefore denies the same. The allegations in the second sentence of Paragraph 181 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

2) Hazardous Waste Act

166. In response to Paragraph 182, IPANM admits that the Hazardous Waste Act was passed by the Legislature in 1977. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 182 and therefore denies the same.

167. The allegations in Paragraphs 183-185 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM

denies them.

3) Hazardous and Radioactive Materials Act

168. IPANM is without sufficient information to admit or deny the allegations in Paragraph 186 and therefore denies the same.

169. The allegations in Paragraphs 187-188 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

4) Solid Waste Act

170. In response to Paragraph 189, IPANM admits that the Solid Waste Act was passed in 1990. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 189 and therefore denies the same.

171. The allegations in Paragraphs 190-191 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

5) Groundwater Protection Act

172. In response to Paragraph 192, IPANM admits that the Legislature passed the Groundwater Protection Act in 1990. The remaining allegations in Paragraph 192 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

173. The allegations in Paragraphs 193-194 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

6) Water Quality Act

174. In response to Paragraph 195, IPANM admits that the Legislature passed the Water Quality Act in 1967. IPANM is without sufficient information with which to admit or deny the remaining allegations in Paragraph 195 and therefore denies them.

175. The allegations in Paragraphs 196-197 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

176. The allegations in Paragraph 198 up to “oil and gas pollution” on the fourth line are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

B. Defendants fail to fulfill their duties under the New Mexico Air Quality Control Act.

177. In response to Paragraph 199, IPANM admits that the Air Quality Control Act was passed in 1967. IPANM is without sufficient information to admit or deny the remaining allegations in the first two lines of Paragraph 199, up to “clause,” and therefore denies the same. IPANM denies the remaining allegations in Paragraph 199.

178. The allegations in Paragraphs 200-202 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

179. IPANM denies the allegations in Paragraph 203.

180. IPANM is without sufficient information to admit or deny the allegations in Paragraph 204 and therefore denies the same.

181. IPANM denies the allegations in Paragraph 205.

182. The allegations in Paragraphs 206-208 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM

denies them.

183. IPANM is without sufficient information to admit or deny the allegations in Paragraph 209 and therefore denies the same.

184. IPANM denies the allegations in Paragraph 210.

185. The allegations in Paragraph 211 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

186. IPANM denies the allegations in Paragraph 212.

187. IPANM is without sufficient information to admit or deny the allegations in Paragraph 213 and therefore denies the same.

188. The allegations in Paragraph 214 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

189. In response to Paragraph 215, IPANM admits that the Environmental Improvement Board has promulgated regulations limiting emissions of ozone precursor pollutants and requiring self-reporting and self-inspections. IPANM denies the remaining allegations in Paragraph 215.

190. IPANM denies the allegations in Paragraph 216.

C. The New Mexico Oil and Gas Act is not a pollution control statute.

191. The allegations in Paragraph 217 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

192. IPANM is without sufficient information to admit or deny the allegations in the first sentence of Paragraph 218 and therefore denies the same. The remaining allegations in Paragraph 218 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

193. The allegations in Paragraphs 219-220 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

194. The allegations in the first six lines of Paragraph 221, up to “limit pollution,” are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them. IPANM admits that some, but not all, regulations provide for self-reporting. IPANM denies the remaining allegations in Paragraph 221.

195. In response to Paragraph 222, IPANM admits that the Oil Conservation Commission promulgated regulations regarding the venting and flaring of gas and requiring operators to submit related reports. IPANM denies that the rules are unenforced. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 222 and therefore denies the same.

196. The allegations in Paragraphs 223 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

197. IPANM denies the allegations in Paragraph 224.

D. The Legislature provides regulatory agencies with insufficient resources to regulate, monitor and control pollution from oil and gas production.

198. IPANM denies the allegations in Paragraphs 225-226.

- 1) Insufficient oversight and enforcement by New Mexico Environment Department.

199. IPANM denies the allegations in Paragraph 227.

200. IPANM is without sufficient information to admit or deny the allegations in Paragraph 228 and therefore denies the same.

201. The allegations in Paragraphs 229-231 reference documents, which speak for themselves. IPANM denies any allegations in Paragraphs 229-231 that are inconsistent with the referenced documents.

202. IPANM is without sufficient information to admit or deny the allegations in Paragraph 232-234 and therefore denies the same.

203. The allegations in Paragraph 235 reference documents, which speak for themselves. IPANM denies any allegations in Paragraph 235 that are inconsistent with the referenced documents.

204. IPANM is without sufficient information to admit or deny the allegations in Paragraph 236 and therefore denies the same.

205. The allegations in Paragraph 237-238 reference documents, which speak for themselves. IPANM denies any allegations in Paragraphs 237-238 that are inconsistent with the referenced documents.

206. IPANM denies the allegations in Paragraph 239.

2) Insufficient oversight and enforcement by the Natural Resources Department

207. IPANM is without sufficient information to admit or deny the allegations in Paragraph 240-244 and therefore denies the same.

208. IPANM denies the allegations in Paragraph 245.

209. In response to Paragraph 246, IPANM denies that the Commission waited until the summer of 2021 to promulgate rules prohibiting releases. IPANM admits that operators are required to self-report spills. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 246 and therefore denies the same.

210. In response to Paragraph 247, IPANM admits that some operators have been

responsible for more than one release. IPANM denies that Defendants allow all operators who are responsible for multiple releases to continue to operate in New Mexico.

211. In response to Paragraph 248, IPANM admits that unremediated spills could adversely impact groundwater, land, and air. IPANM is without sufficient information to admit or deny the allegations in Paragraph 248 and therefore denies the same.

212. IPANM is without sufficient information to admit or deny the allegations in Paragraph 249 and therefore denies the same.

213. The allegations in Paragraph 250 are statements of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies them.

214. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 251-252 and therefore denies the same.

215. IPANM denies the allegations of Paragraph 253.

3) Insufficient resources to clean up and remediate well sites

216. In response to Paragraph 254, IPANM denies that New Mexico has tens of thousands of inactive wells that must be plugged. IPANM further denies that inactive unplugged wells “typically continue to release air pollution and threaten contamination of land and water after production has stopped.” IPANM denies that all inactive wells need to be plugged. IPANM admits that well sites of plugged wells should be reclaimed in accordance with State law. IPANM denies any remaining allegations in Paragraph 254.

217. In response to Paragraph 255, IPANM admits that operators are responsible for plugging wells at the end-of-life and reclaiming the related well sites. IPANM denies the remaining allegations in Paragraph 255.

218. IPANM denies the allegations of Paragraphs 256-257.

219. The allegations in the first sentence of Paragraph 258 are a statement of law to which no response is required. To the extent such allegations are inconsistent with the law, IPANM denies those allegations. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 258 and therefore denies the same.

220. IPANM denies the allegations in the first sentence of Paragraph 259. IPANM is without sufficient information to admit or deny the allegations in the second sentence, up to “unplugged wells,” of Paragraph 259 and therefore denies the same. The allegation in the remainder of the second sentence of Paragraph 259 is a statement of law to which no response is required. To the extent that such allegation is inconsistent with the law, IPANM denies the allegation.

221. IPANM denies the allegations of Paragraphs 261-263.

222. IPANM is without sufficient information to admit or deny the allegations in Paragraph 264-266 and therefore denies the same.

223. In response to Paragraph 267, IPANM admits that some inactive unplugged wells are “orphan wells” whose operators are no longer in existence or financially viable and that such wells may need to be plugged by a third party or the State. IPANM denies any remaining allegations in Paragraphs 267.

224. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 268-270 and therefore denies the same.

225. The allegation in the first two lines of Paragraph 271 is a statement of law to which no response is required. To the extent the allegation is inconsistent with the law, IPANM denies such allegation. IPANM is without sufficient information to admit or deny the allegation that the Division has not brought any lawsuit for indemnification and therefore denies the same.

IPANM denies the remaining allegations in Paragraph 271.

226. IPANM is without sufficient information to admit or deny the allegations in Paragraph 272 and therefore denies the same.

227. In response to Paragraph 273, IPANM admits that the State may need to plug some orphan wells and thereby protect the State's environment. IPANM denies the remaining allegations in Paragraph 273.

IV. Defendants' Authorization of Oil and Gas Development and Pollution Despoils the Environment and Infringes on the Fundamental Rights of Frontline Communities, Indigenous Peoples and Youth, in Violation of the New Mexico Constitution.

A. Air pollution from oil and gas development and pollution authorized by Defendants injures Plaintiffs.

228. IPANM denies the allegations of Paragraphs 274-276.

229. In response to Paragraphs 277-278, IPANM denies that all wells create air pollution. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraphs 277-278 and therefore denies the same.

230. The allegations in Paragraph 279 reference a document that purportedly reflects statements made by Secretary Kenney. The document speaks for itself. To the extent the allegations in Paragraph 290 are inconsistent with the representations in the document of Secretary Kenney's statements, IPANM denies such allegations. IPANM denies the facts stated in the purported statements of Secretary Kenney.

231. In response to Paragraph 280, IPANM denies that fracking, properly conducted, results in a release of dangerous and toxic substances into the environment. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 280 and therefore denies the same.

232. IPANM is without sufficient information to admit or deny the allegations in

Paragraph 281 and therefore denies the same.

233. In response to Paragraph 282, IPANM denies that all oil and gas extraction activities result in the emission of the hydrocarbons identified therein. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 282 and therefore denies the same.

234. In response to Paragraph 283, IPANM denies that all oil and gas extraction activities result in the production of gases that cause harm. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 283 and therefore denies the same.

235. In response to Paragraph 284, IPANM denies that all oil and gas extraction activities result in the uncontrolled emission of harmful liquids. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 284 and therefore denies the same.

236. In response to Paragraph 285, IPANM denies that all oil and gas extraction activities result in the production of damaging particulate matter. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 285 and therefore denies the same.

237. IPANM is without sufficient information to admit or deny the allegations in Paragraph 286 and therefore denies the same.

238. In response to Paragraph 287, IPANM admits that an operator may be required to vent or flare methane under certain circumstances. IPANM denies that methane is always emitted at multiple points in the production and transportation process. IPANM denies any remaining allegations in Paragraph 287.

239. In response to Paragraph 288, IPANM denies that all venting and flaring of methane causes environmental damage.

240. In response to Paragraph 289, IPANM denies that all flaring causes health harms. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 289 and therefore denies the same.

241. In response to Paragraph 290, IPANM denies that properly conducted oil and gas production results in liquid waste that contributes to air pollution.

242. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 291-292 and therefore denies the same.

243. IPANM denies the allegations of Paragraph 293.

l) Frontline Plaintiffs are particularly injured by air pollution from oil and gas production.

244. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 294-303 and therefore denies the same.

245. IPANM is without sufficient information to admit or deny the allegations in the first and second sentences of Paragraph 304 and therefore denies the same. IPANM denies the allegations of the third sentence in Paragraph 304.

246. In response to Paragraph 305, IPANM denies that setbacks are required to protect public health near oil and gas development. IPANM admits that public health can be protected with engineering controls and with environmental monitoring and remediation if a release occurs.

247. IPANM denies the allegations in Paragraph 306.

248. In response to Paragraph 307, IPANM denies that existing county level requirements are inadequate to protect public health. The remaining allegations in Paragraph

307 are statements of law that do not require a response; to the extent that the allegations are inconsistent with the law, IPANM denies such allegations.

249. IPANM denies the allegations of Paragraph 308.

2) Youth Plaintiffs are particularly vulnerable to air pollution from oil and gas production.

250. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 309-313 and therefore denies the same.

3) Indigenous Plaintiffs are particularly injured by air pollution from oil and gas production.

251. In response to Paragraph 314, IPANM denies that the Greater Chaco region is experiencing deteriorating air quality from oil and gas extraction. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 314 and therefore denies the same.

252. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 315-323 and therefore denies the same.

253. IPANM denies the allegations of Paragraph 324.

B. Toxic liquid waste from oil and gas development authorized by Defendants contaminates land and water and harms Plaintiffs.

254. In response to Paragraph 325, IPANM admits that fracking involves the injection of water, sand, or other proppant, and sometimes chemicals into the ground under pressure to fracture underground bedrock, allowing recovery of oil or gas, and that some of the water used to frack returns to the surface along with water produced from the underground formation. IPANM denies any remaining allegations in Paragraph 326.

255. In response to Paragraph 326, IPANM admits that some produced water has a high saline content and may include naturally occurring radioactive materials and that frack fluid

and other constituents may return to the surface with produced water. IPANM denies that produced water is harmful to health when oil and gas operations are properly conducted in accordance with existing law. IPANM denies any remaining allegations in Paragraph 326.

256. The allegations in Paragraph 327 are a statement of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies the same.

257. In response to Paragraph 328, IPANM admits that produced water may contain VOCs or mid-weight organic compounds. IPANM denies that produced water poses a great risk to the environment or causes health problems when oil and gas operations are properly conducted in accordance with existing law. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraphs 328 and therefore denies the same.

258. In response to the first sentence of Paragraph 329, IPANM admits that one or more oil and gas companies may have used PFAS or PFAS precursors in their fracking operation in New Mexico. IPANM is without sufficient information to admit or deny the allegations in the second and third sentences of Paragraph 329, and in the first part of the fourth sentence, up to “into PFAS,” and therefore denies the same. The remaining allegations in the fourth sentence of Paragraph 329 are a statement of law to which no response is required. To the extent such allegations are inconsistent with the law, IPANM denies the same. Paragraphs 291-292 and therefore denies the same.

259. In response to Paragraph 330, IPANM admits that PFAS have been referred to as “forever chemicals.” IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 330 and therefore denies the same.

260. In response to Paragraph 331, IPANM admits that the amount of produced water

increases as oil production increases. IPANM further admits that a barrel is equivalent to approximately 42 gallons. The remaining allegations in Paragraph 331 appear to be based on unspecified data, which speaks for itself. IPANM denies any allegations in Paragraph 331 that are inconsistent with the data.

261. In response to Paragraph 332, IPANM admits that produced water is disposed of in ponds or pits or disposal wells or re-used in oil and gas operations. IPANM denies that produced water is intentionally spilled or leaked into the ground and water. IPANM denies the remaining allegations in Paragraph 332.

262. In response to Paragraph 333, IPANM admits that the amount of fracking water re-used in oil and gas operations is less than the amount of fracking water that is disposed of. IPANM denies the remaining allegations of Paragraph 333.

263. In response to Paragraph 334, IPANM admits that injection of produced water in certain deep formations has been linked to increased seismic activity and that industry, together with the Oil Conservation Division, has developed protocols to mitigate and prevent seismic activity resulting from injection of produced water.

264. IPANM is without sufficient information to admit or deny the allegations in Paragraph 335 and therefore denies the same.

265. The allegations in Paragraph 336 are a statement of law to which no response is required. To the extent the allegations in Paragraph 336 are inconsistent with law, IPANM denies such allegations.

266. The allegations in Paragraph 337 refer to data maintained by the Oil Conservation Division. Such data speaks for itself. To the extent the allegations in Paragraph 337 are inconsistent with the data or contrary to other more reliable data, IPANM denies the

same.

267. The allegations in the first sentence of Paragraph 338 appear to be based on unspecified data. To the extent the allegations are inconsistent with the data or contrary to other more reliable data, IPANM denies the same. IPANM is without sufficient information to admit or deny the allegations in the second sentence of Paragraph 338 and therefore denies the same.

268. The allegations in Paragraphs 339-343 appear to be based on unspecified data. To the extent the allegations are inconsistent with the data or contrary to other more reliable data, IPANM denies the same.

269. IPANM denies the allegations of Paragraph 344.

270. IPANM denies the allegation in the prepositional phrase of the first sentence in Paragraph 345, that the Commission rule regarding releases was adopted in 2021. IPANM is without sufficient information to admit or deny the allegations in the remainder of the first sentence of Paragraph 345 and therefore denies the same. The remaining allegations in Paragraph 345 appear to be based on unspecified data. To the extent the allegations are inconsistent with the data or contrary to other more reliable data, IPANM denies the same.

271. The allegations in the first two lines of the first sentence of Paragraph 346 are a statement of law to which a response is not required. To the extent such allegations are inconsistent with the law, IPANM denies such allegations. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 346 and therefore denies the same.

272. In response to Paragraph 347, IPANM admits that some produced water may be discharged in pits, subject to applicable requirements. IPANM denies that produced water is intentionally “spilt or leaked into the ground” and denies that significant amounts of produced

water is “spilt or leaked into the ground. IPANM denies any remaining allegations in Paragraph 347.

273. The allegations in Paragraph 348 appear to be based on unspecified data, which speaks for itself. To the extent the allegations are inconsistent with the data or contrary to other more reliable data, IPANM denies the same.

274. IPANM denies the allegations of Paragraph 349.

275. The allegations in Paragraph 350 appear to be based on unspecified data, which speaks for itself. To the extent the allegations are inconsistent with the data or contrary to other more reliable data, IPANM denies the same.

276. The allegations of Paragraph 351 are a statement of law to which no response is required. To the extent that such allegations are inconsistent with the law, IPANM denies the same.

277. IPANM is without sufficient information to admit or deny the allegations of Paragraph 352 and therefore denies the same.

278. IPANM is without sufficient information to admit or deny the allegations in the first three lines of Paragraph 353 and therefore denies the same. IPANM denies the last four lines of Paragraph 353.

279. IPANM denies the allegations of Paragraph 354.

C. Defendants’ authorization of oil and gas development and pollution harms and depletes New Mexico’s freshwater resources.

280. In response to Paragraph 355, IPANM admits that fresh water can be scarce in New Mexico. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 355 and therefore denies the same.

281. The allegations in Paragraphs 356-359 appear to be based on unspecified data or

documents, which speaks for itself. To the extent the allegations are inconsistent with the document or data, or contrary to other more reliable data, IPANM denies the same.

282. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 360-361 and therefore denies the same.

283. IPANM denies the allegations in paragraph 362.

284. The allegations in Paragraph 363 is based on a document, which speaks for itself. To the extent the allegations are inconsistent with the document, IPANM denies the same.

285. The allegations in Paragraphs 364-368 appear to be based on unspecified data or documents, which speaks for itself. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

286. In response to Paragraph 369, IPANM admits that the overall amount of produced water has increased as oil production has increased.

287. IPANM is without sufficient information to admit or deny the allegations in Paragraph 370 and therefore denies the same.

288. IPANM denies the allegations of Paragraph 371.

289. In response to Paragraph 372, IPANM admits that the industry is not required to reuse produced water.

290. IPANM denies the allegations of Paragraph 373.

291. IPANM is without sufficient information to admit or deny the allegations in Paragraph 374 and therefore denies the same.

292. In response to Paragraph 375, IPANM states that the allegations in the first two lines are a statement of law to which a response is not required. To the extent that the allegations are inconsistent with the law, IPANM denies the same. IPANM denies that the agencies have

not been provided enough funding to catalog and monitor the State's water resources.

293. In response to Paragraph 376, IPANM admits that freshwater remains in the underground formation or is returned to the surface in a condition that may require treatment before re-use. IPANM denies the remaining allegations in Paragraph 376.

294. IPANM denies the allegations in Paragraphs 377-379.

D. Defendants' authorization of oil and gas development and pollution imperils native plants and wildlife.

295. The allegation in the first sentence of Paragraph 380 is a statement of law to which no response is required. To the extent that the allegations therein are inconsistent with the law, IPANM denies the same. The remaining allegations in Paragraph 380 are based on unspecified data or documents, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

296. The allegations in Paragraph 381 are based on unspecified data or documents, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

297. The allegations in Paragraph 382 are a statement of law to which no response is required. To the extent that the allegations therein are inconsistent with the law, IPANM denies the same.

298. IPANM denies the allegations in Paragraphs 383-385.

299. In response to Paragraph 386, IPANM admits that the lesser prairie chicken has been a focus of conservation efforts for years. The remaining allegations are based on unspecified data or documents, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the

same.

300. IPANM denies the allegations in Paragraph 387.

301. IPANM is without sufficient information to admit or deny the allegations in Paragraph 388 and therefore denies the same.

302. IPANM denies the allegations of Paragraph 389.

E. Defendants' authorization of oil and gas development and pollution contributes to catastrophic climate damage and harms Plaintiffs.

303. The allegations in Paragraph 390 appear to be based on unspecified data or documents, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

304. IPANM is without sufficient information to admit or deny the allegations in Paragraph 391 and therefore denies the same.

305. IPANM denies the allegations in Paragraph 392.

306. IPANM is without sufficient information to admit or deny the allegations in Paragraph 393 and therefore denies the same.

307. IPANM denies the allegations of Paragraph 394.

308. IPANM is without sufficient information to admit or deny the allegations in Paragraph 396 and therefore denies the same.

309. The allegations in Paragraph 397 relate to a statement available in writing, which speaks for itself. To the extent the allegations are inconsistent with the writing, IPANM denies the same.

310. In response to Paragraph 398, IPANM admits that the largest fire in New Mexico's recorded history occurred in 2022. IPANM denies the remaining allegations in Paragraph 398.

311. The allegations in Paragraph 399 reference a document that appears to rely on unspecified data, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

312. The allegations in Paragraphs 400-402 appear to rely on unspecified data, which speak for themselves. To the extent the allegations are inconsistent with the data or contrary to other more reliable data, IPANM denies the same.

313. IPANM is without sufficient information to admit or deny the allegations in Paragraph 403 and therefore denies the same.

314. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 404-408 and therefore denies the same.

315. In response to Paragraph 409, IPANM admits that methane may be emitted during production, storage, transmission, and use of oil and gas. IPANM denies the remaining allegations in Paragraph 409.

316. In response to Paragraph 410, IPANM denies that greenhouse gas pollution from the extraction and combustion of oil and gas produced in New Mexico is a significant contributor to the climate crisis. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 410 and therefore denies the same.

317. The allegations in Paragraphs 411-412 reference a document that appears to rely on unspecified data, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

318. The allegations in Paragraph 413 appear to rely on unspecified documents or data, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

319. The allegations in Paragraph 414 relies on an unspecified document that appears to rely on unspecified data, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

320. IPANM denies the allegations in the first sentence of Paragraph 415. The allegations in the second sentence of Paragraph 415 relies on an unspecified document or data, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

321. The allegations of Paragraph 416-418 appear to rely on unspecified documents or data, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

322. IPANM denies the fourth sentence of Paragraph 419. The remaining allegations of Paragraph 419 appear to rely on unspecified documents or data, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

323. IPANM denies the allegations of Paragraph 420.

324. In response to Paragraph 421, IPANM admits that Defendants continue to permit oil and gas extraction and development. IPANM denies the remaining allegations in Paragraph 421.

F. Defendants' authorization of oil and gas development and pollution destroys Indigenous ancestral landscapes, sacred places and traditional cultural resources, harming Indigenous Plaintiffs.

325. IPANM denies the allegations of Paragraph 422.

326. IPANM is without sufficient information to admit or deny the allegations in

Paragraphs 423-425 and therefore denies the same.

327. IPANM denies the allegations in the last sentence of Paragraph 425. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 425 and therefore denies the same.

328. The allegations of Paragraphs 426-427 appear to rely on unspecified documents or data, which speak for themselves. To the extent the allegations are inconsistent with the document or data or contrary to other more reliable data, IPANM denies the same.

329. IPANM denies the allegations in Paragraphs 428-429.

330. IPANM is without sufficient information to admit or deny the allegations in Paragraphs 430-431 and therefore denies the same.

331. IPANM is without sufficient information to admit or deny the allegations in the first and second sentences of Paragraph 432 and therefore denies the same. IPANM denies the remaining allegations of Paragraph 432.

332. IPANM denies the allegations of Paragraph 433.

333. IPANM is without sufficient information to admit or deny the allegations in the first two sentences of Paragraph 434 and therefore denies the same. IPANM denies the remaining allegations in Paragraph 434.

334. IPANM is without sufficient information to admit or deny the allegations in Paragraph 435 and therefore denies the same.

335. IPANM denies the allegations in the first and last sentences of Paragraph 436. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 436 and therefore denies the same.

336. IPANM denies the allegations in Paragraph 437.

337. IPANM is without sufficient information to admit or deny the allegations in Paragraph 438 and therefore denies the same.

338. The allegations in paragraphs 439-440 rely on unspecified documents, which speak for themselves. To the extent the allegations are inconsistent with the documents, IPANM denies the same.

339. IPANM is without sufficient information to admit or deny the allegations in Paragraph 441 and therefore denies the same.

340. In response to Paragraph 442, IPANM denies that oil and gas development causes harm to the Diné or Pueblo Plaintiffs. IPANM is without sufficient information to admit or deny the remaining allegations in Paragraph 442 and therefore denies the same.

341. IPANM denies the allegations of Paragraph 443.

CAUSES OF ACTION

COUNT I

Violation of Pollution Control Clause, Article XX, Section 21 of the New Mexico Constitution

1. In response to Paragraph 1, IPANM incorporates its responses above.
2. The allegations in Paragraph 2 are a statement of law, to which no response is required. To the extent that the allegations in Paragraph 2 are inconsistent with the law, IPANM denies the same.
3. IPANM denies the allegations in Paragraphs 3-11.

COUNT II

Violation of the Frontline, Indigenous and Youth Plaintiffs' Inherent Rights and Substantive Due Process Rights Under Article II, Sections 4 and 18, of the New Mexico Constitution, and the New Mexico Civil Rights Act, NMSA 1978 §§ 41-4A-1 – 41-4A-13

1. In response to Paragraph 1, IPANM incorporates its responses above.
2. The allegations in Paragraphs 2-3 are statements of law, to which no response is

required. To the extent that the allegations in Paragraphs 2-3 are inconsistent with the law, IPANM denies the same.

3. IPANM denies the allegations in Paragraphs 4-9.

COUNT III

Disparate and Discriminatory Impact on Frontline Community Member Plaintiffs from Oil and Gas Pollution Permitted by the State: Violation of the Equal Protection Clause, Article II, Section 18, of the New Mexico Constitution, and the New Mexico Civil Rights Act, NMSA 1978 §§ 41-4A-1 – 41-4A-13

1. In response to Paragraph 1, IPANM incorporates its responses above.
2. The allegations in Paragraph 2 are statements of law, to which no response is required. To the extent that the allegations in Paragraph 2 are inconsistent with the law, IPANM denies the same.

3. IPANM denies the allegations in Paragraph 3.

4. In response to Paragraph 4, IPANM is without sufficient information to admit or deny that Frontline community member Plaintiffs are residents of the State of New Mexico. IPANM denies the remaining allegations in Paragraph 4.

5. IPANM denies the allegations in Paragraphs 5-8.

COUNT IV

Disparate and Discriminatory Impact on Indigenous Plaintiffs from Oil and Gas Pollution Permitted by the State: Violation of the Equal Protection Clause, Article II, Section 18, of the New Mexico Constitution, and the New Mexico Civil Rights Act, NMSA 1978 §§ 41-4A-1 – 41-4A-13

1. In response to Paragraph 1, IPANM incorporates its responses above.
2. IPANM denies the allegations in Paragraph 2.
3. In response to Paragraph 3, IPANM is without sufficient information to admit or deny that Indigenous Plaintiffs are residents of the State of New Mexico. IPANM denies the remaining allegations in Paragraph 3.

4. IPANM denies the allegations in Paragraphs 4-7.

COUNT V

Disparate and Discriminatory Impact on Youth Plaintiffs from Oil and Gas Pollution Permitted by the State: Violation of the Equal Protection Clause, Article II, Section 18, of the New Mexico Constitution, and the New Mexico Civil Rights Act, NMSA 1978 §§ 41-4A-1 – 41-4A-13

1. In response to Paragraph 1, IPANM incorporates its responses above.
2. IPANM denies the allegations in Paragraph 2.
3. In response to Paragraph 3, IPANM is without sufficient information to admit or deny that Youth Plaintiffs are residents of the State of New Mexico. IPANM denies the remaining allegations in Paragraph 3.
4. IPANM denies the allegations in Paragraphs 4-8.

RESPONSE TO PRAYER FOR RELIEF

IPANM denies that Plaintiffs are entitled to the relief requested in Paragraphs 1-15.

To the extent that IPANM has not responded to any of the allegations of the Complaint, those allegations are denied.

DEFENSES

1. IPANM affirmatively alleges that in carrying out its constitutional duties, the New Mexico Legislature possesses the exclusive discretion to determine what programs and what levels of funding are necessary and appropriate and the current statutes, programs and funding meet those constitutional obligations.
2. IPANM affirmatively alleges that Defendants can adequately protect the environment of New Mexico with the funding provided by the New Mexico Legislature.
3. IPANM affirmatively alleges that the claims stated in Plaintiffs' Complaint raise questions that are non-justiciable

4. IPANM affirmatively alleges that this Court lacks jurisdiction to award any relief to Plaintiffs other than a simple declaration that the State is, or is not, complying with its constitutional duties. The means of satisfying its constitutional duties rest exclusively with the New Mexico legislature.

5. IPANM affirmatively alleges that the Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

6. IPANM affirmatively alleges that Plaintiffs' claims are barred because Plaintiffs lack standing.

7. IPANM affirmatively alleges that Plaintiffs' claims are barred because Plaintiffs' claims are not judicially redressable.

8. IPANM affirmatively alleges that Plaintiffs' claim for attorney fees is barred in whole or in part by law.

9. IPANM may have additional defenses available to them of which they are not now aware. IPANM reserves the right to assert additional defenses as may be revealed to be appropriate through discovery or otherwise in the course of this litigation.

WHEREFORE, having fully answered each and every allegation in the Complaint, IPANM requests that the Court deny the requested relief, dismiss Plaintiffs' claims with prejudice, enter judgment in favor of IPANM and Defendants, award IPANM and Defendants with their costs of suit in defense of this action, and grant IPANM and Defendants such other and further relief as the Court deems proper.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on _____ the foregoing was filed through the Court's electronic filing system, which caused all parties or counsel of record to be served by electronic means.
