

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

**APPLICATION OF ENDURING  
RESOURCES, LLC TO AMEND  
ORDER NO. R-14347 TO EXPAND THE  
SOUTH ESCAVADA UNIT AREA,  
SANDOVAL COUNTY, NEW MEXICO.**

**CASE NO. 22952**

**MOTION FOR CONTINUANCE**

Allyson A. Beasley of Western Environmental Law Center, as Counsel for Vivian Mitchell, Margery Chiquito and her family, and Mae Toledo, Betty Castillo, Eunice Charley, Charlotte Gordo, Dickson Castillo, Matilda A. George, and Raquel Harrison, (collectively, “Allottees”), hereby moves on behalf of Allottees to continue the above-referenced matter to **October 6, 2022**. A hearing on this matter is currently scheduled for Thursday, September 1, 2022.

On Tuesday, August 30, 2022, prior to filing this Motion for Continuance (“Motion”), Counsel for Allottees entered an appearance on behalf of Allottees in the above-captioned matter, and notified Counsel for Enduring Resources, LLC (“Applicant”), of that entry of appearance, and of this Motion for Continuance, and sought their position on this Motion. Counsel for Allottees have not yet received a response from Counsel for Applicant regarding their position on this Motion, but are proceeding in the interest of timely filing the Motion at least 48 hours prior to the scheduled hearing, pursuant to 19.15.4.13 (C) NMAC. Counsel for Allottees have also paid the \$150 fee accompanying this Motion for Continuance, as required by 70-2-39 (A)(6) NMSA 1978.

All Allottees are “parties” to the above-captioned proceeding, entitled to notice, as defined in 19.15.4.10 (A)(2) NMAC, or a relative speaking on behalf of such parties. Counsel for Applicant

stated in an affidavit that he sent Enduring's Application and notice of hearing on the Application to individual Allottees on July 15, 2022 and "caused notice to be published to all parties subject to these compulsory proceedings on August 11 and August 12, 2022." Enduring Exhibit D, Notice Affidavit of Adam G. Rankin ("Notice Affidavit"). Yet tracking information attached to the Notice Affidavit indicates that at least one Allottee, Raquel Harrison, had not yet received notice as of August 22, 2022—not even two weeks before the hearing. *See* Enduring Exhibit D at 40, 41, 67. Other Allottees, who are monolingual in Diné Bizaad, were unable to read the letters because the letters were sent in English only, with no interpreter or translator available. Some of these Allottees have then had to rely on relatives to try and translate and interpret the letters, further delaying and hindering their ability to evaluate the effects of the Application on their allotment interests, to seek Counsel, and to participate in a September 1 hearing. The Notice published in the Albuquerque Journal and Farmington Daily Times—New Mexico papers—was also in English, and likely did not reach out-of-state Allottees who don't read or subscribe to these publications.

Thus, Allottees have not yet had adequate opportunity to evaluate fully the possible effects of this Application on their allotment interests, or to prepare fully for a hearing on September 1, 2022. Allottees were not able to confer with or retain Counsel until the week of August 29, 2022. Allottees are currently conferring regarding the effects of this Application on their interests, and their capacity for participation in a hearing on the above-captioned matter. A continuance from the currently-scheduled September 1, 2022 hearing date, to the Oil Conservation Division's scheduled hearing on October 6, 2022, would not unduly prejudice Applicant, and would allow Allottees a more full and fair opportunity to be heard—in accordance with the "fair treatment and meaningful involvement" that environmental justice demands.<sup>1</sup>

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<sup>1</sup> *See*, U.S. EPA, "Environmental Justice," <https://www.epa.gov/environmentaljustice>

For all of the aforementioned reasons, Allottees, by and through their attorney, respectfully request a continuance of the hearing on the above-captioned matter until October 6, 2022.

Respectfully submitted,



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Attorney for Allottees

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on the following counsel of record by electronic mail on August 30, 2022:

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Respectfully submitted,



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