

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

**APPLICATION OF NORDSTRAND ENGINEERING,
INC. TO REMOVE NORTHERN PACIFIC OIL AND
GAS, INC. AS OPERATOR OF RECORD FOR THE
BULL MOOSE 2 STATE COM #001H WELL
ROOSEVELT COUNTY, NEW MEXICO**

CASE NO. 23551

**COMMISSIONER OF PUBLIC LANDS' RESPONSE IN OPPOSITION
TO NORTHERN PACIFIC OIL & GAS INC.'S REQUEST FOR CONTINUANCE**

Stephanie Garcia Richard, Commissioner of Public Lands of the State of New Mexico (the "Commissioner") and the New Mexico State Land Office, by and through undersigned counsel, hereby files this response in opposition to the request for continuance filed on July 4, 2023 by Northern Pacific Oil & Gas, Inc. ("Northern Pacific"). For the following reasons, the hearing examiner should deny Northern Pacific's request and hold a contested hearing on Nordstrand Engineering Inc.'s ("Nordstrand") application as scheduled on July 6, 2023.

Under the adjudicatory rules for hearings, motions to continue must be filed "no later than 48 hours prior to time the hearing is set to begin, unless the reasons for requesting a continuance arise after the deadline, in which case the party shall file the motion as expeditiously as possible after becoming aware of the need for a continuance." 19.15.4.13(C) NMAC. The hearing in the above titled case is currently set for July 6, 2023, after the completion of the regular hearing docket scheduled for that day. *Pre-hearing Order*, Case No. 23551 (filed June 5, 2023). Northern Pacific filed its motion at 9:28 p.m.

on July 4, 2023, less than 48 hours before the schedule hearing. *See* Email from Marlene Salvidrez, EMNRD to Sharon Shaheen, attorney for Nordstrand Engineering, and Richard H. Moore, State Land Office July 4, 2023 (attached as Exhibit 1).

Moreover, Northern Pacific's stated reason for requesting a continuance, its inability to find an attorney without conflicts, is unpersuasive. *See* Letter Requesting Continuance, Case No. 23551 (filed July 4, 2023). Northern Pacific has been aware of Nordstrand's application since at least May 25, when Nordstrand's pre-hearing statement was served on Santiago Garcia, CEO of Northern Pacific. Additionally, the Commissioner filed her complaint concerning the well at issue in Nordstrand's application on February 14, 2023 and that complaint was served on Northern Pacific's registered agent on February 22, 2023 and again on April 24, 2023. *See Verified Complaint*, D-101-CV-2023-00360 (filed Feb. 14, 2023); *Certificate of Service and Proof of Service of Process*, D-101-CV-2023-00360 (filed Mar. 3, 2023); *Certificate of Service and Proof of Service of Process*, D-101-CV-2023-00360 (filed Apr. 27, 2023). Northern Pacific has been aware of the lawsuit concerning this well for several months and Nordstrand's application concerning this well for at the very least six weeks and has had months to seek counsel. For this reason, the Commissioner stands ready to proceed by hearing on July 6, 2023 and requests that the hearing examiner deny the request for continuance.

Respectfully submitted,

/s/ Richard H. Moore

Richard Moore
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*Counsel for Stephanie Garcia Richard,
Commissioner of Public Lands of the State
of New Mexico, and New Mexico
State Land Office*

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2023, I served a copy of the foregoing Entry of Appearance by electronic mail on the following:

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/s/ Richard H. Moore

From: [Salvidrez, Marlene, EMNRD](#)
To: [Sharon T. Shaheen](#)
Cc: [Moore, Richard H.](#)
Subject: [EXTERNAL] Case 23551
Date: Tuesday, July 4, 2023 10:03:00 PM
Attachments: [image001.png](#)
[23551 motion to continue.pdf](#)

Good evening,

I am not sure if you were Cc'd a copy of the attached. It was filed tonight at 9:28. I have this case as a contested hearing on the docket for Thursday.

Thank you,
Marlene Salvidrez
Oil Conservation Division
Energy, Minerals and Natural Resources Department
(505) 469-5527

