

BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION

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**APPLICATION OF LOS LOBOS RENEWABLE
POWER, LLC TO PLACE GEOTHERMAL WELLS
LDG-55-7 AND LDG 53-7 ON INJECTION IN
SECTION 7, TOWNSHIP 25 SOUTH, RANGE 19
WEST, NMPM, HIDALGO COUNTY, NEW MEXICO**

Case No. 14948

NOTICE OF UNAVAILABILITY

Michelle Henrie, attorney for Los Lobos Renewable Power, LLC, hereby notifies the Commission that she is unavailable after noon on March 20, 2013.

Ms. Henrie learned yesterday that the Commission may have scheduled two days for the hearing on this matter, which is noticed for March 19, 2013. Presumably the second day of hearing is March 20, 2013. However, Ms. Henrie has a prior commitment to present at a CLE in Albuquerque on the afternoon of March 20, 2013, as evidenced by Exhibit A.

Ms. Henrie believes that one ½ days should be sufficient to hear this matter.

Respectfully Submitted,

MICHELLE HENRIE, LLC



Michelle Henrie
P.O. Box 7035
Albuquerque, NM 87194
Attorney for Lightning Dock Geothermal HI-01, LLC

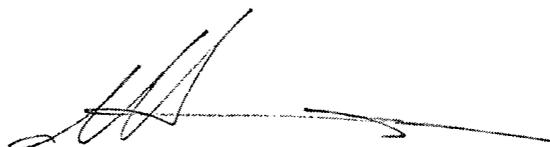
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Pre-Hearing Statement was e-mailed to the following on March 13th, 2013:

Charles N. Lakins
Lakins Law Firm
P.O. Box 91357
Albuquerque, NM 87199
charles@lakinslawfirm.com

David Brooks
EMNRD
1220 South St. Francis Dr
Santa Fe, NM 87505
david.brooks@state.nm.us

Dated this 13th day of March, 2013.

A handwritten signature in black ink, appearing to read 'Michelle Henrie', with a long horizontal flourish extending to the right.

Michelle Henrie

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Water Rights Sales and Transfers in New Mexico

Albuquerque, NM • March 20, 2013

Faculty

Moderator:

Elizabeth Newlin Taylor, *Taylor & McCaleb, P.A.*

Jeffrey H. Albright, *Lewis and Roca LLP*

Jennifer M. Anderson, *Lewis and Roca LLP*

Wayne G. Canon, *Office of the State Engineer*

Michelle Henrie, *MHenrie | Land Water Law*

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EXHIBIT

A

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Seminar Agenda

8:30 AM – 9:00 AM	Registration	11:45 AM – 12:45 PM	Lunch (On Your Own)
9:00 AM – 9:45 AM	Overview of Water Law and Administration In the Middle Valley — Jeffrey H. Albright	12:45 PM – 1:45 PM	Sales, Transfers and Valuations — Jennifer M. Anderson
9:45 AM – 10:45 AM	Due Diligence — Elizabeth Newlin Taylor <ul style="list-style-type: none">• Checking Out the Water Right• Pitfalls in Water Rights Transfers Title Issues <ul style="list-style-type: none">• Basics and Case Law on Title• Cautions for Transferring Title Acequia Considerations <ul style="list-style-type: none">• Surprise! Acequias Aren't Limited to Northern New Mexico• How Acequias Can Affect a Transfer of Water Rights	1:45 PM – 2:30 PM	Aggrievals and Appeals — Wayne G. Canon and Michelle Henrie
10:45 AM – 11:00 AM	Break	2:30 PM – 2:45 PM	Break
11:00 AM – 11:45 AM	State Engineer Process — Wayne G. Canon <ul style="list-style-type: none">• Application Process Within the Middle Rio Grande• Priority Study Criteria Within the Middle Rio Grande• Aggreival Process• Top 10 Comments Told to District 1 Staff	2:45 PM – 3:30 PM	Legislative Update, Agency Issues and Recent Case Law — Jeffrey H. Albright, Wayne G. Canon and Michelle Henrie
		3:30 PM – 4:30 PM	Ethics In Discovery Issues In Water Cases — Jeffrey H. Albright, Jennifer M. Anderson, Michelle Henrie and Elizabeth Newlin Taylor <ul style="list-style-type: none">• When "Opposing" Hydrologists Talk, is the Privilege Waived?• Limits of Discovery for the "Consulting" Expert vs. a Testifying Expert• Use of a Common Interest and Joint Defense Agreement to Protect Materials Circulated to Other Parties - Or Not Protect Them• Use of Tape-Recorded Telephone Conversations in Court

Presented By:

Jeffrey H. Albright

- Partner at Lewis and Roca LLP
- Water law practice includes research, hearings, transfers, buying and selling water rights, water rights adjudications before the office of the State Engineer and District Court, and water conservation plans
- Listed in the 2008 - 2013 edition of *The Best Lawyers in America*

Jennifer M. Anderson

- Natural resources attorney at Lewis and Roca LLP
- Practices in water law, focusing on regulatory issues and administrative hearings before the Office of the State Engineer, as well as appeals to New Mexico District Court
- Assists as special legal counsel to Bernalillo County on water rights issues
- J. William Fulbright Foreign Scholarship recipient, 2006-2007

Wayne G. Canon

- Water resource supervisor with the Office of the State Engineer District 1 Albuquerque
- 22 years in water rights administration within Northern and Middle Rio Grande, Estancia, Gallup, Bluewater, Sandia and Upper Tularosa Ground Water Basins and assisted in the Lower Rio Grande, and San Juan Ground Water Basins

- Qualified expert witness – OSE Administrative Hearings, and state district courts
- Can be contacted at 505-383-4000 or wayne.canon@state.nm.us

Michelle Henrie

- Founder of MHenrie | Land Water Law
- Practices in the areas of water law, land use, real estate development, environmental law, energy and natural resources
- Recognized by *Chambers USA* as one of New Mexico's top lawyers in water supply litigation

Elizabeth Newlin Taylor – Moderator

- Principal in the Corrales law firm of Taylor & McCaleb, P.A.
- Practiced New Mexico water and natural resources law for more than 20 years, representing political subdivisions, water providers and private clients in transfers and other matters before the state engineer
- Certificate in natural resources law and an editor of the *Natural Resources Journal*, University of New Mexico

For a complete list of accomplishments, visit www.lorman.com/ID391002.

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