

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

TW.

IN THE MATTER OF THE APPLICATION
OF PECOS OPERATING COMPANY FOR
APPROVAL OF A NON-COMMERCIAL SALT
WATER DISPOSAL WELL, LEA COUNTY, NEW MEXICO

CASE NO. 14122

2008 MAY 8 PM 3
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**MOTION TO DISMISS H&M DISPOSAL'S
OBJECTIONS TO THE APPLICATION**

Pursuant to Rule 701(C) and (D), Pecos Operating Company ("Pecos") moves to dismiss H&M's objections to Pecos' Form C-108 Application for Authorization to Inject. This matter was set for hearing solely because of an objection filed by H&M Disposal. However, as demonstrated herein, that objection was untimely and therefore should not be considered by the Division. In support this motion, Pecos states:

1. Pursuant to Rule 701, Pecos filed a fully completed C-108 Application seeking authority to deepen and utilize the State GA Well No. 7 (API No. 30-025-03688) to dispose of up to 8,000 barrels of produced water per day, at a maximum pressure of 1,500 psi, into the Caudill Devonian Pool in the Devonian Formation, at an approximate depth of 13495 feet to 13,900 feet.

2. Pecos intends to utilize this disposal well for non-commercial purposes to serve an existing producing well on its lease, and planned additional wells on its lease, completed in the Caudill Devonian Pool.

3. On March 12, 2008, Pecos provided a copy of the Form C-108 Application by certified mail to the landowner and all nearby operators, including H&M Disposal. See Attachment A. Legal notice of the Application was also published in the Hobbs News Sun on

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March 15, 2008. *See* Attachment B. Mailing records reflect H&M Disposal received the Application on March 17, 2008. *See* Attachment C.

4. No objection was filed to Pecos' Application within the 15-day period provided by Rule 701(C) and (D).

5. Twenty-three days after receipt of Pecos' Application, H&M Disposal filed an objection. *See* Attachment D. No other interested party has filed an objection to Pecos' application.

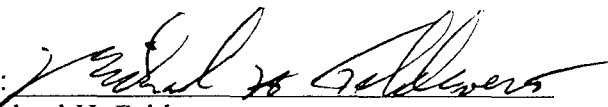
6. Based on H&M's objection letter, the Division notified Pecos that it could "no longer consider this administratively," forcing Pecos to place this matter on the hearing docket. *See* Attachment E.

7. Division Rule 701(D) requires that any objection to the filing of a Form C-108 Application must be filed "within 15 days after receipt of a complete application..."

8. Pursuant to Rule 701(D), H&M Disposal's objection to Pecos' Application is untimely and should not be entertained or considered by the Division at the scheduled hearing.

Respectfully submitted,

HOLLAND & HART, LLP

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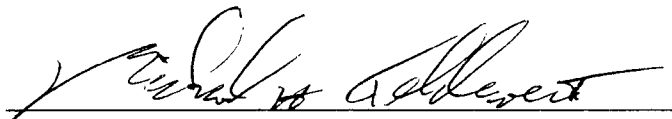
ATTORNEYS FOR PECOS OPERATING COMPANY

CERTIFICATE OF SERVICE

I certify that on May 8, 2008, I served a copy of the foregoing document *Motion to Dismiss H&M Disposal's Objections to the Application* to the following counsel via U.S. Mail, postage prepaid to:

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