

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

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**IN THE MATTER OF THE APPLICATION OF THE BOARD  
OF COUNTY COMMISSIONERS OF RIO ARRIBA COUNTY  
FOR CANCELLATION OR SUSPENSION OF APPLICATIONS  
FOR PERMITS TO DRILL (APD'S) FILED BY APPROACH  
OPERATING, LLC, RIO ARRIBA COUNTY, NEW MEXICO**

2009 SEP -8 P 2:05

**CASE NO. 14134**

**IN THE MATTER OF THE APPLICATION OF  
APPROACH OPERATING, LLC FOR APPROVAL  
OF SIX APPLICATIONS FOR PERMITS TO DRILL,  
RIO ARRIBA COUNTY, NEW MEXICO**

**CASE NO. 14141**

**IN THE MATTER OF THE APPLICATION OF  
APPROACH OPERATING, LLC FOR APPROVAL  
OF FOURTEEN APPLICATIONS FOR PERMITS TO DRILL,  
RIO ARRIBA COUNTY, NEW MEXICO**

**CASE NO. 14278**

**RESPONSE TO  
NOTICE OF INTERVENTION AND  
REQUEST TO BE HEARD AT THE SEPTEMBER 9 HEARING**

Approach Operating, LLC, ("Approach"), through its counsel, Montgomery and Andrews, P.A., (J. Scott Hall), for its response to the Notice of Intervention, states:

Approach does not object to the Notice of Intervention in Case No. 14278 filed on behalf of the Rice Family Living Trust, through its trustees<sup>1</sup>, the owner of the surface at two of the locations<sup>2</sup> involved in that case.

In this regard, the Notice of Intervention correctly notes that intervenors' counsel was informed of our intention to defer a hearing on the merits of the application pending before the Commission until the permitting process with Rio Arriba County were allowed to take its course. Accordingly, the county process has been the focus of our numerous

<sup>1</sup> Presumably, the proper parties would be Dwight E. Rice and Karen Rice, Trustees, Rice Family Living Trust.

<sup>2</sup> Rice Well No. 1; Rice Well No. 2.

efforts to communicate with intervenors' counsel. It should be noted that one of those letters, attached as an exhibit to the Notice of Intervention, predates the Motion for Conditional Approval which was filed with the Commission on August 31, 2009. And, although no entry of appearance<sup>3</sup> was filed on behalf of the intervenors, their counsel was sent a courtesy copy of the motion on September 4th, the same day as the Notice of Intervention was filed. There is no intention to prevent intervenors from being heard in this matter.

Respectfully submitted,

MONTGOMERY & ANDREWS, P.A.

By: \_\_\_\_\_



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Attorneys for Approach Operating, LLC

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<sup>3</sup> See NMAC 19.15.4.10A(3) and B.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was delivered to counsel of record on this 8th day of September, 2009 as follows:

**By Fax**

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