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

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 (APDS) FILED BY APPROACH OPERATING, LLC, RIO ARRIBA COUNTY, NEW MEXICO.

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

ORDER NO. R-12976-C

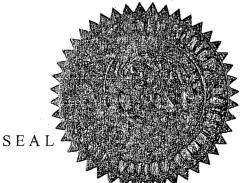
ORDER GRANTING CONTINUANCE

This matter, having come before the Chair of the Oil Conservation Commission upon a Motion for Continuance filed by Approach Operating, LLC on December 2, 2008 and with no objections by the Rio Arriba Board of County Commissioners, and the Chair finding that the Operator's Motion is well taken,

IT IS THEREFORE ORDERED THAT:

The hearing scheduled for Thursday, December 11, 2008 is hereby continued until the February, 2009 Commission meeting.

DONE at Santa Fe, New Mexico, on this 5th day of December, 2008.



STATE OF NEW MEXICO OIL CONSERVATION COMMISSION

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MARK E. FESMIRE, P.E., Chair



J. SCOTT HALL

shall@montand.com Cell: Email: Reply To: Santa Fe Officer DEC 2 PM 3 26

December 2, 2008

HAND DELIVERED

Ms. Florene Davidson New Mexico Oil Conservation Division 1220 St. Francis Santa Fe, NM

Case Numbers 14134 and 14141, New Mexico Oil Conservation Re: Division

Dear Ms. Davidson:

Enclosed is an original and 16 copies of a Second Motion for Continuance for filing with the Division in the above-captioned matter.

Also enclosed is a copy for file endorsement and return.

Thank you for your assistance.

Very truly yours, Kan William

Karen Williams Assistant to J. Scott Hall

JSH:kw Enclosures

REPLY TO:

325 Paseo de Peralta Santa Fe, New Mexico 87501 Telephone (505) 982-3873 • Fax (505) 982-4289

Post Office Box 2307 Santa Fe, New Mexico 87504-2307 6301 Indian School Road NE, Suite 400 Albuquerque, New Mexico 87110 Telephone (505) 884-4200 • Fax (505) 888-8929

Post Office Box 36210 Albuquerque, New Mexico 87176-6210

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

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 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

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SECOND MOTION FOR CONTINUANCE

Approach Operating, LLC ("Approach"), through its undersigned attorneys, Montgomery and Andrews, P.A. (J. Scott Hall), moves the Commission enter its order continuing the hearing in this matter presently set for December 11, 2008 pending further clarification of the procedures to apply in this matter and in a potentially related rulemaking proceeding. At this time, Approach requests the hearing be continued to the Commission hearing docket to be scheduled in February, 2009.

The grounds for this Motion are the same as those set forth in Approach's August 26, 2008 Motion for Continuance. Since that Motion, the circumstances set forth therein remain unchanged, and Approach reincorporates all the statements made on August 26, 2008 in this Motion.

Counsel for the Rio Arriba Board of County Commissioners agrees with the request for continuance.

WHEREFORE, Approach Operating LLC requests the Commission enter its Order continuing the hearing on these applications to the Commission hearing docket to be scheduled for February, 2009.

Respectfully submitted,

MONTGOMERY & ANDREWS, P.A.

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J. Scott Hall, Esq. Post Office Box 2307 Santa Fe, New Mexico 87504 (505) 982-3873 Attorneys for Approach Operating, LLC

<u>Telephonically Approved: 12/1/2008</u> Adan Trujillo, Esq. Attorney for Rio Arriba Board of County Commissioners

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was faxed to counsel

of record on this 1st day of December, 2008 as follows:

Ted J. Trujillo, Esq. Adan Trujillo, Esq. P. O. Box 2185 Espanola, NM 87532-2185 (505) 753-4750 [facsimile] Cheryl L. Bada, Esq. NM Energy Minerals and Natural Resources 1220 S. St. Francis Drive Santa Fe, NM 87505-4000 (505) 476-3220 [facsimile]

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J. Scott Hall