



**MONTGOMERY
& ANDREWS**

J. SCOTT HALL

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RECEIVED OCD
2009 SEP -2 P 4: 28

September 2, 2009

Ms. Florene Davidson, Secretary
New Mexico Oil Conservation Commission
1220 S. St. Francis Drive
Santa Fe, NM 87505

Hand Delivered

Re: NMOCC Case No. 14134; 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;

NMOCC Case No. 14141; Application of Approach Operating, LLC for Approval of Six Applications for Permits to Drill, Rio Arriba County, New Mexico; and

NMOCC Case No. 14278; and Application of Approach Operating, LLC for Approval of Fourteen Applications for Permits to Drill; Rio Arriba County, New Mexico

Dear Florene:

On behalf of Approach Operating, LLC, enclosed for filing in the above-referenced cases are an original and six copies each of (1) a Motion for Continuance and (2) Pre-Hearing Statement.

Very truly yours,

Karen Williams
Assistant to J. Scott Hall

REPLY TO:

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Ms. Florene Davidson
September 2, 2009
Page 2

JSH:kw
Enclosures

cc: Adan Trujillo, Esq
Approach Operating, LLC

00126559

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

RECEIVED OCD

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 -2 P 4: 29

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

PRE-HEARING STATEMENT

This Pre-Hearing Statement is submitted by Montgomery and Andrews, P.A. (J. Scott Hall) on behalf of Approach Operating, LLC, as required by the Oil Conservation Commission.

APPEARANCES

APPLICANT'S ATTORNEY

Ted J. Trujillo, Esq.
Adan Trujillo, Esq.
P. O. Box 2185
Espanola, NM 87532-2185
(505) 753-5150

APPLICANT

Board of County Commissioners
of Rio Arriba County

OTHER PARTY'S ATTORNEY

J. Scott Hall, Esq.
Montgomery and Andrews, P.A.
Post Office Box 2307
Santa Fe, New Mexico 87504
(505) 982-3873

OTHER PARTY

Approach Operating, LLC

STATEMENT OF THE CASE

APPLICANT

In Case No. 14134, Applicant seeks an order canceling or suspending APD's for four wells previously approved by the Division. Applicant contends that drilling of the wells will cause waste, violate correlative rights and will be injurious to human health and the environment. To our knowledge, no application has been filed in this matter.

OPPOSITION OR OTHER PARTY

Approach Operating, LLC disputes Applicant's contentions in Case No. 14134. In Case No. 14141, Approach seeks approval of APD's for six additional wells. In Case no. 14278, approval of APD's for an additional fourteen locations is sought. All of the wells involved are located on a single lease in Rio Arriba County. These cases are not De Novo. It is anticipated that a hearing on the Applications would require 2-3 days.

PROPOSED EVIDENCE

APPLICANT

WITNESSES	EST. TIME	NO. OF EXHIBITS
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OPPOSITION OR OTHER PARTY

WITNESSES	EST. TIME	NO. OF EXHIBITS
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Approach Operating, LLC

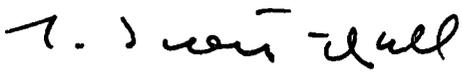
Ralph Manoushagian, Landman	20 Minutes	3
Brice Morgan, Landman	60 Minutes	35
Glenn Reed, Petroleum Engineer	90 Minutes	24
Ross Craft, Petroleum Engineer	30 Minutes	6
Greg Swindle, Health, Safety and Environmental Consultant	60 Minutes	10
Dennis Johnson, Closed-Loop Drilling Design and Implementation	30 Minutes	6
Peter Maggiore, Hydro-Geologist	60 Minutes	6

PROCEDURAL MATTERS

On August 31, 2009, Approach Operating, LLC filed its Motion for Conditional Approval of Applications for Permits to Drill and for Dismissal. It is anticipated the motion will be addressed to the Commission on September 9, 2009 in lieu of a hearing on the merits of the three Applications. A Motion for Continuance has also been filed this same date.

Approach Operating, LLC waives no rights or objections due to the Board of County Commissioners' failure to comply with Rules 19.15.4.8 and 19.15.4.9 of the Division's Rules and Regulations.

MONTGOMERY & ANDREWS, P.A.

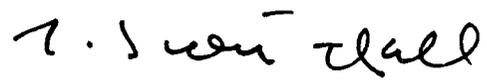
By: 

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

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was faxed to counsel of record on the 2nd day of September, 2009 as follows:

Ted J. Trujillo, Esq.
Adan Trujillo, Esq.
P. O. Box 2185
Española, NM 87532-2185
(505) 753-4750 [facsimile]


J. Scott Hall

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

RECEIVED OCD

IN THE MATTER OF THE APPLICATION OF THE BOARD
OF COUNTY COMMISSIONERS OF RIO ARRIBA COUNTY
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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

MOTION FOR CONTINUANCE

Approach Operating, LLC, ("Approach"), through its undersigned attorneys, Montgomery and Andrews, P.A., (J. Scott Hall) moves the Commission chairman enter his order continuing the hearing on the merits of the Applications in these matters presently set for September 9, 2009. At this time, Approach requests the hearing be continued as may be appropriate until after the resolution of the Motion For Conditional Approval Of Applications For Permits To Drill And For Dismissal filed on August 31, 2009. Approach Operating, LLC proposes to address the motion to the Commission on September 9, 2009 in lieu of the hearing on the Applications. Opposing counsel has not responded to efforts to communicate regarding this matter.

WHEREFORE, Approach Operating, LLC requests the Commission chairman enter his Order continuing the hearing on these Applications as indicated.

Respectfully submitted,

MONTGOMERY & ANDREWS, P.A.

By: J. Scott Hall

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was faxed to counsel of record on this 2nd day of September, 2009 as follows:

Ted J. Trujillo, Esq.
Adan Trujillo, Esq.
P. O. Box 2185
Española, NM 87532-2185
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Cheryl L. Bada, Esq.
New Mexico Energy Minerals and Natural
Resources Department
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Santa Fe, NM 87505-4000
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J. Scott Hall

J. Scott Hall

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