

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

**IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION COMMISSION FOR
THE PURPOSE OF CONSIDERING:**

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE ENFORCEMENT AND COMPLIANCE MANAGER, FOR A COMPLIANCE ORDER AGAINST MARKS AND GARNER PRODUCTION LTD. COMPANY; (1) HAS VIOLATED OCD RULES 19.15.2.8, 19.15.29.6, 19.15.29.9, 19.15.29.10 NMAC AND (2) IS CURRENTLY IN VIOLATION OF OCD RULES 19.15.29.11 AND 19.15.30.9(A); FINDING THAT AS TO FOUR OF THOSE ELEVEN WELLS, (3) OPERATOR IS CURRENTLY ADDITIONALLY IN VIOLATION OF OCD RULES 19.15.29.9 AND 19.15.29.10 NMAC; (4) REQUIRING THE OPERATOR TO BRING ALL ELEVEN WELLS INTO COMPLIANCE WITH OCD RULES 19.15.29.9, 19.15.29.10 AND 19.15.29.11 NMAC BY A DATE CERTAIN AND (5) ORDERING THAT IN THE EVENT IT FAILS TO DO SO, THE OPERATOR SHALL EITHER PLUG AND ABANDON OR TRANSFER ALL WELLS IT CURRENTLY OPERATES IN NEW MEXICO BY A DATE CERTAIN, OR THE WELLS SHALL BE DEEMED ABANDONED AND THE DIVISION AUTHORIZED TO PLUG THE WELLS - EDDY COUNTY, NEW MEXICO.

CASE NO. 14393

MOTION FOR CONTINUANCE

Marks and Garner Production LTD., Co., (Marks and Garner) by and through its undersigned counsel of record, hereby requests continuance of the hearing in the above-captioned matter set for October 29, 2009 on the Division's docket and as grounds therefore states:


1. Quinton Welborn, principal in Marks and Gardner Production LTD. Company, has had medical issues and has been unable to assist undersigned counsel with preparation for the hearing.

2. As a result of Mr. Welborn's medical condition, he will be unable to attend the hearing in this matter set for October 29, 2009, but should be able to participate in a hearing on the Division's November 12, 2009 docket.

3. Counsel for the Oil Conservation Division, Mikal Altomare, is not opposed to a continuance due to Mr. Welborn's medical conditions.

WHEREFORE, for the foregoing reasons Marks and Gardner Production LTD., Co. requests a continuance to the Commission's next regularly scheduled hearing docket scheduled for November 12, 2009.

PADILLA LAW FIRM, P.A.

By: 
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Continuance was served by e-mail at mikal.altomare@state.nm.us to Mikal Altomare, Esq., Assistant General Counsel, New Mexico Oil Conservation Division, this 22 day of October, 2009.


ERNEST L. PADILLA