



December 9, 2009

**VIA HAND DELIVERY**

Mark E. Fesmire JD PE  
Director  
Oil Conservation Division  
New Mexico Department of Energy,  
Minerals and Natural Resources  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87505

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2009 DEC -9 P 2:36

Re: Case 14411: Application of Agua Sucia, LLC to reinstate Division Administrative Order SWD-559 for a salt water disposal well, Lea County, New Mexico.

Dear Mr. Fesmire:

Armstrong Energy Corporation hereby requests that the hearing in the above-referenced case be continued to the January 7<sup>th</sup> hearing docket. I am going to have a medical procedure next week that will make it impossible for me to attend the hearing.

Furthermore, Armstrong has an outstanding subpoena for data it needs to prepared for the hearing. Mr. Bruce and I have agreed to meet and try to resolve issues with this subpoena but to date no such meeting has occurred. Until that data is received, Armstrong cannot fully prepare for the hearing. A continuance will hopefully allow the parties to resolve the issues concerning this subpoena and avoid having to file motions with the Division concerning this information.

Your attention to this request is appreciated.

Very truly yours,

William F. Carr

cc: Richard Ezeanyim  
William Jones  
James Bruce, Esq.