

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

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE ENFORCEMENT AND COMPLIANCE MANAGER, FOR A COMPLIANCE ORDER AGAINST MARKS AND GARNER PRODUCTION LTD. CO., FINDING THAT AS TO ELEVEN WELLS THE OPERATOR (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
(Reopened)

UNOPPOSED MOTION FOR CONTINUANCE

The Oil Conservation Division (OCD), hereby requests continuance of the hearing in the above-captioned matter set for May 13, 2010 on the Division's docket to the Division's docket of July 22, 2010, and as grounds therefore states:

1. Marks and Garner submitted remediation work plans to the Artesia District Office of the Division for the eleven wells specified in Ordering Paragraphs 1 and 2 of Order No. R-13197, and OCD staff is now reviewing those submissions.
2. The OCD is almost finished with its review and anticipates that it will be able to provide Marks and Garner with an approval with additional conditions and requirements by May 14, 2010.

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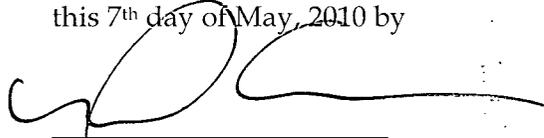
3. Pursuant to Ordering Paragraph 4 of Order No. R-13197, Marks and Garner will have 60 days from the date it receives the approval and notice of additional conditions and requirements to perform the remediation outlined in the plans.

4. July 15, 2010 is the sixtieth day following May 14, 2010. Therefore, continuing the matter to July 22, 2010 would ensure that there is ample opportunity for the specified 60-day period of time prior to the parties and examiners reconvening to determine the status of Marks and Garner's compliance with the Order.

5. Marks and Garner, by and through its counsel Ernest Padilla, was consulted regarding this motion and does not oppose this request.

WHEREFORE, for the foregoing reasons the Oil Conservation Division requests a continuance to the Division's scheduled hearing docket scheduled for July 22, 2010.

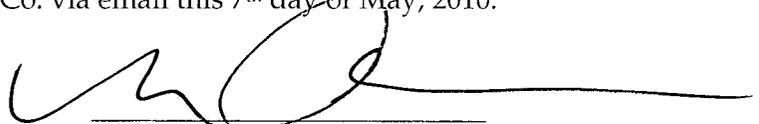
Respectfully submitted
this 7th day of May, 2010 by



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Oil Conservation Division
Energy, Minerals and Natural
Resources Department
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Attorney for the Oil Conservation Division

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon counsel for Marks & Garner Production Ltd., Co. via email this 7th day of May, 2010.



Mikal Altomare