

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

**APPLICATION OF AMERICO ENERGY
RESOURCES, LLC FOR APPROVAL OF
A SALTWATER DISPOSAL WELL,
EDDY COUNTY, NEW MEXICO.**

CASE NO. 26202

ORDER DENYING SECOND JOINT MOTION FOR CONTINUANCE

Americo Energy Resources, LLC ("Americo") and the Pecos Valley Artesian Conservancy District ("PVACD") have submitted a second Joint Motion for Continuance requesting that the contested hearing set for August 25, 2026, be continued to October 20, 2026, and that the Pre-Hearing Order be amended accordingly. Attached to the second motion as Exhibits A and B are self-affirmed statements from Vahid Sabzevari and Aron Balok. The Hearing Examiner, having considered the second motion, the attached exhibits, and the record in this case, finds and orders as follows:

FINDINGS OF FACT

1. Americo filed its application in Case No. 26202 on May 27, 2026.
2. PVACD entered its appearance and objected to the application on July 1, 2026.
3. The Division issued a Pre-Hearing Order setting the contested hearing for August 25, 2026.
4. On August 10, 2026, the parties filed an initial Joint Motion for Continuance seeking to continue the August 25, 2026 hearing date.
5. On August 11, 2026, the Division issued an Order Denying Joint Motion for Continuance, specifically noting that no supporting affidavits, exhibits, or sworn statements were provided to substantiate the parties' claims regarding negotiations or the likelihood of imminent resolution.
6. On August 11, 2026, the parties filed a second Joint Motion for Continuance, attaching self-affirmed statements from Vahid Sabzevari (Exhibit A) and Aron Balok (Exhibit B).
7. Procedurally, the second motion functions as an improper motion for reconsideration of the Division's August 11, 2026 Order Denying Joint Motion for Continuance.

8. The exhibits submitted with the second motion were available to the parties at the time the initial motion was filed and should have been submitted with that original pleading.
9. Even considering the newly submitted self-affirmed statements, Exhibits A and B merely reiterate ongoing negotiations and fail to provide concrete terms, executed agreements, draft permit conditions, or evidence that a settlement is imminent.
10. The second motion offers no newly discovered evidence or changed circumstances that could not have been presented in the original motion, nor does it establish good cause to alter the Division's previous ruling or disrupt the established hearing schedule.

CONCLUSIONS OF LAW

1. The Division has jurisdiction over this matter pursuant to NMSA 1978, Section 70-2-1 et seq.
2. The decision to grant or deny a continuance rests within the sound discretion of the Hearing Examiner.
3. A second or successive motion seeking the same relief following a denial is evaluated under the standards applicable to a motion for reconsideration.
4. A motion for reconsideration is not a vehicle to present evidence or arguments that could have been presented in the original motion.
5. Parties are expected to submit all supporting evidence, including affidavits or exhibits, with their initial motion. Failure to submit existing supporting documentation with an original motion does not constitute good cause for a second motion or for reconsideration.
6. Even if evaluated on its merits, the second motion fails to establish good cause under the Division's rules because the newly attached exhibits do not demonstrate an executed agreement or an imminent settlement.
7. The Division's interest in avoiding procedural inefficiency and maintaining docket integrity weighs against considering piecemeal submissions or granting continuances without a strong showing of good cause.

ORDER

IT IS THEREFORE ORDERED THAT:

1. The Second Joint Motion for Continuance in Case No. 26202 is **DENIED**.

2. The contested hearing shall proceed as scheduled on **August 25, 2026**, in accordance with the Pre-Hearing Order.
3. All pre-hearing deadlines set forth in the Pre-Hearing Order remain in full force and effect.

DONE at Santa Fe, New Mexico, this 12th day of August, 2026.

GREGORY CHAKALIAN
Hearing Examiner