

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

**APPLICATION OF WHIPTAIL MIDSTREAM
LLC FOR HEARING ON REMEDIATION AND
CLOSURE PLAN, RIO ARRIBA COUNTY, NEW
MEXICO**

Case No. 22782

UNOPPOSED MOTION TO AMEND SCHEDULING ORDER

Whiptail Midstream LLC, (“Whiptail”) through its undersigned attorneys, moves to amend the Scheduling Order dated and issued December 15, 2022, in the above-referenced case (“Order”). After discussions with Counsel and review of the status of the case, the Parties agree that amending the Order for rescheduling the dates of the pleadings and hearing, and for clarifying the sequence and nature of the pleadings and hearing, would best serve the purpose of the proceedings. As a result, Whiptail proposes the following amended schedule:

1. On or before January 23, 2023, Whiptail shall file a motion in the form of a motion for summary judgement that proposes a set of facts involved in the case and sets forth its position regarding the interpretation and application of the rules and/or statutes involved in the case (“Whiptail’s Motion”).
2. On or before February 3, 2023, the Oil Conservation Division (“Division”) shall file its response to Whiptail’s Motion (“Division’s Response”).
3. On or before February 10, 2023, Whiptail may file a reply to the Division’s Response, limited to no more than six (6) pages.
4. A motion hearing on Whiptail’s Motion will be held on February 16, 2023.

5. Contingent on the outcome of the motion hearing, a hearing allowing for witnesses and evidence will be scheduled if a ruling on the motion hearing does not resolve the case.

Counsel has been informed of this motion and does not object.

Respectfully submitted,

ABADIE& SCHILL, PC

/s/ Darin C. Savage

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Attorneys for Whiptail Midstream LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed with the New Mexico Oil Conservation Division and was served on counsel of record via electronic mail on January 13, 2023:

JesseK.Tremaine@emnrd.nm.gov
New Mexico Oil Conservation Division

/s/ Darin C. Savage

Darin C. Savage