

**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 JOINT MOTION FOR CONTINUANCE

Americo Energy Resources, LLC (“Americo”) and the Pecos Valley Artesian Conservancy District (“PVACD”) have jointly moved to continue the contested hearing set for August 25, 2026, and to amend the Pre-Hearing Order. The Hearing Examiner, having considered the motion, the representations contained therein, and being otherwise fully advised in the premises, hereby issues the following findings of fact, conclusions of law, and order.

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. The parties represent that they have engaged in “productive negotiations” and “require additional time to reach mutually agreeable permit terms.”
5. The motion does **not** indicate that the parties have reached an agreement in principle, nor does it provide any draft proposed permit conditions, any executed term sheet, or any evidence of imminent settlement beyond general statements of ongoing discussions.
6. The motion asserts that additional time is needed to “finalize proposed permit conditions,” but does not specify what conditions remain unresolved, nor what progress has concretely occurred since PVACD’s July 1 objection.
7. The motion relies on general assertions that a continuance would conserve resources, but it does not demonstrate that a contested hearing is likely to be unnecessary or that settlement is realistically impending.
8. No supporting affidavits, exhibits, or sworn statements were provided to substantiate the parties’ claims regarding negotiations or the likelihood of imminent resolution.

9. Accordingly, the evidence presented does **not** establish good cause for continuing the hearing.

CONCLUSIONS OF LAW

1. The Division has jurisdiction over this matter pursuant to the Oil and Gas Act.
2. A party seeking a continuance bears the burden of demonstrating **good cause**, which requires more than generalized assertions of ongoing discussions.
3. Good cause is established when evidence shows that a continuance will materially advance resolution, prevent unnecessary litigation, or accommodate circumstances genuinely preventing timely preparation.
4. The motion does **not** demonstrate that settlement is imminent, nor does it provide concrete, credible evidence to show that additional time is required for reasons beyond normal preparation.
5. The motion's general statements of "productive negotiations" and desire to "reach mutually agreeable permit terms" do not satisfy the Division's requirement for good cause without accompanying evidence of actual substantive progress.
6. The Division's interest in efficient adjudication and avoiding unnecessary delay weighs against continuances that lack evidentiary support.
7. Because the parties have not shown good cause, the Division is required to deny the motion.

ORDER

IT IS THEREFORE ORDERED:

1. The Joint Motion for Continuance in Case No. 26202 is **DENIED**.
2. The contested hearing shall remain scheduled for **August 25, 2026**, as set forth in the Pre-Hearing Order.
3. All deadlines established in the Pre-Hearing Order remain in full force and effect.
4. The parties shall prepare for the hearing accordingly.

Gregory Chakalian
Hearing Examiner