

**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 AMENDED SCHEDULING ORDER

Whiptail Midstream LLC (“Whiptail”), through its undersigned attorneys, moves the Oil Conservation Division (“Division”) to amend certain items of the Amended Scheduling Order issued January 13, 2023, in the above referenced case (“Scheduling Order”) for the purpose of providing the Division additional focus, clarity, and scope of the facts and issues for their consideration. In support of its Motion, Whiptail provides the following:

1. Counsel have been in discussion and agree that the case has moved in various directions based on the pleadings that were not originally anticipated, which would justify certain adjustments to the Scheduling Order.

2. Given the importance of the issues involved, the Parties agree that the Division would benefit from the procedural flexibility of the specific requests for amendments described herein, and thus Whiptail requests the following amendments:

a. Amend No. 3 of the Scheduling Order to state: “On or before February 10, 2023, but prior to the Midnight hour that concludes said day of February 10, Whiptail may file a reply to the Response with a page limitation that does not exceed the number of pages of OCD’s Response.

b. Amend No. 4 of the Scheduling Order to state: “In place of a hearing on the

Motion, a status conference will be held on February 16, 2023, to determine the direction of this case and a date for the motion hearing.”

3. Counsel has been informed of this Motion and the two items requested to be amended 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 February 10, 2023:

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

/s/ Darin C. Savage

Darin C. Savage