



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop
Cabinet Secretary

May 19, 2003

Lori Wrotenbery

Director

Oil Conservation Division

Hon. David R. Catanach
Hearing Examiner
New Mexico Oil Conservation Division
1220 S. St. Francis Drive
Santa Fe, NM 87505

**Re: Case No. 13061; Application of the New Mexico Oil Conservation Division
for an Order Determining the Responsible Party of Parties, Etc; Lea County,
New Mexico**

Dear Examiner Catanach:

The Division does not oppose the Motion for Continuance filed in this matter on May 10, 2003 by Ernest L. Padilla, attorney for Smith & Marris, Inc.

Should you have any questions, please call me at (505)-476-3450.

Very truly yours,

A handwritten signature in cursive script that reads "David K. Brooks".

David K. Brooks
Assistant General Counsel

cc:

Mr. Ernest L. Padilla
P.O.Box 2523
Santa Fe, NM 87504

Mr. Gary Larson
Hinkle, Hensley, Shanor & Martin, LLP
218 Montezuma
Santa Fe, NM 87501

ec

William C. Olson

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

Oil Conservation Division

APPLICATION OF THE NEW MEXICO OIL CONSERVATION
DIVISION, THROUGH THE ENVIRONMENTAL BUREAU CHIEF, FOR AN
ORDER DETERMINING THE RESPONSIBLE PARTY OR PARTIES AND
ORDERING THE RESPONSIBLE PARTY OR PARTIES TO COMPLETE AND
PERFORM AN ABATEMENT PLAN PURSUANT TO OCD RULE 19; LEA
COUNTY, NEW MEXICO

CASE NO. 13061

UNOPPOSED MOTION FOR CONTINUANCE

Smith & Marrs, Inc., by its undersigned attorney moves the Division for a
continuance of the hearing in the above-captioned matter and as grounds therefore states:

1. Undersigned counsel's office was destroyed by a fire in the early morning of May 14, 2003.
2. Undersigned counsel's paper files are wet and/or smoke damaged and in some instances destroyed.
3. Undersigned counsel's electronic files have been destroyed unless a portion of those files can be recovered from damaged hard drives (back-ups were completely destroyed).
4. Undersigned counsel has leased new offices and is in the process of furnishing and equipping such new offices.
5. Undersigned counsel will also be out of state in Boston, MA from May 16, 2003 to May 20, 2003 to attend his son's college graduation. But for the fire and the destruction of his offices such out of state travel would not have affected the May 22, 2003 hearing date.

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Oil Conservation Division

6. Opposing Counsel does not oppose this motion.

PADILLA LAW FIRM, P.A.

By: *Michelle Quintana by
the direction of Ernest L. Padilla*
Ernest L. Padilla
P.O. Box 2523
Santa Fe, New Mexico 87504
(505) 988-7577

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Unopposed Motion for Continuance was served by hand delivery to Gary Larson, HINKLE, HENSLEY, SHANOR & MARTIN, L.L.P., 218 Montezuma, Santa Fe, New Mexico 87501 and to David K. Brooks, Assistant General Counsel, New Mexico Oil Conservation Division, 1220 S. St. Francis Drive, Santa Fe, New Mexico 87505, this 16th day of May, 2003.

*Michelle Quintana by the
direction of Ernest L. Padilla*
ERNEST L. PADILLA