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

**APPLICATION OF THE NEW MEXICO OIL
CONSERVATION DIVISION THROUGH THE
SUPERVISOR OF DISTRICT II FOR AN
EMERGENCY ORDER SUSPENDING CERTAIN
APPROVED APPLICATIONS FOR PERMITS TO
DRILL, AND FOR ADOPTION OF SPECIAL RULES
FOR DRILLING IN CERTAIN AREAS FOR THE
PROTECTION OF FRESH WATER, CHAVES AND
EDDY COUNTIES, NEW MEXICO**

**ORDER NO. E-42
CASE NO. 15487**

MOTION TO VACATE AND CONTINUE HEARING

COMES NOW the Pecos Valley Artesian Conservancy District (PVACD) by and through its attorneys, Hennighausen & Olsen, L.L.P., (A.J. Olsen, Alvin F. Jones and Olivia R. Mitchell) and pursuant to 19.15.4.13(B), NMAC 12/1/08, moves the Hearing Examiner to continue the hearing scheduled for May 10, 2016 and for cause states:

1. On April 23, 2015, PVACD received notice of the hearing scheduled for May 10, 2016. The notice failed to inform PVACD of the contents of the application or the basis for the hearing.
2. The notice of hearing fails to provide PVACD with sufficient information regarding the content of the alleged application filed, and fails to provide the interested parties with sufficient information in order to comply with the requirements of 19.15.4.13(B), NMAC 12/1/08.
3. The lack of information prohibits the PVACD from being able to fully prepare for a hearing, and as a result, the PVACD would be denied the right of due process as provided by N.M. Const., article II, § 18.

4. The State Engineer is a necessary and indispensable party and has not filed his entry of appearance. Under information and belief, PVACD is unaware if the State Engineer will be present and present evidence regarding the propriety of the Amended Application.

5. The parties will not be prejudiced by the granting of the Motion to Vacate and Continue the Hearing.

WHEREFORE, PVACD requests the Hearing Examiner to vacate and reschedule the hearing set for Tuesday, May 10, 2016 to a later date which will enable the parties to prepare for the hearing, and for such other and further relief which the Hearing Examiner deems just and proper.

Respectfully submitted

HENNIGHAUSEN & OLSEN, L.L.P.

/s/ A.J. Olsen

A.J. Olsen, Esq.

Alvin F. Jones, Esq.

Olivia R. Mitchell, Esq.

P.O. Box 1415

Roswell, New Mexico 88202-1415

(575) 624-2463

(575) 624-2878 (fax)

ajolsen@h2olawyers.com

ajones@h2olawyers.com

omitchell@h2olawyers.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Motion Vacating and Continuing Hearing* was served via electronic mail on May 2, 2016 to the following parties:

FLORENE DAVIDSON

Division Clerk
New Mexico Oil Conservation District
1220 S. St. Francis Drive
Santa Fe, NM 87505
Florene.davidson@state.nm.us

DAVID K. BROOKS

Energy, Minerals and Natural
Resources Department
1220 S. St. Francis Drive
Santa Fe, NM 87505
Davidk.brooks@state.nm.us

MICHAEL H. FELDEWERT

Holland & Hart
P.O. Box 2208
Santa Fe, NM 87504-2208
mfeldewert@hollandhart.com