

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

**IN THE MATTER OF THE HEARING CALLED  
BY THE OIL CONSERVATION DIVISION FOR  
THE PURPOSE OF CONSIDERING:**

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

Case No. 15,487

**MOTION FOR CONTINUANCE**

Mack Energy Corporation ("Mack") hereby moves the Division for an order continuing this case to a date mutually acceptable to all parties, and in support thereof, states.

1. This case is set for hearing on June 15, 2016. There are currently ten parties who have entered appearances in this matter.

2. The Division has informed the other parties that its presentation will take about one-half day. With cross-examination and questions from the hearing examiner(s), it is probable that the Division's presentation will consume one day. Due to the number of parties and potential witnesses, and because the hearing will be contested, it is more than likely that this hearing will require more than two days, which are not available next week. Conducting this hearing in a piecemeal fashion is neither efficient nor cost effective for any party.

3. The Division provided its detailed proposal to all parties less than 10 days ago. All of the parties would benefit from having more time to review the proposal, organize and

develop witness testimony, and prepare exhibits on the proposal in order to efficiently proceed with the hearing.

4. Due to scheduling issues, including limited availability of counsel for the parties over the next 1-1/2 months, the parties should confer to determine when a contiguous three day period is available for which to schedule a hearing.

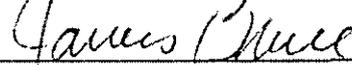
5. As the matter now rests, the Division has the authority to approve or deny APDs on a case by case basis, so there is no absolute need to have a hearing next week. Mack proposes that the order entered by the Division on May 13, 2016 be continued in effect until this matter may be heard.

6. The following parties do not object to this motion: Pecos Valley Artesian Conservancy District, Devon Energy Production Company, L.P., COG Operating LLC, OXY USA Inc., Fasken Oil & Ranch, Ltd., Yates Petroleum Corporation, and Independent Petroleum Association of New Mexico.

7. Mack has not yet been informed of the position of the State Engineer regarding this motion, but is filing it due to the immediacy of the hearing date.

WHEREFORE, Mack requests the entry of an order (a) continuing this case to the regular Division docket of June 23<sup>rd</sup> or July 7<sup>th</sup>, (b) requiring counsel to confer before then as to mutually acceptable hearing dates, and (c) continuing in effect the order entered by the Division on May 13, 2016 until this matter may be heard.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following counsel of record this 9<sup>th</sup> day of June, 2016 by e-mail:

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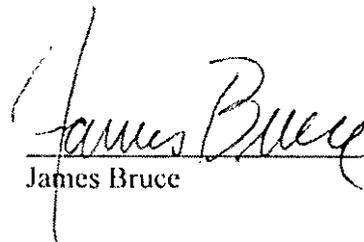
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