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# Fax Cover

**DATE:** July 25, 2008

**TIME:** 2:00PM

**Send To:** Oil Conservation Commission

**Attention:** Clerk Teresa Duran-Saenz

**Fax Number:** 505 476-3462

**From:** Adán E. Trujillo

**Phone Number:** 505 753-4751

**Number of Pages, Including Cover:** 4

Urgent     Reply ASAP     Please Contact     Please Review     For Your Information

**Comments:**

Please file the enclosed Motion for Continuance. Please call if there are any questions. (505) 459-8635.

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TJT

P.O. Box 2185 Española, NM 87532

AET

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

IN THE MATTER OF THE APPLICATION OF THE BOARD  
OF COUNTY COMMISSIONERS OF RIO ARRIBA COUNTY  
FOR CANCELLATION OR SUSPENSION OF APPLICATIONS  
FOR PERMITS TO DRILL (APD'S) FILED BY APPROACH  
OPERATING, LLC, RIO ARRIBA COUNTY, NEW MEXICO

CASE NOS. 14134, 14141

MOTION FOR CONTINUANCE

COMES NOW, the Board of County Commissioners of Rio Arriba County, (the "County"), by and through the undersigned attorneys, and for its motion for continuance of the above-referenced matters, now scheduled for August 14, 2008, states as follows:

1. A hearing on the above-referenced case numbers was held before Hearing Examiner David Brooks of the Oil Conservation Division (the "Division") on June 20 and June 23, 2008.
2. The Division entered an Order on the above-referenced case numbers on July 18, 2008.
3. As to case number 14134, the Division canceled one permit and suspended the remaining three permits pending decision of the Oil Conservation Commission (the "Commission").
4. As to case number 14141, the Division dismissed one application and referred the remaining issues to hearing before the Commission.
5. On July 21, 2008, Governor Richardson directed the Division to enact new rules and regulations governing oil and gas drilling and development in the Rio Chama Watershed.

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6. As a result of Governor Richardson's instructions to the Division, Rio Arriba County contacted general counsel for the Division and the Commission to determine when a hearing before the Commission might take place in order to coordinate the availability of witnesses and other logistical issues.

7. Telephonic conversations between general counsel for the Commission and the County taking place on July 23, 2008 indicated that the aforementioned hearing before the Commission would likely not take place in the month of August, 2008.

8. Today, July 25, 2008, the Division and Commission issued a docket for August 14, 2008, containing the above-referenced case numbers.

9. The County's two expert witnesses, hydro-geologist Steven T. Finch and stream toxicologist and ecologist Dr. Terence Boyle are both unavailable on August 14, 2008 due to prior scheduling obligations.

10. The County will be unable to present testimony from its expert witnesses at the hearing on its presently-scheduled date.

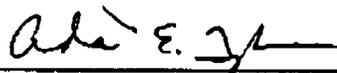
11. The absence of the County's expert witnesses at the hearing scheduled on August 14, 2008 will result in considerable prejudice against the County if the hearing proceeds as scheduled.

12. Opposing counsel for Approach Operating LLC has been contacted but has not indicated their concurrence or opposition to this Motion.

Wherefore, the County requests a continuance of the above-referenced matter to a date that would allow full participation of the County's expert witnesses, and requests a pre-hearing conference to determine such a date.

Respectfully submitted,

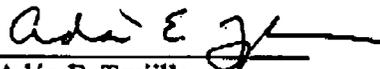
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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was faxed on the 25<sup>th</sup> day of July, 2008 to J. Scott Hall, Montgomery & Andrews, P.A., P.O. Box 2307, Santa Fe, New Mexico 87504-2307, at fax number (505) 982-4289.



Adán E. Trujillo