



New Mexico Energy, Minerals and Natural Resources Department

**Bill Richardson**  
Governor

**Joanna Prukop**  
Cabinet Secretary  
**Reese Fullerton**  
Deputy Cabinet Secretary

**Mark Fesmire**  
Division Director  
Oil Conservation Division



August 11, 2008

Mr. J. Scott Hall  
Montgomery & Andrews  
325 Paseo de Peralta  
Santa Fe, New Mexico 87501

Re: ***NMOCC Case No. 14134; Application of the Board of County Commissioners, Rio Arriba County, New Mexico; and***

***NMOCC Case No. 14141; Application of Approach Operating, LLC, Rio Arriba County, New Mexico; Order No. R-12976***

Dear Mr. Hall:

In response to your letter of August 5, please be advised as follows:

It was the intention of the Director that the effect of Order No. R-12976 was to suspend the operation of the permits to drill pending the outcome of Oil Conservation Commission Hearings on those permits. As such, it can be correctly assumed that any condition or requirement of the operator is tolled pending that outcome.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Fesmire".

Mark E. Fesmire, PEJD  
Director, OCD

cc: Charlie Perrin  
Adan Trujillo,  
Cheryl Bada



COUNSEL EMERITUS  
William R. Federici

MONTGOMERY & ANDREWS  
PROFESSIONAL ASSOCIATION  
ATTORNEYS AND COUNSELORS AT LAW

J.O. Seth (1883-1963)  
A.K. Montgomery (1903-1987)  
Frank Andrews (1914-1981)  
Seth D. Montgomery (1937-1998)

325 Paseo de Peralta  
Santa Fe, New Mexico 87501

ALBUQUERQUE OFFICE

Victor R. Ortega	Paul E. Houston
Gary Kilpatrick	Kevin M. Sexton
Thomas W. Olson	Jeffery L. Martin
Walter J. Melendres	Alexandra Corwin Aguilar
John B. Draper	Jeffrey J. Wechsler
Nancy M. King	Shannon A. Parden
Sarah M. Singleton	Brian T. Judson
Stephen S. Hamilton	Susan R. Johnson
Edmund H. Kendrick	Holly Agajanian
Louis W. Rose	Sharon T. Shaheen
Randy S. Bartell	Jaime R. Kennedy

Post Office Box 2307  
Santa Fe, New Mexico 87504-2307

6301 Indian School Road, N.E.  
Suite 400  
Albuquerque, New Mexico 87110

Telephone (505) 982-3873  
Fax (505) 982-4289

Post Office Box 36210  
Albuquerque, New Mexico 87176-6210

Telephone (505) 884-4200  
Fax (505) 888-8929

OF COUNSEL  
Joe A. Sturges  
J. Scott Hall  
Suzanne C. Odom  
Earl Potter, P.A.

August 5, 2008

www.montand.com

Reply to Santa Fe Office

**HAND DELIVERED**

Mr. Mark Fesmire, Director  
New Mexico Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe, NM 87505

Re: *NMOCC Case No. 14134; Application of the Board of County  
Commissioners, Rio Arriba County, New Mexico; and*

*NMOCC Case No. 14141; Application of Approach Operating, LLC,  
Rio Arriba County, New Mexico; Order No. R-12976*

Dear Mr. Fesmire:

Previously, the Division approved Applications for Permits to Drill for the following three wells, and one other, submitted by Approach Operating LLC:

Sultemeier No. 1  
API No. 30-039-30342

Sena No. 1  
API No. 30-039-30386

Sena No. 2  
API No. 30-039-30394

Order No. R-12976 issued on July 18, 2008 provides that the permits to drill for these wells are suspended pending the decision of the Oil Conservation Commission in Case No. 14134. Approach Operating LLC will file with the Division's District 3 office

2008 AUG 5 PM 3 31  
RECEIVED