



New Mexico Energy, Minerals and Natural Resources Department

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Mark Fesmire
Division Director
Oil Conservation Division



November 5, 2009

Richard Ezeanyim, Hearing Examiner
EMNRD-OCD
1220 S. St. Francis Drive,
Santa Fe, NM 87505

Re: Case No. 14054, Application of the New Mexico Oil Conservation Division for a Compliance Order Against Kimlar Oil Company, Eddy County, New Mexico.

Dear Mr. Ezeanyim:

By letter dated November 2, 2009, I requested that the case, set for hearing on November 12, 2009, be dismissed. I now realize, however, that this may have caused you to believe that I want the case to be dismissed but this is not true. What I meant to say was that I want to withdraw my motion to re-open the case and vacate the hearing set for that date.

I filed the motion to re-open the case when Kimlar Oil Company (Kimlar) failed to comply with Ordering Paragraph 5 of Order No. R-12967 and install or implement a spill prevention system approved by the Artesia Oil Conservation Division (OCD) District Office designed to reduce or eliminate stuffing box leaks and other spills from its wells and operations. After I filed the motion to re-open, Kimlar complied with the Order and installed a spill prevention system approved by the Artesia OCD District Office. Since Kimlar has complied with this Order requirement, I am requesting to withdraw my motion to re-open the case and to vacate the hearing scheduled for November 12, 2009.

Sincerely,

Sonny Swazo
OCD Assistant General Counsel

Cc: Kimlar Oil Company
Daniel Sanchez, Compliance and Enforcement Manager
Randy Dade, OCD District II Supervisor
John Bramhall, BLM

