

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

**RECEIVED**

OCT 2 2003

Oil Conservation Division

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION,  
THROUGH THE SUPERVISOR OF DISTRICT I, FOR AN ORDER REQUIRING  
ENERGYPRO, INC. TO PROPERLY PLUG ONE WELL, ASSESSING AN  
APPROPRIATE CIVIL PENALTY IN EVENT OF OPERATOR'S FAILURE TO  
COMPLY, AUTHORIZING THE DIVISION TO PLUG SAID WELL AND  
ORDERING A FORFEITURE OF APPLICABLE PLUGGING BOND; LEA  
COUNTY, NEW MEXICO.**

**CASE NO. 13165**

**MOTION FOR CONTINUANCE**

The New Mexico Oil Conservation Division ("Division"), requests a continuance of the hearing in Case No. 13165 until the December 18, 2003 docket. This motion is supported on the following grounds:

1. Case No. 13165 is currently set on the October 9, 2003 hearing docket.
2. At issue in the hearing is the Division's application for an order requiring EnergyPro, Inc. to plug one well, assessing an appropriate penalty in the event of the operator's failure to comply, and ordering forfeiture of the applicable plugging bond.
3. On October 1, 2003, Don Pfieter, President of EnergyPro, Inc., contacted counsel for the Division and requested a 60-day continuance, because EnergyPro Inc. is attempting to sell the well. Mr. Pfieter expects to know whether the sale will go through within the next 60 days.
4. Chris Williams, district supervisor for the district in which the well is located, does not oppose a 60-day extension, and undersigned counsel for the Division does not object to a 60-day extension.

5. A 60-day extension will result in this case being placed on the December 18, 2003 docket.

6. The Division files this written motion for continuance in compliance with the June 17, 2002 memorandum "Re: OCD Continuance Procedure," which requires a written motion for any continuance of more than four weeks.

For the foregoing reasons the Division requests that the hearing examiner continue the hearing in case number 13165 until the December 18, 2003 docket.

Respectfully submitted by




Gail MacQuesten  
Assistant General Counsel  
Energy, Minerals and Natural  
Resources Department  
Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe, NM 87505

Certificate of Service

I certify that a copy of this motion was mailed by first class mail, postage prepaid, to

Mr. Don Pfieter  
EnergyPro, Inc.  
500 South Hanger Drive  
Georgetown, TX 78628

this 2<sup>nd</sup> day of October, 2003.

  
Gail MacQuesten