



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

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Cabinet Secretary

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Attn: Rick G. Strange

P. O. Box 1986

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November 18, 2003

**Lori Wrotenberg**

Director

**Oil Conservation Division**

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**Re:** Case No. 13,142: Application of the New Mexico Oil Conservation Division, through the Environmental Bureau Chief, for an order requiring Maralo, L.L.C. to remediate hydrocarbon contamination at an abandoned well and battery site, Lea County, New Mexico.

Dear Ms. MacQuesten and Messrs. Strange, Sandoval, and Kellahin:

Reference is made to the following: (i) Maralo, L.L.C.'s initial motion filed by Mr. Kellahin around the first week of September, 2003 to dismiss this case; (ii) Ms. MacQuesten's response on behalf of the Division as the applicant in this matter in opposition to Maralo, L.L.C.'s motion on October 7, 2003; (iii) Mr. Sandoval's response on behalf of the surface owner, Mr. Jay Anthony, filed in opposition to Maralo, L.L.C.'s motion on October 15, 2003; and (iv) Mr. Strange's reply of October 28, 2003 to the Division's and Anthony's responses.

Maralo, L.L.C.'s motion to dismiss Division Case No. 13,142 is hereby **denied**; this matter will be heard at the regularly scheduled Division's Examiner hearing scheduled for this Thursday, November 20, 2003.

Sincerely,

Michael E. Stogner

Chief Hearing Officer/Engineer

cc: New Mexico Oil Conservation Division - Hobbs  
Case File 13,142  
Florene Davidson, Staff Specialist - NMOCD, Santa Fe  
David R. Catanach, Hearing Examiner - Environmental Bureau (NMOCD), Santa Fe