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FAX TRANSMITTAL FORM**To**

Name: Florene Davidson
Agency:
Oil Conservation Division
Fax: 476-3462

- ☐ Urgent
☐ For Review
☐ Please Comment
☐ Please Reply

From

W. Thomas Kellahin

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Date sent: 8-12-04
Time sent: 11:55 am
Number of pages including cover page:

-6-

Re: NMOC Case 13320
Application of Platinum Exploration, Inc.
for Salt Water disposal,
Lea County, New Mexico

Dear Florene:

Please find attached for filing, my motion to continue this case currently set for hearing on August 19, 2004.

Regards,



CC: James Bruce, Esq. 505-982-2151
Attorney for Platinum Exploration, Inc.
Robert C. Bledsoe, Esq. 432-682-3672
Attorney for Dwain Woody
Dwain Woody 806-747-6272

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KELLAHIN & KELLAHIN
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W. Thomas Kellahin
Recognized Specialist in the Area of
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August 12, 2004

Hand Delivered and Via Facsimile
476-4362

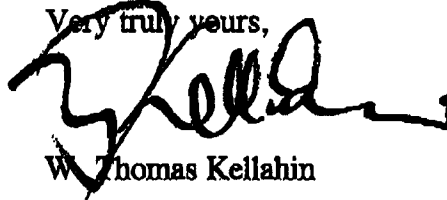
Mr. Mark Fesmire, Director
Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Re: **MOTION FOR CONTINUANCE PENDING**
RECEIPT OF REQUESTED DATA
NMOCD Case 13320
Application of Platinum Exploration, Inc.
for Salt Water Disposal
Whitten Well No. 1 (API 30-025-27856)
Lea County, New Mexico

Dear Mr. Fesmire:

On behalf of Dwain Woody and Dwain Woody Investments, LLC,
please find enclosed my motion to continue the referenced case pending
receipt of data from the Applicant. This case is currently set for hearing on
the August 19, 2004 Examiner's docket.

Very truly yours,



W. Thomas Kellahin

cfx:

James Bruce, Esq.
Attorney for Platinum
Robert C. Bledsoe, Esq.
Attorney for Dwain Woody
Dwain Woody

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

**IN THE MATTER OF THE APPLICATION
OF PLATINUM EXPLORATION, INC.
FOR SALT WATER DISPOSAL
LEA COUNTY NEW MEXICO**

CASE NO. 13320

MOTION TO CONTINUE

Come now Dwain Woody and Dwain Woody Investments, LLC, (collectively "Woody") and moves the Division to continue this case from the August 19, 2004 until the Applicant, Platinum Exploration, Inc. ("Platinum") produces data requested by Woody on July 28, 2004 that was to be produced by 4:00 pm, August 5, 2004.


AND in support states:

- (1) Platinum seeks Division approval to use the Whitten Well No 1, (API#30-025-27856) located in Unit C of Section 35, T16S, R38E, Lea County, New Mexico as a disposal well for produced fluids ("SWD").
- (2) Woody is the owner of the surface upon which this proposed SWD well is located and has not consented to this request by Platinum.
- (3) By letter dated July 28, 2004, counsel for Woody requested counsel for Platinum to produce certain data not later than August 5, 1004. See Exhibit "A" attached
- (4) On several occasions, counsel for Woody and Platinum have discussed timely production of these data that Platinum's counsel has agreed to produce.
- (5) Again by letter dated August 10,2004, Platinum was requested to produce these data. See Exhibit "B" attached

NMOCD Case 13320
Motion to Continue
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- (6) Platinum's failure to timely produce these data have now precluded Woody from preparing and filing its pre-hearing statement and from having adequate time to prepare for this hearing currently scheduled for August 19, 2004.

WHEREFORE, Woody moves that the Division vacate the hearing of this case currently schedule for August 19, 2004 and reset it for a date after Platinum has produced the requested data and Woody has made time to review it.



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Robert C. Bledsoe, Esq.
Cotton Bledsoe Tighe & Dawson, PC
500 West Illinois, Suite 300
Midland, TX 79701
(432) 684-5782

ATTORNEYS FOR DWAIN WOODY
AND DWAIN WOODY INVESTMENTS, LLC

CERTIFICATE OF SERVICE

I certify that a copy of this pleading was transmitted by facsimile to James Bruce, Esq., counsel for applicant, this 12th day of August 2004.

James Bruce, Esq. (505) 982-2151


W. Thomas Kellahin

KELLAHIN & KELLAHIN
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July 28, 2004

James Bruce, Esq.
P. O. Box 1056
Santa Fe, New Mexico 87504

Via Facsimile

Re: Request for Data
NMOCDCase 13320
Application of Platinum Exploration, Inc.
For Salt Water Disposal, Lea County, New Mexico

Dear Jim:

On behalf of Dwain Woody and in lieu of a subpoena, please provide me with the following data concerning your client's referenced case in which your client is seeking approval to inject produced water into the Whitten No. 1 well located in Unit C of Section 35, T16S, R38E, Lea County, New Mexico:

- (1) Copies of all documents by which Platinum claims the right to use this P&A well for salt water disposal ("SWD");
- (2) The location of all existing wells, whether producing, temporary abandoned or plugged, and future wells that will be the source of the produced water to be disposed into this SWD well;
- (3) Copies of all documents that Platinum contends supports its need for the requested maximum volume of 15,000 barrels of water per day.

I request that these data/documents be provided to me not later than 4:00pm on Thursday, August 5, 2004.

Sincerely


W. Thomas Kellahin

CC: Bwian Woody



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August 10, 2004.

James Bruce, Esq.
P. O. Box 1056
Santa Fe, New Mexico 87504

Via Facsimile

Re: Request for Data
NMOCD Case 13320
Application of Platinum Exploration, Inc.
For Salt Water Disposal, Lea County, New Mexico

Dear Jim:

On several occasions, including August 4th and August 9th, we have discussed my July 22, 2004 letter requesting data and you have confirmed that your client will be sending me this data.

I have yet to receive this data and I am concerned that this delay will preclude me from review it and preparing for the August 19th hearing and the filing of a pre-hearing statement this Friday.

What do you suggest we do?

Regards,



W. Thomas Kellahin

Cfx: Brian Woody

