

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

**IN RE SMITH & MARRS, INC.**

**CASE NO. 22166**

**OIL CONSERVATION DIVISION'S  
DOCKETING NOTICE**

The New Mexico Oil Conservation Division (“OCD”), pursuant to 19.15.5.10(E)(2)(a) NMAC, gives notice that it has docketed the Notice of Violation (“NOV”) attached as Exhibit A, and states the following in support thereof:

1. On March 25, 2021, OCD issued the NOV to Smith & Marrs, Inc., OGRID #20989 (“SMI”).
2. On March 25, 2021, OCD sent the NOV to SMI by certified mail at its address of record.
3. On April 7, 2021, the U.S. Postal Service returned the certified mail to OCD with the notation “Return to Sender.”
4. On May 5, 2021, the certified mail was sent electronically to Ernest Padilla, Esq., attorney for SMI.
5. On May 12, 2021, Mr. Padilla accepted service on behalf of SMI, and requested informal resolution.
6. The NOV identified the factual basis for the alleged violations, the compliance action required to remedy the alleged violations, and the proposed sanctions.
7. The NOV stated that if SMI did not informally resolve the NOV within 30 days of receipt of service, then OCD would hold a hearing on June 3, 2021.
8. The period for informal resolution, as extended on several occasions, expired without resolution of the NOV.

WHEREFORE, OCD requests that the NOV be docketed for hearing on October 6, 2021.

Respectfully submitted,



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Eric Ames  
Jesse K. Tremaine  
Assistant General Counsels  
New Mexico Energy, Minerals and  
Natural Resources Department  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505  
Tel (505) 476-3463  
Fax (505) 476-3220  
[eric.ames@state.nm.us](mailto:eric.ames@state.nm.us)  
[jessek.tremaine@state.nm.us](mailto:jessek.tremaine@state.nm.us)

**CERTIFICATE OF SERVICE**

I certify that on August 18, 2021, this pleading was served by electronic mail on:

Ernest Padilla, Esq.  
P.O. Box 2523  
Santa Fe, NM 87504  
[padillalaw@qwestoffice.net](mailto:padillalaw@qwestoffice.net)



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Eric Ames