Warnell, Terry G, EMNRD

To: Cc: Subject: Ocean Munds-Dry; Brooks, David K., EMNRD iamesbruc@aol.com RE: Case 14719

Ocean:

Historically if anyone objects to an Administrative Application it goes to hearing. In this case San Juan feels their correlative rights are in jeopardy and they objected Whether they have standing, if that is an issue, should be determined at a hearing Therefore I feel OCD needs to hear Case No. 14719 on Sept. 1st or at a later date

Regards, Terry

From: Ocean Munds-Dry [mailto:Omundsdry@hollandhart.com] Sent: Thursday, August 25, 2011 8:54 AM To: Warnell, Terry G, EMNRD; Brooks, David K., EMNRD Cc: jamesbruc@aol.com -1 Subject: Case 14719

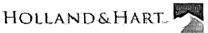
Terry and David:

Williams filed a motion to dismiss in this case, San Juan responded and we filed a reply this week. Any chance we might get a ruling this week so we know whether this is going to hearing on Sept 1.?

Thanks, Ocean

Ocean Munds-Dry Associate Attorney

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Richard My advice would be that this matter be set to leaving. The OCG det (NMSA 70-2-23) provides That OCD may only issue order after a hearing Our practice of issuing certain orders administratively Can be squared wit this requirement only on the basic that everyone who has standing to object has waived the right to hearing by not protesting after secerift of notice Here someone has protested. Whether They have standing, if that is an issue, should be determined at the hearing, or at a preliminant flaring on a formal motion to dismiss Daviel