



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**

Governor

**Joanna Prukop**

Cabinet Secretary

**Mark E. Fesmire, P.E.**

Director

**Oil Conservation Division**

May 10, 2005

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Dear Sir or Madam:

This letter is to apprise you of a change in date of Examiner Docket 16-05:

Division Cases No. 13480 and 13481 will be heard beginning at 8:15am on Monday May 23, 2005, in Porter Hall of the Wendell Chino Building located at 1220 S Saint Francis Dr. Santa Fe, New Mexico. Division Case No. 13480 will be heard first. A projector will be available as an optional method of presenting exhibits.

The previously agreed upon dates to present procedural matters are still in effect, as follows:

- Early part of this week, CRI will file a motion to dismiss the application of Artesia Aeration from consideration because it is not administratively complete for hearing. Artesia Aeration will have 5 calendar days from receipt of the motion to respond. (All parties will be exchanging motions and notice via facsimile.)
- May 13 - All pre-hearing filings are due, including any procedural or dispositive motions that any party may wish to file.
- May 13 - The hearing examiner may conduct another pre-hearing conference in an effort to streamline what promises to be a lengthy hearing.
- May 18 - Responses to any motions filed on May 13 are due.
- May 23 - Hearing on the Gandy Marley and Artesia Aeration applications will be heard as a carry-over item from the docket. Because the parties claim they will need more than one day, the hearing may be continued over to May 24.

Please be prepared to present your facts and arguments. The applicants shall carry the burden of proof with opportunity for opponents and proponents to put on testimony thereafter. The Division will not put on a case in chief, but the Division reserves the right to introduce rebuttal testimony, if necessary.

Thank You,



William V. Jones P.E. and  
Ted Apodaca Assistant General Counsel  
Division Hearing Examiners

Copied to:

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BY MAIL 5/10/05