

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

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CASE NO. 15487

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION
THROUGH THE SUPERVISOR OF DISTRICT II FOR AN EMERGENCY ORDER
SUSPENDING CERTAIN APPROVED APPLICATIONS FOR PERMITS TO DRILL,
AND FOR ADOPTION OF SPECIAL RULES FOR DRILLING IN CERTAIN AREAS
FOR THE PROTECTIONS OF FRESH WATER, CHAVES AND EDDY COUNTIES,
NEW MEXICO**

**RESPONSE TO MOTION TO VACATE
AND CONTINUE HEARING**

Applicant hereby responds to the referenced motion of Pecos Valley Artesian Conservancy District [PVAC] as follows:

[1] Applicant does not oppose a reasonable continuance of the hearing on the merits from its present setting on May 10, 2016, to a specified date.

[2] Subject to the foregoing, Applicant denies the premises of PVAC's motion, and, in particular, denied that the State Engineer is a necessary part to this Application.

[3] Applicant would not, however, object to the State Engineer being made a party if that officer were to file an intervention.

[4] Applicant does not fully understand the implications of the request to "vacate" as stated in PVAC's motion.

WHEREFORE, Applicant accordingly requests that any order issued pursuant PVAC's motion be limited to granting a continuance of the hearing on the merits of the Application to a date specified in the Order, and without other findings than that no party opposes such continuance.

Respectfully Submitted



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Certificate of Service

I hereby certify that the above pleading was served on the following parties by electronic mail on May 4, 2016.



David K. Brooks