



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

2008 DEC 31 PM 3 04

Mark E. Fesmire, P.E.

Director

Oil Conservation Division

December 31, 2008

Richard Ezeanyim, Hearing Examiner
EMNRD-OCD
1220 S. St. Francis Drive,
Santa Fe, NM 87505

Hand-delivered

Re: **Case No. 14265** – *Application of Rosetta Resources Operating LP for approval of a salt water disposal well, San Juan County, New Mexico* – DIVISION'S REQUEST FOR CONTINUANCE.

Dear Mr. Ezeanyim:

The above-referenced matter is currently scheduled to be heard on January 8, 2009 at 8:15 a.m. The Oil Conservation Division entered an appearance on December 30, 2008 and requires additional time to review the application submitted by Rosetta in the above referenced matter. The Division therefore requests that the matter be continued to a later date.

The Division contacted counsel for Rosetta prior to entry of appearance on December 30, 2008 to inquire about a continuance. Counsel indicated he did not believe his client would oppose the continuance; however, unfortunately the Division has not yet been able to obtain confirmation from counsel regarding this and cannot therefore represent to you at this time that Rosetta does not oppose this request. It is the Division's understanding, however, based upon the conversation with counsel on December 30, 2008, that it is not likely that applicant Rosetta will oppose the Division's request.

The Division therefore respectfully requests that the matter be rescheduled for the hearing docket set for **February 5, 2009** to allow adequate time for the Division to review and evaluate the application.

Sincerely,

Mikal Altomare
OCD Attorney

Cc: *via email, James Bruce:* JamesBruc@aol.com

Ec: Daniel Sanchez, Compliance and Enforcement Manager
Gail MacQuesten, Assistant General Counsel