

Brooks, David K., EMNRD

From: Ezeanyim, Richard, EMNRD
Sent: Monday, March 01, 2010 11:03 AM
To: jamesbruc@aol.com; WCarr@hollandhart.com; Brooks, David K., EMNRD
Cc: Jones, William V., EMNRD
Subject: RE: Case No. 14441; Application of Agua Sucia LLC

I am just trying to accommodate you guys. Be it then ordered that this case will be heard on March 18, 2010.

Richard

From: jamesbruc@aol.com [mailto:jamesbruc@aol.com]
Sent: Monday, March 01, 2010 10:53 AM
To: Ezeanyim, Richard, EMNRD; WCarr@hollandhart.com; Brooks, David K., EMNRD
Cc: Jones, William V., EMNRD
Subject: Re: Case No. 14441; Application of Agua Sucia LLC

Richard: Bill and I just called you and David. Now, based on the original e-mail from David, witnesses have made other arrangements, and 3/18 looks better.

Jim

-----Original Message-----

From: Ezeanyim, Richard, EMNRD <richard.ezeanyim@state.nm.us>
To: jamesbruc@aol.com; WCarr@hollandhart.com; Brooks, David K., EMNRD <david.brooks@state.nm.us>
Cc: Jones, William V., EMNRD <William.V.Jones@state.nm.us>
Sent: Mon, Mar 1, 2010 10:09 am
Subject: RE: Case No. 14441; Application of Agua Sucia LLC

Gentlemen:

After consultation with the Legal Examiner, David Brooks, we have decided to hear this case No. 14441 on Thursday March 4, 2009, and get it over with. We will hear this case first thing in the morning, and when we are done with it, we can then go to the remaining cases in the docket. Any of these remaining cases that could not be heard before 4:59:59 pm will automatically be continued to March 18, 2009. Please let me know ASAP if this is okay with everybody so that we can plan ahead. Thank you.

Richard

From: jamesbruc@aol.com [mailto:jamesbruc@aol.com]
Sent: Monday, March 01, 2010 8:06 AM
To: WCarr@hollandhart.com; Ezeanyim, Richard, EMNRD; Brooks, David K., EMNRD
Cc: Jones, William V., EMNRD
Subject: Re: Case No. 14441; Application of Agua Sucia LLC

I have spoken with my witnesses, and we can be available on 3/18. Or, Bill's request for a special hearing date is acceptable. HOWEVER, I need to know by the end of today so my witnesses can confirm their schedules.

Jim

-----Original Message-----

From: William Carr <WCarr@hollandhart.com>
To: Ezeanyim, Richard, EMNRD <richard.ezeanyim@state.nm.us>; jamesbruc@aol.com <jamesbruc@aol.com>; Brooks, David K., EMNRD <david.brooks@state.nm.us>
Cc: Jones, William V., EMNRD <William.V.Jones@state.nm.us>
Sent: Sun, Feb 28, 2010 9:32 am
Subject: RE: Case No. 14441; Application of Agua Sucia LLC

Richard and David,

As indicated on Armstrong's Pre-Hearing Statement, we plan to call Bruce Stubbs, Reservoir Engineer, and Jerry Guy and Gary Wink to testify as fact witnesses. We have subpoenaed Louis Edgett of Agua Sucia, and previously Louray, to testify and, depending on his testimony, we may call Bob Armstrong. I share Jim Bruce's concern about getting this case to hearing but we cannot present our case in 30 minutes and our cross examination may well equal in length our direct case. We therefore cannot present our case in the time available on March 4th. Armstrong can be available on March 18th. If that date does not work for Agua Sucia, we will try to work out a special hearing date for this case if that is the Division's desire. I will be in the office all day on Monday and available to discuss this matter whenever convenient for you.

Bill

From: Ezeanyim, Richard, EMNRD [<mailto:richard.ezeanyim@state.nm.us>]

Sent: Friday, February 26, 2010 4:39 PM

To: jamesbruc@aol.com; Brooks, David K., EMNRD; William Carr

Cc: Jones, William V., EMNRD

Subject: RE: Case No. 14441; Application of Agua Sucia LLC

The furlough day is still 4/5 and we are not allowed to work overtime!!! If this case is to be heard on 4/1, then we have to limit each party to present its case in 30 minutes total, cross examination will be only 10 minutes in length. We may have to do the same thing for any other contested cases in this docket, so that we can get out of the Porter Hall by exactly 4:59:59 pm. Thank you.

Richard

From: jamesbruc@aol.com [<mailto:jamesbruc@aol.com>]

Sent: Friday, February 26, 2010 4:08 PM

To: Brooks, David K., EMNRD; WCarr@hollandhart.com

Cc: Jones, William V., EMNRD; Ezeanyim, Richard, EMNRD

Subject: Re: Case No. 14441; Application of Agua Sucia LLC

David: This case has been continued for 6 months, and I object to continuing it again. One of my witnesses cannot be available on 3/18, and it would have to go to 4/1. I anticipate other fights on 4/1, and cannot consent to continuing it. When we had our informal hearing on this case in January, we all agreed to hear it on 3/4, and I insist it be heard on that date. Other recently filed cases should be continued instead.

Jim

-----Original Message-----

From: Brooks, David K., EMNRD <david.brooks@state.nm.us>

To: jamesbruc@aol.com; William Carr <WCarr@hollandhart.com>

Cc: Jones, William V., EMNRD <William.V.Jones@state.nm.us>; Ezeanyim, Richard, EMNRD <richard.ezeanyim@state.nm.us>

• Sent: Fri, Feb 26, 2010 3:26 pm
Subject: Case No. 14441; Application of Agua Sucia LLC

Gentlemen:

A review of the docket set for March 4 indicates that if the cases now on the docket go to hearing, we will likely not finish the docket on Thursday.

Due to the furlough day included in this State pay period, we are not authorized to continue into the evening, nor the following day. Porter Hall is not available any day the following week.

Accordingly, we propose to continue Case No. 14441, the last and longest case scheduled on March 4, to the March 18 docket.

Please advise promptly if this will create a hardship.

Sincerely

David K. Brooks
Legal Examiner

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