



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**

Governor

**Joanna Prukop**  
Cabinet Secretary

April 21, 2003

**Lori Wrotenbery**

Director

Oil Conservation Division

New Mexico Oil Conservation Division  
Attention: David K. Brooks, Assistant General Counsel  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87505-5472

Telefax No. (505) 476-3462

*DKBrooks@state.nm.us*

Padilla Law Firm, P. A.  
Attention: Ernest L. Padilla, Legal Counsel for Smith & Marrs, Inc.  
P. O. Box 2523  
Santa Fe, New Mexico 87504-2523

Telefax No. (505) 988-7592

Hinkle, Hensley, Shanor & Martin, L.L.P.  
Attention: Gary Larson, Legal Counsel for Chaparral Energy, Inc.  
P. O. Box 2068  
Santa Fe, New Mexico 87504-2068

Telefax No. (505) 982-8623

**Re:** Case No. 13061: *Application of the New Mexico Oil Conservation Division ("Division"), through the Environmental Bureau Chief, for an order determining the responsible party or parties and ordering the responsible party or parties to complete and perform an abatement plan pursuant to Division Rule 19; Lea County, New Mexico.*

Dear Messrs. Brooks, Padilla, and Larson:

Reference is made to Mr. Padilla's motion for continuance dated April 18, 2003: Division Case No. 13061 is hereby continued from the April 24th Examiner's Hearing to the next docket scheduled for May 8, 2003.

Sincerely,

Michael E. Stogner  
Chief Hearing Officer/Engineer

cc: New Mexico Oil Conservation Division - Hobbs  
Case File 13,061  
Florene Davidson - NMOCD, Santa Fe  
Kathy Valdes - NMOCD, Santa Fe

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

**RECEIVED**

APR 18 2003

Oil Conservation Division

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION  
THROUGH THE ENVIRONMENTAL BUREAU CHIEF, FOR AN ORDER  
DETERMINING THE RESPONSIBLE PARTY OR PARTIES AND ORDERING  
THE RESPONSIBLE PARTY OR PARTIES TO COMPLETE AND PERFORM  
AN ABATEMENT PLAN PURSUANT TO OCD RULE 19; LEA COUNTY, NEW  
MEXICO**

**CASE NO. 13061**


**MOTION FOR CONTINUANCE**

SMITH & MARRS, INC., by and through its undersigned counsel of record,  
moves the Division for a continuance of the hearing currently scheduled for Thursday,  
April 24, 2000, at 8:15 a.m., to the Division's next regularly scheduled hearing date for  
the following reasons:

1. Undersigned counsel was contacted by Smith & Marrs, Inc. on  
April 16, 2003 and retained on April 17, 2003 to handle this matter.
2. Undersigned counsel currently is scheduled for a two day administrative  
hearing in Rascon v. Wal Mart, HRD No. 02-01-03-0002, before the New Mexico  
Human Rights Commission on April 23 and 24.
3. Counsel for Chaparral Energy, Inc. takes no position on this motion, but  
would prefer that the hearing not be continued and that negotiations to resolve underlying  
contractual issues continue to progress.
4. Counsel for the Division does not oppose this motion due to undersigned  
counsel's prior trial commitment.

Respectfully submitted,

PADILLA LAW FIRM, P.A.

By:   
Ernest L. Padilla  
Post Office Box 2523  
Santa Fe, New Mexico 87504-2523  
(505) 988-7577

**ATTORNEY FOR SMITH &  
MARRS, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a copy of this Motion for Continuance to be served upon David K. Brooks, 1220 S. St. Francis Drive, Santa Fe, New Mexico 87505, and Gary W. Larson, P.O. Box 2068, Santa Fe, New Mexico 87504 on this 18th day of April, 2003.

  
ERNEST L. PADILLA