

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

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**IN THE MATTER OF THE HEARING CALLED  
BY THE OIL CONSERVATION DIVISION FOR  
THE PURPOSE OF CONSIDERING:**

**APPLICATION OF THE NEW MEXICO  
OIL CONSERVATION DIVISION, THROUGH  
THE ENFORCEMENT AND COMPLIANCE  
MANAGER, FOR A COMPLIANCE ORDER  
AGAINST MARKS AND GARNER PRODUCTION  
LTD. COMPANY; (1) HAS VIOLATED OCD RULES 19.15.2.8,  
19.15.29.6, 19.15.29.9, 19.15.29.10 NMAC AND (2) IS CURRENTLY  
IN VIOLATION OF OCD RULES 19.15.29.11 AND 19.15.30.9(A);  
FINDING THAT AS TO FOUR OF THOSE ELEVEN WELLS,  
(3) OPERATOR IS CURRENTLY ADDITIONALLY IN  
VIOLATION OF OCD RULES 19.15.29.9 AND 19.15.29.10 NMAC; (4)  
REQUIRING THE OPERATOR TO BRING ALL ELEVEN WELLS  
INTO COMPLAINE WITH OCD RULES 19.15.29.9, 19.15.29.10 AND  
19.15.29.11 NMAC BY A DATE CERTAIN AND (5) ORDERING THAT  
IN THE EVENT IT FAILS TO DO SO, THE OPERATOR SHALL  
EITHER PLUG AND ABANDON OR TRANSFER ALL WELLS IT  
CURRENTLY OPERATES IN NEW MEXICO BY A DATE CERTAIN,  
OR THE WELLS SHALL BE DEEMED ABANDONED AND THE  
DIVISION AUTHORIZED TO PLUG THE WELLS - EDDY COUNTY,  
NEW MEXICO.**

**CASE NO. 14393  
(Reopened)**

**AGREED MOTION FOR CONTINUANCE**

Marks and Garner Production LTD., Co., (Marks and Garner) by and through its undersigned counsel of record, hereby requests continuance of the hearing in the above-captioned matter set for March 4, 2010 on the Division's docket to the Division's docket of April 29th, 2010, and as grounds therefore states:

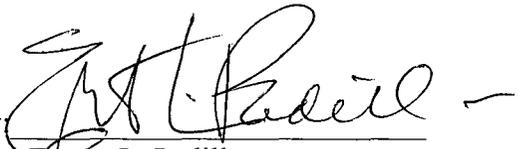
1. Marks and Gardner Production LTD. Company, has changed environmental consultants to investigate and assess the environmental requirements to comply with Division Order R-13197.

2. The Division has grant Mark & Garner's new environmental consultant until April 25, 2010 within which to assess and investigate remediation requirements on Marks & Garner's oil and gas wells affected by the Order.

3. Counsel for the Oil Conservation Division, Mikal Altomare, is not opposed to a continuance, provided that Marks & Garner immediately comply with the signage requirement of Order R-13197.

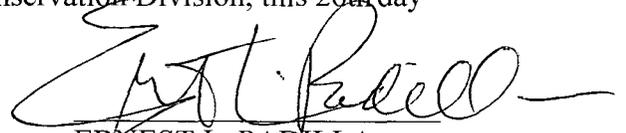
WHEREFORE, for the foregoing reasons Marks and Gardner Production LTD., Co. requests a continuance to the Division's scheduled hearing docket scheduled for April 29th, 2010.

PADILLA LAW FIRM, P.A.

By   
Ernest L. Padilla  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Continuance was served by e-mail at mikal.altomare@state.nm.us to Mikal Altomare, Esq., Assistant General Counsel, New Mexico Oil Conservation Division, this 26th day of February, 2010.

  
ERNEST L. PADILLA