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FILED
OCT 14 2013
SECRETARY, BOARD OF
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS & MINING**
**DEPARTMENT OF NATURAL RESOURCES**
**STATE OF UTAH**

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| IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF UTAH DIVISION OF OIL, GAS, AND MINING FOR A CESSATION ORDER AND CIVIL PENALTIES AGAINST MONTEZUMA WELL SERVICES, INC., AND EARL MARTINEZ, OWNER AND OPERATOR OF THE MONTEZUMA CREEK WASTE DISPOSAL FACILITY, SECTION 14, T 40 SO., R. 22 EAST, SAN JUAN COUNTY, UTAH. | **MOTION FOR CONSENT TO FILE WRITTEN REPORT**<br><br>Docket No. 2009-015<br><br>Cause No. WD-04-2009 |

The Division of Oil, Gas and Mining, (Division) hereby files this motion on behalf of itself and with the consent of and on behalf of Montezuma Well Services, Inc., (Montezuma) jointly requesting permission to submit a written report in lieu of making a personal appearance before the Board as the means of addressing the annual update required by the 2010 Stipulation addressing the NOAA filed by the Division.

The Request for Agency Action (RAA) was originally filed by the Division in July, 2009 seeking a Cessation Order and civil penalties against Montezuma Well Services, Inc. (Montezuma) and Earl Martinez individually. The matter was continued based on stipulations between the parties

until August 25, 2010 when the Board heard testimony and approved a Stipulation that contained a plan for continued operation and concurrent reclamation of the facilities. The Board then continued the matter until August 24, 2011. At the 2011 August hearing the Board received testimony concerning compliance with the Stipulation from the Division and the Respondents and approved continued operations pursuant to the Stipulation as amended and continued the matter until August 2012 Board Hearing. At the August 2012 hearing the Board continued the matter for an additional year until August 23, 2013, and that hearing was continued for the convenience of the Board until October 23, 2013.

The Division has continued to monitor Montezuma's compliance with the schedule of remediation work as set out in the 2010 Stipulation and represents to the Board that Montezuma has continued to comply with the Board's Order and Stipulation and that there are no additional problems requiring Board action. The Division appreciates the Board's oversight of this matter but in light of the very full agenda for the October 23, 2013 hearing, the Division asks that the Board modify the Order to require that the Division and Montezuma submit written reports on the reclamation, and bonding activities during the past year by no later than October 21, 2013. If the Board has questions or for any reason desires to have Montezuma and the Division address the items in the report further, it shall schedule a time for such hearing at which Montezuma and the Division will appear. If there is no additional hearing set, the matter will be continued until August 2014 for an additional report at that time.

DATED this 14th day of October, 2013.

Steven F. Alder, Esq.
Counsel for Division of Oil Gas and Mining

## CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing Motion for Consent to File a Written Report for Docket No. 2009-015, Cause No. WD-04-2009 to be mailed with postage prepaid to the address shown and emailed, this 15th day of October, 2013, to the following:

Earl Martinez
Personally and as President
Montezuma Well Service, Inc.
P.O. Box 540
Montezuma Creek, UT 84534

Ernestine Chief
Montezuma Well Service, Inc.
P.O. Box 540
Montezuma Creek, UT 84534

Sonja F. Wallace
Environmental Compliance Manager
Utah School and Institutional Trust Lands
Administration (SITLA)
675 East 500 South
Salt Lake City, UT 84102

Trust Lands Resource Specialist
Utah School and Institutional Trust Lands
Administration (SITLA)
675 East 500 South
Salt Lake City, UT 84102

Michael S. Johnson
Assistant Attorney Generals
Counsel for the Utah Board of Oil, Gas, and
Mining (hand-delivered)

Julie Ann Carter

**BEFORE THE BOARD OF OIL, GAS & MINING**
**DEPARTMENT OF NATURAL RESOURCES**
**STATE OF UTAH**

| | |
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| IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF UTAH DIVISION OF OIL, GAS, AND MINING FOR A CESSATION ORDER AND CIVIL PENALTIES AGAINST MONTEZUMA WELL SERVICES, INC., AND EARL MARTINEZ, OWNER AND OPERATOR OF THE MONTEZUMA CREEK WASTE DISPOSAL FACILITY, SECTION 14, T 40 SO., R. 22 EAST, SAN JUAN COUNTY, UTAH. | **ORDER TO FILE WRITTEN REPORT**<br><br>Docket No. 2009-015<br><br>Cause No. WD-04-2009 |

The Board of Oil, Gas and Mining, (Board) upon Motion filed by the Division of Oil, Gas and Mining, (Division) on behalf of itself and on behalf of Montezuma Well Services, Inc., (Montezuma) in which the Division states that Montezuma has continued in compliance with the original Stipulation filed in this matter without any problems; and in order to accommodate the Board's very full agenda for the October 23, 2013 hearing;

Hereby Orders that:

1. The Division and Montezuma shall each submit written reports on the reclamation, bonding and other activities conducted at the disposal facility during the past year to comply with the 2010 Stipulation in this matter, by no later than October 21, 2013;

2. If the Board has questions or for any reason desires to have Montezuma and the Division address the items in the written reports further, it shall schedule a time for such hearing at which Montezuma and the Division will appear; and

3. If there is no additional hearing requested by the Board after it has reviewed the written reports, the matter will be continued until the August 2014 Board Hearing for a further report on Montezuma's compliance with the Stipulation.

DATED this ____ day of October, 2013.

Utah Board of Oil, Gas and Mining

_____

Ruland J. Gill, Chairman

## CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing Order to File a Written Report for Docket No. 2009-015, Cause No. WD-04-2009 to be mailed with postage prepaid to the address shown and emailed, this ____ day of October, 2013, to the following:

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Mining (hand-delivered)

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