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**FILED**

**FEB 20 2019**

**SECRETARY, BOARD OF  
OIL, GAS & MINING**

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

**IN THE MATTER OF THE REQUEST  
OF WESCO OPERATING INC. FOR AN  
ORDER AUTORIZING THE DRILLING  
OF THE PROPOSED CCU 7-2R2-26-20  
HORIZONTAL WELL TO BE  
LOCATED IN PORTIONS OF SECTIONS  
4, 5, 7, AND 8, TOWNSHIP 26 SOUTH,  
RANGE 20 EAST, S. L. M., GRAND  
COUNTY, UTAH.**

**MOTION FOR LEAVE TO FILE  
DIVISION'S MEMORANDUM OUT OF  
TIME  
AND  
(PROPOSED) ORDER GRANTING  
LEAVE**

Docket No. 2019-007

Cause No. 166-11

The Utah Division of Oil, Gas and Mining (Division) moves the Board for leave to file the attached Memorandum addressing complicated and important issues raised by this Request for Agency Action outside of the time provided by Utah Admin. Code R641-105-200.

The Memorandum was due on February 11, 2019. This Motion is required due to the inability of counsel to provide a complete examination of the issues sooner, due to the large number of cases on the Board's Docket for January and February, the need to review notices of hearings, and proposed findings of fact, conclusions of law, and orders; together with the need to address legislative proposals. Each of the foregoing items have deadlines which need to be met and have made it difficult to research and prepare this memorandum by the date due.

The Request is unusual and may have far reaching precedential effect. The Division feels it is important to provide the Board with a thorough examination of the law and consequences. Counsel for the Petitioner has been advised that this memorandum was to be filed and indicated he expected one. He may be better prepared to respond to the issues raised through argument and testimony of witnesses as a result of the Memorandum being filed than were the Motion not be granted. There is still one week before the hearing which is sufficient time for counsel for Petitioner to prepare its case in response to the memorandum and so there is little prejudice to the Petitioner if the motion is granted.

For the reasons stated the Division hereby Moves for leave to file the attached Memorandum out of time.

RESPECTFULLY SUBMITTED this 20<sup>th</sup> day of February, 2019.

A handwritten signature in blue ink that reads "Steve Alder". The signature is written in a cursive style and is underlined.

Steve Alder  
Thomas Kessinger  
Assistant Attorneys General  
Utah Attorney General's Office  
**ATTORNEYS FOR DIVISION OF OIL, GAS AND MINING**

**ORDER**

The Board of Oil, Gas and Mining, having reviewed the Motion for Leave to file Memorandum out of time and for good cause appearing therein,

Do HEREBY grant leave for the Memorandum of the Utah Division of Oil, Gas and Mining to be filed and considered by the Board

**STATE OF UTAH  
BOARD OF OIL, GAS AND MINING**

By: \_\_\_\_\_  
Ruland J. Gill, Jr., Chairman

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on this 20 day of February, 2019, I caused a true and correct copy of the foregoing Motion for Leave to File a Memorandum Out of Time and accompanying Memorandum to electronically, via e-mail to:

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