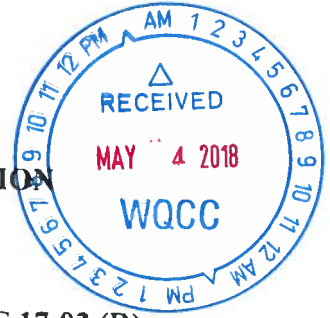


STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION



In the Matter of:

**PROPOSED AMENDMENTS TO
GROUND AND SURFACE WATER
PROTECTION REGULATIONS,
20.6.2 NMAC**

No. WQCC 17-03 (R)

**MOTION TO PROVISIONALLY EXTEND, FROM MAY 7 TO JUNE 15, 2018, THE
DEADLINE FOR PARTIES' EXCEPTIONS TO THE HEARING OFFICER REPORT**

Pursuant to the New Mexico Water Quality Control Commission's ("Commission") procedural regulations at 20.1.6.100.B and 20.1.6.207 NMAC, Rio Grande Resources Corporation, New Mexico Copper Corporation and American Magnesium, LLC (collectively "Movants"), submit this motion requesting that the Hearing Officer provisionally extend, from May 7, 2018 to June 15, 2018, the deadline set forth in the Hearing Officer's *Post Scheduling Order Exceptions to the Hearing Officer Report* filed in this matter on April 6, 2018 (the "April 6 Exceptions Order") for parties to file exceptions to the April 6 Report. As grounds for this motion, Movants state:

1. The April 6 Exceptions Order established a May 7, 2018 deadline for all parties to file exceptions to the April 6 Report.
2. Since the filing of the April 6 Exceptions Order, the parties have conferred among themselves, and with the Hearing Officer in a May 3, 2018 post-hearing teleconference, concerning alternatives means of assisting with the development and submission of a Hearing Officer Report that would be most useful in assisting the Water Quality Control Commission ("Commission") in its rulemaking deliberations in this matter.

3. In the May 3, 2018 post-hearing teleconference among the Hearing Officer and nearly all the parties, it was determined that most or all of the parties as well as the Hearing Officer would benefit from additional time to allow the parties to work collaboratively on a joint form of submission to the Hearing Officer.
4. In the May 3, 2018 post-hearing teleconference it was revealed that one of the party representatives expects to be on medical leave for most of May, and that extending the current May 7, 2018 deadline to Friday, June 15, would be helpful both to accommodate that representative's circumstances as well as to facilitate collaboration among the parties in providing their input in connections with the April 6 Report.
5. In the May 3, 2018 post-hearing teleconference the parties and Hearing Officer also recognized that the April 6 Report triggered a 60 day deadline for the WQCC to deliberate in this matter, which would run to June 12, 2018 unless the parties either waive that 60 day deliberations deadline or the Commission withdraws the April 6 Report so that a new Hearing Officer Report could be filed after receiving the input of all parties.
6. In the May 3, 2018 post-hearing teleconference one party indicated that it would be filing a motion—which all parties on the teleconference indicated they would concur in—prior to the Commission's scheduled May 8, 2018 meeting asking the Commission to withdraw or strike the April 6 Hearing officer to better accommodate collaborative input from the parties and avoid having the Commission deliberate before the parties provide that input on June 15, 2018.
7. Mindful that the Commission is the authority to decide whether to withdraw or strike the April 6 Report and thereby allow for more time desired by the parties to provide

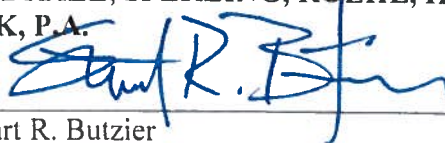
collaborative input, the extension from May 7 to June 15, 2018 sought by Movants with this motion necessarily needs to be provisional in the sense that the Order requested herein will need to be contingent upon the Commission taking some form of action to extend the 60 day deliberation deadline beyond June 12, 2018, either by withdrawing or striking the April 6 Hearing Report, or by accepting party waivers, if necessary, of the 60 day deliberations deadline.

8. Based on input from all parties involved in the May 3, 2018 post-hearing teleconference, it is believed that no parties represented on the call oppose, and the position of the City of Roswell and Laun Dry is unknown at the time of this filing.

WHEREFORE, Movants request that the Hearing Officer grant a provisional extension of the May 7, 2018 deadline set forth in the April 6 Exceptions Order, to and including June 15, 2018.

Respectfully submitted,

**MODRALL, SPERLING, ROEHL, HARRIS &
SISK, P.A.**



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed with the WQCC Administrator and was served on the following via electronic mail on May 3, 2018:

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