

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

NMOCD – ACOI- 2016-008

IN THE MATTER OF YATES PETROLEUM CORPORATION

**INACTIVE WELL
AGREED COMPLIANCE ORDER**

Pursuant to the New Mexico Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38 as amended (Act), and OCD rules, the Director of the Oil Conservation Division (OCD) and Yates Petroleum Corporation (Operator), enter into this Agreed Compliance Order (Order or ACOI) under which Operator agrees to the schedule and procedures provided in this Order for bringing its wells into compliance, and understands that the OCD may seek additional enforcement of this Order should the Operator fail to meet the deadlines established herein.

FINDINGS

1. The OCD is the state division charged with administration and enforcement of the Act, and rules and orders adopted pursuant to the Act.
2. Operator is a Corporation doing business in the State of New Mexico and is registered with the OCD under Oil and Gas Reporting Identification (OGRID) No. 25575.
3. Operator is the operator of record under OGRID 25575 for the wells identified in Exhibit "A", attached.
4. 19.15.25.8 NMAC states, in relevant part:

 "A. The operator of wells drilled for oil or gas or services wells including seismic, core, exploration or injection wells, whether cased or uncased, shall plug the wells as Subsection B of 19.15.25.8 NMAC requires.
 B. The operator shall either properly plug and abandon a well or place the well in approved temporary abandonment in accordance with 19.15.25 NMAC within 90 days after:

 (3) a period of one year in which a well has been continuously inactive."

5. The wells identified in Exhibit "A"
 - a. have been (or soon will be) continuously inactive for a period of one year plus 90 days;

- b. are not plugged or abandoned in accordance with 19.15.25.9 NMAC through 19.15.25.11 NMAC; and
 - c. are not in approved temporary abandonment status in accordance with 19.15.25.12 NMAC through 19.15.25.14 NMAC.
- 6. Pursuant to 19.15.5.10.E NMAC, the OCD and Operator wish to enter into this ACOI to resolve violations of the Act and its rules.

CONCLUSIONS

- 1. The OCD has jurisdiction over the parties and subject matter in this proceeding.
- 2. The wells identified in Exhibit "A" are out of compliance, or soon will be out of compliance, with 19.15.25.8 NMAC.
- 3. As Operator of the wells identified in Exhibit "A", Operator is responsible for bringing those wells into compliance with 19.15.25.8 NMAC.
- 4. The OCD and Operator are entering into this ACOI, which sets a schedule for Operator to return the wells identified in Exhibit "A" to compliance.

ORDER

- 1. Operator agrees to bring the wells listed in Exhibit "A" into compliance with 19.15.25.8 NMAC within 36 months following the date the well became inactive as defined by 19.15.25.8 NMAC, and is provided in Exhibit "A", by either:
 - a. restoring the well to production or other OCD-approved beneficial use and filing a C-115 documenting such production or use;
 - b. causing the well to be plugged and abandoned in accordance with 19.15.25.10 NMAC and filing the C-105 as provided in 19.15.25.11.A NMAC;
 - c. or placing the well in approved temporary abandonment pursuant to 19.15.25.13 NMAC.
- 2. Operator also agrees that it will perform bradenhead tests for each well on Exhibit "A" pursuant to the timing schedule set forth in Exhibit "A" for each well in Exhibit "A", and shall provide results of each test to OCD's Enforcement and Compliance Manager at 1220 S. St. Francis Drive, Santa Fe, NM 87505 within 30 days of completion of the test.
- 3. If Operator has additional wells that become out of compliance, or will soon be out of compliance, with 19.15.25.8 NMAC, Exhibit "A" may be amended to include such wells if the OCD approves the amendment. For the additional wells, Operator shall conduct the tests required in Ordering Paragraph 2 above on or before the dates specified in Exhibit "A".

4. If the Operator returns a well to compliance with 19.15.25.8 NMAC the well shall no longer be considered part of Exhibit "A".
5. Operator shall file a compliance report identifying each well returned to compliance, stating the date it was returned to compliance, and describing the work performed to return the well to compliance, in addition to any other forms or documentation required by OCD rules for the work performed. The written compliance report must be mailed to the attention of OCD's Enforcement and Compliance Manager 1220 S. St. Francis Drive, Santa Fe, NM 87505, so that it is **received within 45 business days** after return to compliance.
6. By signing this Order, Operator expressly:
 - a. acknowledges the correctness of the Findings and Conclusions set forth in this Order;
 - b. agrees to meet the deadlines established in Ordering Paragraphs 1 through 5 above;
 - c. agrees to perform the tests and submit test results as required in Ordering Paragraph 2;
 - d. agrees to submit compliance reports as required in Ordering Paragraph 5;
 - e. waives any right, pursuant to the Oil and Gas Act to an appeal from this Order, or to a hearing either prior to or subsequent to the entry of this Order regarding the matters resolved hereby; and
 - f. agrees that the Order may be enforced by OCD or Oil Conservation Commission Order, by suit or otherwise to the same extent and with the same effect as a final Order of the OCD or Oil Conservation Commission entered after notice and hearing in accordance with all terms and provisions of the Oil and Gas Act.
7. Operator understands that if it fails to meet the terms of this Order, the OCD may seek enforcement pursuant to the New Mexico Oil and Gas Act, including monetary penalties as authorized under NMSA 1978, § 70-2-31.
8. If a well poses a risk relating to the conservation of oil and gas or the protection of public health and the environment, the OCD reserves the right to file an application for hearing to require Operator to plug any well identified in Exhibit "A", or if the Operator fails to plug the well to obtain authority to plug the well and forfeit the applicable financial assurance.
9. Operator understands and agrees that, except as expressly provided in this Order, nothing in this Order exempts Operator from complying with all statutes, rules, and orders Operator is otherwise subject to, and the failure to comply with any applicable statute(s), rule(s), and/or order(s) may result in OCD pursuing any remedies available under the law. Further, Operator's failure to comply with other

NMOCD – ACOI- 2016-008, OGRID 25575

Revised

Page 3 of 4

applicable statute(s), rule(s), and/or order(s) may, in OCD's sole discretion, result in termination of this Order.

10. This signed copy of the Order shall replace and supersede the prior version of the Order between OCD, who signed on May 19, 2016, and Operator, who signed on May 17, 2016, as there are no material changes to the Order and this revision only corrects a timing issue conflict created under the prior version of the Order.

Done at Santa Fe, New Mexico this 14th day of JUNE, 2016

By: David Catanach
David Catanach
Director, Oil Conservation Division

ACCEPTANCE

Yates Petroleum Corporation hereby accepts the foregoing Order, and agrees to all of the terms and provisions set forth in that Order.

YATES PETROLEUM CORPORATION

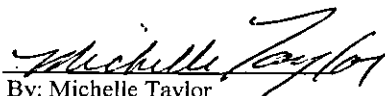
By: Kathy H. Porter
Kathy H. Porter
Title: Attorney-in-Fact
Date: May 17, 2016, re-signed June 2, 2016

EXHIBIT "A"
ACOI- 2016-008

YATES PETROLEUM CORPORATION, NEW MEXICO SHUT IN WELLS								
API #	WELL NAME / #	LEASE TYPE	WELL TYPE	LAST PROD	15 MO SINCE LAST PROD	1st TEST	2nd TEST	3 YR + 15 MONTH SINCE LAST PROD
30-015-35001	Shafer BHS Federal Com #001	F	O	Oct-14	Jan-16	Jan-17	Jan-18	Jan-19
30-015-30088	Malone ASA Federal Com #001	F	O	Nov-14	Feb-16	Feb-17	Feb-18	Feb-19
30-015-28041	Anemone ANE Federal #001	F	G	Dec-14	Mar-16	Mar-17	Mar-18	Mar-19
30-015-28840	Apollo APU Federal #001	F	O	Dec-14	Mar-16	Mar-17	Mar-18	Mar-19
30-015-29357	Brannigan ANF Federal #004	F	O	Jan-15	Apr-16	Apr-17	Apr-18	Apr-19
30-015-22728	Gulf KC State Com #001	S	G	Feb-15	May-16	May-17	May-18	May-19
30-015-36606	Magellan Federal #003	F	G	Feb-15	May-16	May-17	May-18	May-19
30-015-30208	Brannigan ANF Federal #006	F	O	Mar-15	Jun-16	Jun-17	Jun-18	Jun-19
30-015-33428	Dazed BDZ Federal Com #002	F	O	Mar-15	Jun-16	Jun-17	Jun-18	Jun-19
30-015-32000	Lucy ALC State #004	S	O	Mar-15	Jun-16	Jun-17	Jun-18	Jun-19
30-015-23204	Rushing NJ #001	S	O	Mar-15	Jun-16	Jun-17	Jun-18	Jun-19
30-015-26623	Dee 36 SE State #003	S	O	Apr-15	Jul-16	Jul-17	Jul-18	Jul-19
30-015-26671	Dee 36 SE State #005	S	O	Apr-15	Jul-16	Jul-17	Jul-18	Jul-19
30-015-29125	Diamond AKI Federal #002	F	O	Apr-15	Jul-16	Jul-17	Jul-18	Jul-19
30-015-22127	Federal AB Com #002	F	G	Apr-15	Jul-16	Jul-17	Jul-18	Jul-19
30-015-27184	Ocotillo ACI Federal #002	F	O	Apr-15	Jul-16	Jul-17	Jul-18	Jul-19
30-015-28753	Ottawa AOW Federal #002	F	O	Apr-15	Jul-16	Jul-17	Jul-18	Jul-19
30-015-26738	Prickly Pear AIE Federal #001	F	O	Apr-15	Jul-16	Jul-17	Jul-18	Jul-19
30-015-26978	Thomas AJJ Com #005	S	O	Apr-15	Jul-16	Jul-17	Jul-18	Jul-19
30-015-21688	Dayton EY #001	S	O	May-15	Aug-16	Aug-17	Aug-18	Aug-19
30-015-26497	Loving AIB State #002	S	O	May-15	Aug-16	Aug-17	Aug-18	Aug-19

Exhibit "A" to Agreed Compliance Order for YATES PETROLEUM CORPORATION

Shut-In, Inactive wells:


By: Michelle Taylor
Title: Regulatory Reporting Manager