

COTTON, BLEDSOE, TIGHE & DAWSON

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

500 W. ILLINOIS

SUITE 300

MIDLAND, TEXAS 79701-4337

P.O. BOX 2776 ZIP 79702-2776

TELEPHONE (432) 684-5782

FAX (432) 682-3672

WEB www.cbtd.com

1415 LOUISIANA

SUITE 2100

HOUSTON, TEXAS 77002-7351

TELEPHONE (713) 759-9281

FAX (713) 759-0458

RICK G. STRANGE

BOARD CERTIFIED CIVIL TRIAL LAW

BOARD CERTIFIED OIL, GAS & MINERAL LAW

Writer's Direct #: (432) 685-8574

Writer's Direct Fax #: (432) 684-3168

Email: rstrange@cbtd.com

July 16, 2003

Mr. David K. Brooks
Assistant General Counsel
New Mexico Energy, Minerals and Natural
Resources Department
Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Re: Humble State #3 Tank Battery Site
Lea County, New Mexico

Dear Mr. Brooks:

Thank you for your letter dated July 9th. I have reviewed that with my client and provide this response.

Your letter references Rule 313 and indicates this rule was originally adopted in 1950. That rule has been amended, as recently as May 15, 2000. We ceased operations on this lease in 1988. Any subsequent changes to the rule would not apply to us. I do not have the exact text of the rule as it existed in 1988, but even looking at its most current version, I fail to see where this provides your agency with the authority to order us to remediate a site that has not been used for 15 years. Accordingly, we must respectfully decline your request to submit a work plan. If you have any legal authority allowing your agency to retroactively impose this proposed requirement, I would appreciate the opportunity to review the same.

Very truly yours,

COTTON, BLEDSOE, TIGHE & DAWSON

By: 

Rick G. Strange

RGS/sm

BEFORE THE
OIL CONSERVATION DIVISION
Case No. 13142 Exhibit No. **18**
Submitted By:
MaraLo
Hearing Date: November 10, 2004