



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

Mark E. Fesmire, P.E.

Director

Oil Conservation Division

September 17, 2004

Mr. William Jones
Hearing Examiner
Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, NM 87505

Hand-delivered

Re: CASE 13336, APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE SUPERVISOR OF DISTRICT I, FOR AN ORDER REQUIRING B. BERNARD LANKFORD TO BRING ONE WELL INTO COMPLIANCE WITH 19.15.4.201 NMAC, ASSESSING AN APPROPRIATE CIVIL PENALTY IN THE EVENT OF NON-COMPLIANCE, AUTHORIZING THE DIVISION TO PLUG SAID WELL AND ORDERING A FORFEITURE OF THE APPLICABLE PLUGGING BOND; LEA COUNTY, NEW MEXICO.

Dear Mr. Jones,

At the September 2, 2004 hearing in the above-captioned matter I promised to provide proof of publication when received by the Division.

Attached is the Division's correspondence with the Lovington Daily Leader, dated August 13, 2004, requesting publication of the legal advertisement for this matter, and the affidavit of publication showing publication on August 15, 2004.

Although publication of notice in a state-wide newspaper is not required by OCD Rule 1207, the advertisement was also published in the Albuquerque Journal. That affidavit of publication is also attached.

Very truly yours,

Gail MacQuesten
Assistant General Counsel

Martinez, Sally

From: Martinez, Sally
Sent: Wednesday, August 11, 2004 11:25 AM
To: 'Legals (E-mail)'
Subject: Legal Advertisements



AlbqJournalLetter.doc
AlbqJournal.doc

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Attached is a cover letter and three (3) legal advertisements to be published in the Journal. Please send confirmation that you have received this e-mail. Thank you.

August 11, 2004

Albuquerque Journal
7777 Jefferson N.E.
Albuquerque, NM 87109
Attention: Legal Department

Re: Notice of Publication
Case Nos. 13336, 13337, 13061

Dear Sir/Madam:

Please publish the attached notice one time immediately on receipt of this request. Please proofread carefully, as any error in a land description or in a key word or phrase can invalidate the entire notice.

Immediately upon completion of publication, please send the following to this office:

- 1. Publisher's affidavit in duplicate.**
- 2. Statement of cost (also in duplicate).**
- 3. Certified invoices for prompt payment.**

We should have these immediately after publication in order that the legal notice will be available for the hearing which it advertises, and also so that there will be no delay in your receiving payment.

Please publish the notice as soon as possible but, no later than August 20, 2004.

Sincerely,

Sally Martinez

Attachment

Bill Tafoya, being duly sworn, declares and says that he is presently Advertising Manager of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 times, the first publication being on the 14 day of Aug., 2004 and the subsequent consecutive publications on _____, 20____.

B. Tafoya

Sworn and subscribed to before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 16 day of Aug. of 2004

PRICE \$63.00

Statement to come at end of month.

ACCOUNT NUMBER C80932 My Commissioner

CLA-22-A (R-1/93)



DEPARTMENT OF
OIL CONSERVATION DIVISION
SANTA FE, NEW MEXICO

The State of New Mexico through its Oil Conservation Division hereby gives notice pursuant to law and the Rules and Regulations of the Division of the following public hearing to be held at 8:15 A.M. on September 2, 2004, in the Oil Conservation Division Hearing Room at 1220 South St. Francis, Santa Fe, New Mexico, before an examiner duly appointed for the hearing. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Florene Davidson at 505-476-3458 or through the New Mexico Relay Network, 1-800-859-1779 by August 20, 2004. Public documents, including the agenda and minutes, can be provided in various accessible forms. Please contact Florene Davidson if a summary or other type of accessible form is needed.

STATE OF NEW MEXICO TO: All named parties and persons having any right, title, interest or claim in the following cases and notice to the public.

(NOTE: All land descriptions herein refer to the New Mexico Principal Meridian whether or not so stated.)

CASE 13336: Application of the New Mexico Oil Conservation Division for a Compliance Order. Applicant seeks an order requiring operator B. Bernard Lankford to bring one well into compliance with 19.15.4.201 NMAC by a date certain and, in the event of non-compliance, assessing a civil penalty against the operator, authorizing the Division to plug said well, forfeiting the operator's plugging security, and for such other relief as the Director deems appropriate. The affected well is: Spears State #1, API # 30-025-22088, Unit Letter F, Section 2, Township 28 South, Range 37 East, in Lea County, New Mexico. The Spears State #1 is located approximately 6 miles southeast of Jal, New Mexico.

CASE 13337: Application of the New Mexico Oil Conservation Division for a Compliance Order. Applicant seeks an order requiring Carbon Energy Inc. and Carbon Energy to bring wells into compliance with 19.15.4.201 NMAC, authorizing the Division to plug said wells, forfeiting the applicable financial assurances, and for such other relief as the Director deems appropriate. The affected wells are the Aztec "28" State #3, API #30-025-04361, located at Unit Letter M, Section 28, Township 20 South, Range 36 East, in Lea County, New Mexico, and the Shell State #1, API #30-025-28837, located at Unit Letter C, Section 6, Township 19 South, Range 37 East, in Lea County, New Mexico. The Aztec "28" State #3 is located approximately 10 miles southwest of Hobbs, New Mexico. The Shell State #1 is located approximately 5 miles west of Hobbs, New Mexico.

CASE 13061: Reopened Application of the New Mexico Oil Conservation Division, through the

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TOTAL : 2M 12S PAGES: 4

TRANSMITTAL COVER SHEET

OIL CONSERVATION DIVISON
1220 S. Saint Francis Drive
Santa Fe, NM 87505
(505) 476-3483 (office)
(505) 476-3462 (fax)

PLEASE DELIVER THIS FAX TO:

To: *Lovington Daily Leader*
Attn: Debbie, Legal Department
(505) 396-5775

From: *Sally Martinez – (505) 476-3483*

Subject: *Notice of Publication*

Date: 8-13-04

Pages: 4

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Please verify that you have received this fax. Thank you.



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON
Governor
Joanna Prukop
Cabinet Secretary

August 13, 2004

Mark E. Fesmire, P.E.
Director
Oil Conservation Division

Lovington Daily Leader
Post Office Drawer 1717
Lovington, New Mexico 88260
Attention: Legal Department

Re: Notice of Publication
Case Nos. 13336, 13337, 13061

Dear Sir/Madam:

Please publish the attached notice one time immediately on receipt of this request. Please proofread carefully, as any error in a land description or in a key word or phrase can invalidate the entire notice.

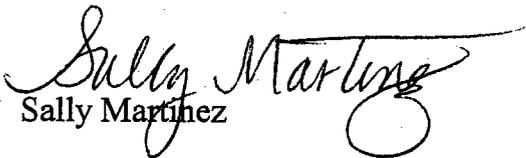
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Sincerely,


Sally Martinez

Attachment

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

The State of New Mexico through its Oil Conservation Division hereby gives notice pursuant to law and the Rules and Regulations of the Division of the following public hearing to be held at 8:15 A.M. on **September 2, 2004**, in the Oil Conservation Division Hearing Room at 1220 South St. Francis, Santa Fe, New Mexico, before an examiner duly appointed for the hearing. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Florene Davidson at 505-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by **August 20, 2004**. Public documents, including the agenda and minutes, can be provided in various accessible forms. Please contact Florene Davidson if a summary or other type of accessible form is needed.

**STATE OF NEW MEXICO TO:
All named parties and persons
having any right, title, interest
or claim in the following cases
and notice to the public.**

(NOTE: All land descriptions herein refer to the New Mexico Principal Meridian whether or not so stated.)

CASE 13336: *Application of the New Mexico Oil Conservation Division for a Compliance Order.* Applicant seeks an order requiring operator B. Bernard Lankford to bring one well into compliance with 19.15.4.201 NMAC by a date certain and, in the event of non-compliance, assessing a civil penalty against the operator, authorizing the Division to plug said well, forfeiting the operator's plugging security, and for such other relief as the Director deems appropriate. The affected well is: Spears State #1, API # 30-025-22098, Unit Letter F, Section 2, Township 26 South, Range 37 East, in Lea County, New Mexico. The Spears State #1 is located approximately 6 miles southeast of Jal, New Mexico.

CASE 13337: *Application of the New Mexico Oil Conservation Division for a Compliance Order.* Applicant seeks an order requiring Carbon Energy Inc. and Carbon Energy to bring wells into compliance with 19.15.4.201 NMAC, authorizing the Division to plug said wells, forfeiting the applicable financial assurances, and for such other relief as the Director deems appropriate. The affected wells are the Aztec "28" State #3, API #30-025-04361, located at Unit Letter M, Section 28, Township 20 South, Range 36 East, in Lea County, New Mexico, and the Shell State #1, API #30-025-26637, located at Unit Letter C, Section 6, Township 19 South, Range 37 East, in Lea County, New Mexico. The Aztec "28" State #3 is located approximately 10 miles southwest of Hobbs, New Mexico. The Shell State #1 is located approximately 5 miles west of Hobbs, New Mexico.

CASE 15061: Reopenea

Application of the New Mexico Oil conservation Division, through the Environmental Bureau Chief, for an Order Determining the Responsible Party or Parties and Ordering the Responsible Party or Parties to Complete and Perform an Abatement Plan Pursuant to OCD Rule 19; Lea County, New Mexico. The Applicant seeks an order directing Smith & Marrs, Inc. to comply with a Stage 1 Abatement Plan and a prior Settlement Agreement with respect to subsurface water pollution existing at the South Langlie Jal Unit, in Sections 7, 8, 17 and 18, Township 25 South, Range 37 East, and ordering the responsible parties to submit a Stage 1 Investigation Report to the Division for approval.

Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 11th day of August, 2004.

**STATE OF NEW MEXICO
OIL CONSERVATION DIVISION**

Mark Fesmire
Mark E. Fesmire
Division Director

S E A L

Affidavit of Publication

STATE OF NEW MEXICO

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) ss.

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COUNTY OF LEA

Joyce Clemens being first duly sworn on oath deposes and says that she is Advertising Director of **THE LOVINGTON DAILY LEADER**, a daily newspaper of general paid circulation published in the English language at Lovington, Lea County, New Mexico; that said newspaper has been so published in such county continuously and uninterruptedly for a period in excess of Twenty-six (26) consecutive weeks next prior to the first publication of the notice hereto attached as hereinafter shown; and that said newspaper is in all things duly qualified to publish legal notices within the meaning of Chapter 167 of the 1937 Session Laws of the State of New Mexico.

That the notice which is hereto attached, entitled

Legal Notice

was published in a regular and entire issue of **THE LOVINGTON DAILY LEADER** and not in any supplement thereof, for one (1) day, beginning with the issue of August 15, 2004 and ending with the issue of August 15, 2004.

And that the cost of publishing said notice is the sum of \$ 77.88 which sum has been (Paid) as Court Costs.

Joyce Clemens

Subscribed and sworn to before me this 7th day of September 2004

Debbie Schilling

Debbie Schilling
Notary Public, Lea County, New Mexico

My Commission Expires June 22, 2006

LEGAL NOTICE

NOTICE OF HEARING
STATE OF
NEW MEXICO
ENERGY, MINERALS
AND NATURAL
RESOURCES DEPARTMENT
OIL CONSERVATION
DIVISION
SANTA FE,
NEW MEXICO

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CASE 13337

Application of the New Mexico Oil Conservation Division for a Compliance Order. Applicant seeks an order requiring Carbon Energy Inc. and Carbon Energy to bring wells into compliance with

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CASE 13061

Reopened Application of the New Mexico Oil Conservation Division, through the Environmental Bureau Chief, for an Order Determining the Responsible Party or Parties and Ordering the Responsible Party or Parties to Complete and Perform an Abatement Plan Pursuant to OCD Rule 19; Lea County, New Mexico. The Applicant seeks an order directing Smith & Marrs, Inc. to comply with a Stage 1 Abatement Plan and a prior Settlement Agreement with respect to subsurface water pollution existing at the South Langlie Jal Urit, in Sections 7, 8, 17 and 18, Township 25 South, Range 37 East, and ordering the responsible parties to submit a Stage 1 Investigation Report to the Division for approval.

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STATE OF
NEW MEXICO
OIL CONSERVATION
DIVISION
Mark E. Fesmire
Division Director

SEAL

Published in the
Lovington Daily Leader
August 15, 2004