

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Susana Martinez**  
Governor

**Ken McQueen**  
Cabinet Secretary

**Matthias Sayer**  
Deputy Cabinet Secretary

**Heather Riley, Division Director**  
Oil Conservation Division



February 13, 2018

TEMPO ENERGY, INC  
Operator OGRID #22223  
P.O. Box 1034  
Midland, TX 79702

OCD Case # 16444  
Exhibit 3: Notice of Violation  
Page 1 of 2

**Re:** 19.15.5.9 NMAC Compliance

Dear Operator:

The Oil Conservation Division (OCD) is conducting ongoing review of all operators' compliance status with Subsection A of 19.15.5.9 NMAC. According to OCD records, your company is not in compliance with Subsection A of 19.15.5.9 NMAC for the following reasons:

\_\_\_\_\_ Financial assurance. Your company is in violation of the financial assurance requirements for well plugging set out in 19.15.8.9 NMAC. Specifically, your company has not posted the required financial assurance required for state or fee wells which have been inactive for more than two years. The wells requiring single-well financial assurances are identified in the attached sheet.

\_\_\_\_\_ Corrective action. Order \_\_\_\_\_, issued on \_\_\_\_\_, found your company to be in violation of an order requiring corrective action.

  X   Inactive wells. According to the attached inactive well list, your company has too many wells in violation of 19.15.25.8 NMAC (the inactive well rule) that are not subject to an inactive well agreed compliance order. As an operator of   2   wells, your company may have no more than   1   well(s) in violation of the inactive well rule. Your company has   2   wells in violation of the inactive well rule.

Non-compliance with 19.15.5.9 NMAC will prevent your company from acquiring any new wells, acquiring approval of exploration and development plans, receiving new allowables, and obtaining drilling, injection, and other OCD issued permits, and potentially expose your company to additional compliance actions including an OCD order requiring compliance, and

August 8, 2018  
Page 2

revocation of injection permits. As the operator of a non 19.15.5.9 NMAC compliant company, you will not be permitted to register any additional companies to operate in New Mexico or have any interest exceeding 25 percent in any other companies in New Mexico.

The OCD is requesting that you review the OCD's online database for your specific Oil and Gas Registration Identification (OGRID) number and notify the OCD how your company plans to return to compliance with 19.15.5.9 NMAC. This is an opportunity for your company to work with the OCD toward achieving its goal of maintaining compliance with the rules of the State of New Mexico. You may request an Agreed Compliance Order, which would remove these wells from the inactive well list for six months, allowing your company to bring wells back into compliance while remaining compliant with 19.15.5.9.A(4) NMAC. Feel free to contact me if this option is acceptable to your company. Please respond to the OCD within 30 days of receipt of this letter. If no response is received the OCD may begin formal compliance action.

Respectfully yours,



Daniel Sanchez,  
Compliance and Enforcement Manager  
(505)476-3493  
Daniel.sanchez@state.nm.us

OCD Case # 16444  
Exhibit 3: Notice of Violation  
Page 2 of 2

Ec: Heather Riley, Division Director  
Allison Marks, Deputy Director  
Maxey Brown, District 1 Supervisor  
Vacant, District 2 Supervisor  
Charlie Perrin, District 3 Supervisor  
Will Jones, District 4 Supervisor  
Keith Herrmann, Attorney, Santa Fe

# Inactive Well List

Total Well Count: 2 Inactive Well Count: 2  
Printed On: Tuesday, October 02 2018

District	API	Well	ULSTR	OCD Unit	Ogrid	Operator	Lease Type	Well Type	Last Production	Formation/Notes	Status	TA Exp Date
1	30-025-27358	EXXON FORREST FEDERAL #001	P-08-26S-32E	P	22223	TEMPO ENERGY INC		S	12/2015	CONV TO SWD 3/03		
1	30-025-28245	STATE NNG #001	L-16-26S-32E	L	22223	TEMPO ENERGY INC		O	12/2015			

WHERE Operator:22223, County:All, District:All, Township:All, Range:All, Section:All, Production(months):15, Excludes Wells Under ACOI, Excludes Wells in Approved TA Period

OCD Case # 16444  
Exhibit 1: Inactive Well List  
Page 1 of 1

both wells  
Dec 15

Exhibits  
1-4  
5-6

MIKE  
Heard  
10/4/18

10/2/2018

OCD Permitting

## Inactive Well Additional Financial Assurance Report

22223 TEMPO ENERGY INC

Total Well Count: 1

Printed On: Tuesday, October 02 2018

Property	Well Name	Lease Type	ULSTR	OCD Unit Letter	API	Well Type	Last Prod'n	Inactive Additional Bond Due	Measured Depth	Required Bond Amount	Bond Required Now	Covered By Blanket TA Bond	Bond in Place	In Violation
10858	STATE NNG #001	S	L-16-26S-32E	L	30-025-28245	O	12/2015	01/01/2018	4469	9469	Y		0	Y

WHERE Ogrid:22223

OCD Case # 16444

Exhibit 2: Additional Financial Assurance Report

Page 1 of 1

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

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION  
COMPLIANCE AND ENFORCEMENT BUREAU FOR A COMPLIANCE ORDER  
AGAINST TEMPO ENERGY, INC, FOR WELLS OPERATED IN LEA COUNTY,  
NEW MEXICO.**

**CASE NO. 16444**

**AFFIDAVIT OF DANIEL SANCHEZ**

I, Daniel Sanchez, being first duly sworn on oath, states as follows:

1. I am employed as the Compliance and Enforcement Manager at the Oil Conservation Division ("OCD").

My duties include as the Compliance & Enforcement Manager

Manage the division's four district offices and Environmental Bureau.

Program Director for the EPA's Underground Injection Control program.

Coordinate field inspections between the BLM (Carlsbad, Roswell, and Hobbs District Offices and the OCD (Artesia and Hobbs District Offices).

Conduct quarterly meetings between the BLM and OCD to coordinate various enforcement actions on co-jurisdictional sites and issues.

Manage the use of the State Reclamation Fund for the purpose of plugging abandoned wells, remediation of well sites and the remediation of oil and gas related environmental contamination.

Testify in Hearing Examiner and Commission hearings in support of OCD staff positions on compliance and enforcement issues.

Conduct operator orientation for operators new to the state.

Negotiate Agreed Compliance Orders with operators out of compliance with OCD Rule 5.9.

Simplify and standardize the Oil Conservation Division's business procedures.

Eliminate outdated practices and address current regulatory issues.

Oversee the consistent interpretation and enforcement of division rules.

Ensure compliance with rules and permits on oil and gas facilities and operations.

Assure that inactive wells are tested and plugged in accordance with division rules.

Act as a backup for C-115, production reports, review and approvals.

Act as a backup for data entry of ACOI wells into the divisions Risk Based Data Management System.

OCD Case # 16444

Exhibit 4: Affidavit of Non-Production, 19.15.5.9 NMAC and Financial Assurance Violations

Page 1 of 3

2. The OCD's information on production and injection comes from monthly production reports filed by the well operators.

3. In 1993 the OCD began using the ONGARD (Oil and Natural Gas Administration and Revenue Database) to record oil and gas production and injection by well. Since 1993, production and injection data from the monthly production reports filed by operators has been entered into ONGARD.

4. When the OCD began using the ONGARD system in 1993, it converted existing production and injection data into ONGARD for those wells that were not shown as "plugged" according to the OCD records available at that time. The pre-1993 production and injection information for each such well was totaled and appears in ONGARD under the last month of production or injection for that well.

5. Upon information and belief, Tempo Energy, Inc., ("Operator") is a Foreign Profit Corporation and is operating the wells ("subject wells") in Lea County, New Mexico identified in *Exhibit 1, Inactive Well List*.

6. Upon information and belief, the New Mexico Secretary of State has Operator registered under entity number 1270172 and identifies Frank Pannell, Vice President, as officer of record.

7. Upon information and belief, the subject wells operated by Operator in New Mexico have been inactive for a continuous period exceeding one year plus 90 days, and are neither plugged and abandoned in accord with 19.15.25.9 to -11 NMAC nor on approved temporary abandonment status in accord with 19.15.25.12 NMAC.

8. Upon information and belief, the number of subject wells out of compliance with 19.15.25.8 NMAC (wells to be properly abandoned) exceeds the amount allowed by 19.15.5.9 NMAC. As an operator of 2 wells, Operator may not have more than 2 wells out of compliance with 19.15.25.8 NMAC.

9. Exhibits 1-4 presented in this case are true and accurate reproductions of OCD records and were prepared by me or under my direction.

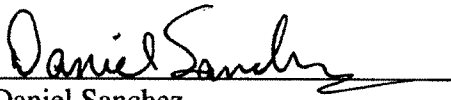
10. 19.15.8.9.C NMAC states that an operator shall cover a well that has been in temporary abandonment for more than two years by either a one-well financial assurance or a blanket plugging financial assurance for wells in temporarily abandoned status.

11. Operator currently is in need of acceptable financial assurance in the amount of \$9,469, for the State NNG #001 well, API No. 30-25-28245.

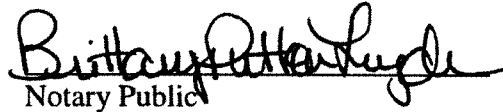
OCD Case # 16444

Exhibit 4: Affidavit of Non-Production, 19.15.5.9 NMAC and Financial Assurance Violations

Page 2 of 3

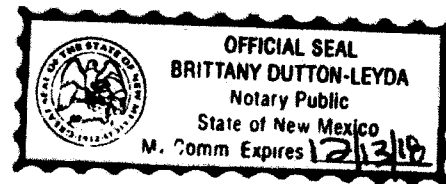
  
Daniel Sanchez

SUBSCRIBED AND SWORN before me on this October 3, 2018.

  
Notary Public

My Commission Expires:

December 13, 2018



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

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION  
COMPLIANCE AND ENFORCEMENT BUREAU FOR A COMPLIANCE ORDER  
AGAINST TEMPO ENERGY, INC., FOR WELLS OPERATED IN LEA COUNTY,  
NEW MEXICO.**

**CASE NO. 16444**

**AFFIDAVIT OF SERVICE**

In accordance with 19.15.4.9 and 19.15.4.12 NMAC, I hereby certify that notice of the October 4, 2018 hearing in the above captioned case was mailed to the following party(ies) by certified mail, return receipt requested, at least 20 days prior to the hearing date, with a copy of the application:

Tempo Energy Inc.  
P.O. Box 1034  
Midland, TX 79702

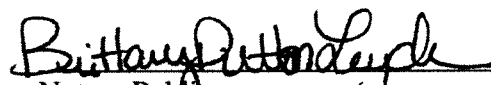
CT Corporation System  
123 East Marcy St.  
Santa Fe, NM 87501

Travelers Indemnity Co.  
VIA New Mexico Superintendent of Insurance  
Attn: Service of Process  
P.O. Box 1689  
Santa Fe, NM 87504-1689

A copy of this notice is attached as *Exhibit 5-A* to this affidavit.

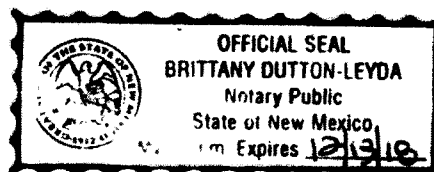
  
Keith W. Herrmann

SUBSCRIBED AND SWORN before me on this October 3, 2018.

  
Notary Public

My Commission Expires:

December 13, 2018





State of New Mexico  
Energy, Minerals and Natural Resources Department

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Susana Martinez  
Governor

Ken McQueen  
Cabinet Secretary

Matthias Sayer  
Deputy Cabinet Secretary

David Catanach, Division Director  
Oil Conservation Division



September 7, 2018

Tempo Energy Inc.  
P.O. Box 1034  
Midland, TX 79702

Travelers Indemnity Co.  
VIA New Mexico Superintendent of Insurance

**VIA CERTIFIED MAIL, RETURN RECEIPT: 7018 0040 0000 5414 7764**

**Re: OCD Case No. 16444 for a Compliance Order against Tempo Energy Inc.**

Dear Operator:

Pursuant to the notice provisions contained in 19.15.4 NMAC, you are hereby notified that at 8:15 AM on October 4, 2018, the New Mexico Oil Conservation Division ("OCD") will hold a hearing in front of a Division Examiner seeking an order determining that Tempo Energy, Inc. ("Operator") (1) is out of compliance with 19.15.5.9(A)(4), 19.15.8, 19.15.25.8 NMAC and NMSA 1978, § 70-2-14; (2) requiring the Operator to return to compliance with 19.15.5.9(A)(4), 19.15.8, 19.15.25.8 NMAC, and NMSA 1978, § 70-2-14 within forty-five (45) days, and requiring producing wells shut-in until compliance is achieved; and (3) in the event of non-compliance, declaring the wells abandoned and authorizing the OCD to plug the violating wells in accordance with a Division-approved plugging program and restore and remediate the location, recover costs from the Operator's financial assurance as permitted by 19.15.8.13 NMAC, and seek indemnification and costs as permitted by NMSA 1978, § 70-2-14(E). The hearing will be held in Porter Hall at 1220 South St. Francis Dr., Santa Fe, New Mexico.

Please review 19.15.4 NMAC to see applicable rules for division hearings. A person entitled to notice may enter an appearance at any time by filing a written notice of appearance with the division or the commission clerk, as applicable, or, subject to the provisions in Subsection C of 19.15.4.10 NMAC, by oral appearance on the record at the hearing. A party who has not entered an appearance at least one business day prior to the pre-hearing statement filing date provided in Paragraph (1) of Subsection B of 19.15.4.13 NMAC shall not be allowed to present technical evidence at the hearing unless the Oil Conservation Commission chairman or the OCD examiner, for good cause, otherwise directs.

OCD Case # 16444  
Exhibit 5-A: Direct Notice to Operator  
Page 1 of 5

September 7, 2018

Page 2

If you have any questions regarding the hearing process, please contact me at (505) 476-3463 or [keith.herrmann@state.nm.us](mailto:keith.herrmann@state.nm.us).

Sincerely



Keith Herrmann

Attorney for the New Mexico Oil Conservation Division  
Compliance and Enforcement Bureau

Encl: OCD Case No. 16444 Compliance and Enforcement Bureau Application for Hearing

Cc: CT Corporation System  
123 East Marcy St.  
Santa Fe, NM 87501

VIA CERTIFIED MAIL, RETURN RECEIPT: 7018 0040 0000 5414 7771

OCD Case # 16444  
Exhibit 5-A: Direct Notice to Operator  
Page 2 of 5

New Mexico Energy, Minerals and  
Natural Resources Department  
Office of the General Counsel  
1220 South St. Francis Drive  
Santa Fe, NM 87505

CERTIFIED MAIL



7016 0040 0000 5414 7771

NEOPOST FIRST-CLASS MAIL  
09/07/2018  
US POSTAGE \$006.88<sup>0</sup>  
ZIP 87505  
041M11273712

CT Corporation System  
123 East Marcy St.  
Santa Fe, NM 87501

NIXIE 871 FE 1 0009 13/18  
RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD  
UTF BC: 87505422599 \*2255-04960-07-43  
87505>4225  
87501\$2034 C004

New Mexico Energy, Minerals and  
Natural Resources Department  
Office of the General Counsel  
1220 South St. Francis Drive  
Santa Fe, NM 87505

CERTIFIED MAIL



0 N0816 0040 0000 5414 7764

Unable to Forward

☐ Insufficient Address

☐ Moved Left No Address

Tempo Energy Inc.  
P.O. Box 1034  
Midland, TX 79702

Postage Due

NEOPOST FIRST-CLASS MAIL  
09/07/2018  
US POSTAGE \$006.88<sup>0</sup>  
ZIP 87505  
041M11273712

OCD Case # 16444

Exhibit 5-A: Direct Notice to Operator

Page 3 of 5

UNAS E 799 AA 1 N C0009/14/18  
TO FORWARD/FOR REVIEW \*\*0008\*\*

79702\$1034 1894

EC: 79702193434 DU \*0693-03848-14-25

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TempoEnergy Inc.  
P.O. Box 1034  
Midland, TX 79702



9590 9402 3720 7335 0617 88

2. Article Number: 7018 0040 0000 5414 7764

PS Form 3811, July 2015 PSN 7530-02-000-9063

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: *[Signature]* ☐ Agent ☐ Addressee  
 B. Received by (Printed Name): *ADMIN* ☐ Date of Delivery: *Aug 12 12*  
 C. Is delivery address different from item 1? ☐ Yes ☐ No  
 D. If YES, enter delivery address below:

3. Service Type:  
☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☒ Certified Mail  
☐ Certified Mail Restricted Delivery  
☐ Insured Mail (over \$500)  
☐ Insured Mail Restricted Delivery  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☒ Return Receipt  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery  
☐ Signature Confirmation Restricted Delivery  
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

OCD Case # 16444  
Exhibit 5-A: Direct Notice to Operator  
Page 5 of 5

USPS TRACKING#



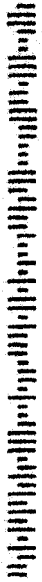
9590 9402 3720 7335 0617 88

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box\*

New Mexico Energy, Minerals and  
Natural Resources Department  
Office of the General Counsel  
1220 South St. Francis Drive  
Santa Fe, NM 87505

Attn: Keith Hermann



**STATE OF NEW MEXICO**  
**OFFICE OF THE SUPERINTENDENT OF INSURANCE**  
**CERTIFICATE**

STATE OF NEW MEXICO  
COUNTY OF  
JUDICIAL DISTRICT

OCD CASE NO. 16444

No. OCD Case No. 16444

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION COMPLIANCE  
AND ENFORCEMENT BUREAU FOR A COMPLIANCE ORDER AGAINST TEMPO  
ENERGY INC., FOR WELLS OPERATED IN LEA COUNTY, NEW MEXICO  
Defendants,

ACCEPTANCE OF SERVICE

I, John G. Franchini, Superintendent of Insurance of the State of New Mexico, do hereby certify that a copy of a Application and Compliance Order against Tempo Energy, Inc. was served on Travelers Indemnity Company on 9/10/2018 as provided in Section 59A-5-31 and 59A-5-32 NMSA 1978, and was received by said company on 9/12/2018 confirmed by Postmaster return receipt.



In Witness Whereof, I have  
hereunto set my official seal  
on September 17, 2018.

*John G. Franchini*  
Superintendent of Insurance

Exhibit 5  
Pg. 6

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Susana Martinez**  
Governor

**David Martin**  
Cabinet Secretary

**Brett F. Woods, Ph.D.**  
Deputy Cabinet Secretary

**David R. Catanach, Division Director**  
Oil Conservation Division



September 7, 2018

**Via email: leader@leaco.net**

Lovington Daily Leader  
P.O. Drawer 1717  
Lovington, New Mexico 88260

**Attention: Legal Department**

**Re: Notice of Publication - Case No. 16444**

Dear Legal Department:

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.**

Sincerely,

Florene Davidson  
Attachment

**OCD Case # 16444**  
**Exhibit 6: Affidavit of Publication**  
**Page 1 of 3**

**NOTICE OF HEARING**  
**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 **October 4, 2018**, in Porter Hall, 1st floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, before an examiner duly appointed for the hearing. If you are an individual with a disability who needs 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 **September 24, 2018**. Public documents can be provided in various accessible formats. Members of the public may obtain copies of the docket by contacting Ms. Davidson at the phone number indicated above. Also, the docket will be posted on the Oil Conservation Division website at [www.emnrd.state.nm.us/OCD/](http://www.emnrd.state.nm.us/OCD/). A party who plans on using projection equipment at a hearing must contact Ms. Davidson seven business days prior to the hearing requesting the use of the projection equipment. Wireless internet is available; however, the party must provide its own laptop computer.

**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 No. 16444: Application of The New Mexico Oil Conservation Division Compliance and Enforcement Bureau for a Compliance Order against Tempo Energy, Inc., for Wells Operated in Lea County, New Mexico.*** The Oil Conservation Division Compliance and Enforcement Bureau ("Bureau"), through its undersigned attorney, hereby files this application with the Oil Conservation Division ("OCD" or "Division") pursuant to the provisions of NMSA 1978, §70-2-12 for a compliance order (1) determining operator Tempo Energy, Inc. ("Operator") is out of compliance with 19.15.5.9(A)(4), 19.15.8, 19.15.25.8 NMAC and NMSA 1978, § 70-2-14; (2) requiring the Operator to return to compliance with 19.15.5.9(A)(4), 19.15.8, 19.15.25.8 NMAC and NMSA 1978, § 70-2-14 within 45 days and requiring producing wells shut-in until compliance is achieved; and (3) in the event of non-compliance, declaring the wells abandoned and authorizing the OCD to plug the violating wells in accordance with a Division-approved plugging program and restore and remediate the location, recover costs from the Operator's financial assurance as permitted by 19.15.8.13 NMAC, and seek indemnification as permitted by NMSA 1978, § 70-2-14(E).

Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 7<sup>th</sup> day of September, 2018.

**STATE OF NEW MEXICO**  
**OIL CONSERVATION DIVISION**  
**Heather Riley, Director**  
**S E A L**

OCD Case # 16444  
Exhibit 6: Affidavit of Publication  
Page 2 of 3



**Affidavit of Publication**

STATE OF NEW MEXICO )  
 ) ss.  
 COUNTY OF LEA )

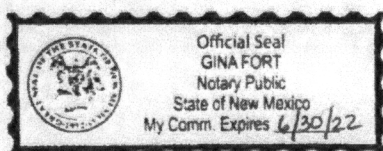
Joyce Clemens being first duly sworn on oath deposes and says that she is Advertising Manager of THE LOVINGTON LEADER, a once a week newspaper of general paid circulation published in the English language at Lovington, Lea County, New Mexico; that said newspaper has been so published in such county continuously 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 LEADER and not in any supplement thereof, for one (1) day(s), beginning with the issue of September 13, 2018 and ending with the issue of September 13, 2018.

And that the cost of publishing said notice is the sum of \$ 98.28 which sum has been (Paid) as Court Costs.

Joyce Clemens  
 Joyce Clemens, Advertising Manager  
 Subscribed and sworn to before me this 17th  
 day of September, 2018.

Gina Fort  
 Gina Fort  
 Notary Public, Lea County, New Mexico  
 My Commission Expires June 30, 2022

**LEGAL NOTICE**

**NOTICE OF HEARING**  
**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 **October 4, 2018**, in Porter Hall, 1st floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, before an examiner duly appointed for the hearing. If you are an individual with a disability who needs 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 **September 24, 2018**. Public documents can be provided in various accessible formats. Members of the public may obtain copies of the docket by contacting Ms. Davidson at the phone number indicated above. Also, the docket will be posted on the Oil Conservation Division website at [www.emnrd.state.nm.us/OCD/](http://www.emnrd.state.nm.us/OCD/). A party who plans on using projection equipment at a hearing must contact Ms. Davidson seven business days prior to the hearing requesting the use of the projection equipment. Wireless internet is available; however, the party must provide its own laptop computer.

**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 No. 16444: Application of The New Mexico Oil Conservation Division Compliance and Enforcement Bureau for a Compliance Order against Tempo Energy, Inc., for Wells Operated in Lea County, New Mexico.** The Oil Conservation Division Compliance and Enforcement Bureau ("Bureau"), through its undersigned attorney, hereby files this application with the Oil Conservation Division ("OCD" or "Division") pursuant to the provisions of NMSA 1978, §70-2-12 for a compliance order (1) determining operator Tempo Energy, Inc. ("Operator") is out of compliance with 19.15.5.9(A)(4), 19.15.8, 19.15.25.8 NMAC and NMSA 1978, § 70-2-14; (2) requiring the Operator to return to compliance with 19.15.5.9(A)(4), 19.15.8, 19.15.25.8 NMAC and NMSA 1978, § 70-2-14 within 45 days and requiring producing wells shut-in until compliance is achieved; and (3) in the event of non-compliance, declaring the wells abandoned and authorizing the OCD to plug the violating wells in accordance with a Division-approved plugging program and restore and remediate the location, recover costs from the Operator's financial assurance as permitted by 19.15.8.13 NMAC, and seek indemnification as permitted by NMSA 1978, § 70-2-14(E).

Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 7th day of September, 2018.

**STATE OF NEW MEXICO**  
**OIL CONSERVATION DIVISION**  
**Heather Riley, Director**  
**S E A L**

Published in the Lovington Leader September 13, 2018

OCD Case # 16444

Exhibit 6: Affidavit of Publication

Page 3 of 3