

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

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APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE ENFORCEMENT AND COMPLIANCE MANAGER FOR A COMPLIANCE ORDER AGAINST KIRBY EXPLORATION CO. OF TEXAS, FINDING THAT THE OPERATOR IS IN VIOLATION OF 19.15.25.8 NMAC AS TO ONE WELL, REQUIRING OPERATOR TO BRING SAID WELL INTO COMPLIANCE WITH 19.15.25.8 NMAC BY A DATE CERTAIN, AND IN THE EVENT OF NON-COMPLIANCE, DECLARING THE WELL ABANDONED AND AUTHORIZING THE DIVISION TO PLUG THE WELL IN LEA COUNTY, NEW MEXICO.

CASE NO. 15139

APPLICATION FOR COMPLIANCE ORDER
KIRBY EXPLORATION CO. OF TEXAS

1. Kirby Exploration Company of Texas ("Operator") is a sole proprietor and is operating the following well ("subject well") in Lea County, New Mexico, under OGRID No. 12757:

- GG Travis #1, I-21-23S-37E, API No. 30-025-10820

Exhibit 1, Affidavit of Maxey Brown.

2. Operator has not posted financial assurances to secure its obligation to plug and abandon the well. *Exhibit 1, Affidavit of Maxey Brown.*

4. Division Rule 19.15.25.8 NMAC requires an operator to plug and abandon or temporarily abandon a well in accordance with Division rules within 90 days after a period of one year of continuous inactivity.

5. The subject well operated by Operator in New Mexico has been inactive for a continuous period exceeding one year plus 90 days, and is neither plugged and

abandoned in accord with Division Rules 19.15.25.9 to -11 NMAC nor on approved temporary abandonment status in accord with Division Rule 19.15.25.12 NMAC. *Exhibit 1, Affidavit of Maxey Brown.*

6. The Secretary of State list Operator's New Mexico Corporate status as "Revoked and Beyond Appeal Period." *Exhibit 1, Affidavit of Maxey Brown.*

7. Division Rule 19.15.8.13 NMAC authorizes the Director to order the Operator to plug and abandon any well not in compliance with 19.15.25.8 NMAC and restore and remediate the location by a date certain.

8. NMSA 1978, Section 70-2-12 and NMSA 1978, Section 70-2-38 authorize the Division to plug and abandon wells, and restore and remediate the location of abandoned wells.

WHEREFORE, Daniel Sanchez, Enforcement and Compliance Manager of the Division, hereby applies to the Director to enter an Order:

- A. Determining that the subject well is not in compliance with Division Rule 19.15.25.8 NMAC;
- B. Requiring Operator to plug and abandon the subject well by a date certain;
- C. If the subject well is not brought into compliance with 19.15.25.8 NMAC by the date set in the Order, declaring the well abandoned and authorizing the Division to plug the subject well in accordance with a Division-approved plugging program and restore and remediate the location;
- D. For such other and further relief as the Director deems just and proper under the circumstances.

RESPECTFULLY SUBMITTED,
this 29th day of April, 2014 by



Keith W. Herrmann
Assistant General Counsel
Energy, Minerals and Natural
Resources Department of the State of
New Mexico
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(505) 476-3463

Attorney for The New Mexico Oil
Conservation Division

Case No. 15139. Application of the New Mexico Oil Conservation Division for a Compliance Order against Kirby Exploration Co. of Texas. The Applicant seeks an Order finding that Operator is in violation of Division Rule 19.15.25.8 NMAC as to one well, requiring operator to bring the well into compliance with Division Rule 19.15.25.8 NMAC by a date certain, and authorizing the Division to plug said well in the event of non-compliance. The affected well is GG Travis #1, located in Lea County, New Mexico, section, township and range, 1-21-23S-37E, API No. 30-025-10820.

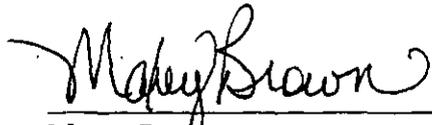
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6. I have researched the ONGARD records for production and injection information regarding well GG Travis #1, located in Lea County, New Mexico, section, township and range, I-21-23S-37E, API No. 30-025-10820. ONGARD contains no production or injection records for these wells since June 2006.

7. Operator, Kirby Exploration Company of Texas, is operating under OGRID #12757; Operator has not posted financial assurances to secure its obligation to plug and abandon the well.

8. The Secretary of State list Operator's New Mexico Corporate status as "Revoked and Beyond Appeal Period"

9. The subject well operated by Operator in New Mexico has been inactive for a continuous period exceeding one year plus 90 days, and is neither plugged and abandoned in accord with Division Rules 19.15.25.9 to -11 NMAC nor on approved temporary abandonment status in accord with Division Rule 19.15.25.12 NMAC.



Maxey Brown

SUBSCRIBED AND SWORN before me this 28th day of April, 2014:



Notary Public

My Commission Expires:

Feb 17, 2016