

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

2015 MAR 10 P 3:14

IN THE MATTER OF THE HEARING  
CALLED BY THE OIL CONSERVATION  
DIVISION FOR THE PURPOSE OF CONSIDERING:

CASE NO. 15186  
ORDER NO. R-13894

IN THE MATTER OF THE HEARING CALLED BY THE OIL CONSERVATION DIVISION FOR A COMPLIANCE ORDER AGAINST DESERT ROSE RESORT LLC DBA KOA KAMPGROUND, FINDING THAT THE OPERATOR IS IN VIOLATION OF DIVISION RULE 19.15.16.11 NMAC AS TO ONE WELL, REQUIRING OPERATOR TO BRING SAID WELL INTO COMPLIANCE WITH 19.15.16.11 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 SAN JUAN COUNTY, NEW MEXICO.

**MOTION TO AMEND OCD ORDER NO. R-13894 TO CORRECT SERVICE AND  
NOTICE TO WELLS FARGO BANK, NATIONAL ASSOCIATION, SUCCESSOR IN  
INTEREST TO WELLS FARGO BANK NEW MEXICO, NATIONAL ASSOCIATION,  
OF INTENT TO CALL FINANCIAL ASSURANCE**

Comes Now, Keith Herrmann, Attorney for the Compliance and Enforcement Bureau, hereby moves for the Oil Conservation Division ("OCD") to allow service to be made on Wells Fargo Bank, NA ("Wells Fargo") and to amend OCD Order R-13894 to correct financial assurance information, and in support of such motion states as follows:

1. The OCD initially served Wells Fargo notice of OCD Case No. 15186 at its Farmington, New Mexico branch located at: 100 E Broadway, Farmington, NM 87401. *See OCD Exhibit A.*
2. OCD should have served Wells Fargo at its corporate headquarters located at: 101 N. Phillips Avenue, Sioux Falls, SD 57104.
3. OCD incorrectly identified Desert Rose Resort LLC DBA KOA Kampground's ("Desert Rose") financial assurance in the form of a "\$5,000 cash bond, Wells Fargo Farmington Bond No. OCD-726, to secure its obligation to plug and abandon the well."
4. Desert Rose's financial assurance should correctly read as a \$5,000 assignment of cash collateral held by Wells Fargo Bank, NA, successor to Wells Fargo Bank New Mexico, NA, account number 687854968.
5. OCD has plugged the subject well and has incurred costs of seventy two thousand four hundred fifty six dollars and no cents (\$72,456.00).
6. By properly serving Wells Fargo of OCD's intent to call the financial assurance, OCD seeks to ensure Wells Fargo is properly made a party to this case as required by rule.

7. Wells Fargo is not required to make an appearance or otherwise take action in this proceeding.

Relief Requested

Now, therefore, the Compliance and Enforcement Bureau respectfully requests the following:

- a) The OCD's Compliance and Enforcement Bureau requests that it be allowed to serve Wells Fargo, within 3 business days of a copy of an order granting this motion, a copy of the Bureau's original application, and this motion, at its South Dakota address set forth in paragraph 2 hereof and provide proof of service to OCD.
- b) If said motion is granted that Wells Fargo have 45 days to respond with any objections to the Compliance and Enforcement Bureau's original application and this motion.
- c) If no objection is filed with the OCD Clerk within the time allotted in paragraph b hereof, that OCD Order No. 13894 be amended to show the correct financial assurance information and to reflect that due notice was given and supplemented by this order.

RESPECTFULLY SUBMITTED, this  
10 day of March, 2015 by



Keith W. Herrmann  
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Attorney for The New Mexico Oil  
Conservation Division Compliance and  
Enforcement Bureau

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August 05, 2014

### USPS Tracking Intranet Tracking Number Result

Result for Domestic Tracking Number 7006 3450 0000 0451 8797

#### Destination and Origin

##### Destination

ZIP Code	City	State
874136070	BLOOMFIELD	NM

##### Origin

ZIP Code	City	State
874109998	AZTEC	NM

OIL CONS. DIV DIST. 3

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#### Tracking Number Classification

##### Class/Service

Class/Service: First-Class Certified Mail  
Class of Mail Code/Description: FC / First Class

##### Destination Address Information

Address: 1900 E BLANCO BLVD  
City: BLOOMFIELD  
State: NM  
5-Digit ZIP Code: 87413  
4-Digit ZIP Code add on: 6070  
Delivery Point Code: 00  
Record Type Code: Street Record

##### Service Delivery Information

Service Performance Date: Scheduled Delivery Date: Tuesday, 07/29/2014  
Predicted Delivery Date: Tuesday, 07/29/2014  
Delivery Option Indicator: 1 - Normal Delivery  
Zone: 01  
PO Box: N  
Other Information [Service Calculation Information](#)

##### Payment

Payment Type: Other Postage  
Payment Account Number: 000000000000  
Postage: \$0.91  
Weight: 0 lb(s) 3 oz(s)  
Rate Indicator: Single Piece - Letters

#### Extra Services

##### Extra Services Details

Description	Amount
Certified Mail	\$3.30
Return Receipt	\$2.70

#### Events

Event	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
DELIVERED	07/29/2014	13:40	BLOOMFIELD, NM 87413	Scanned	030SHLD030	Scanned by route 7413C002	07/29/2014 14:55:45	<div>View Delivery Signature and Address</div> <div>Facility Finance Number: 340819</div> <div>Request Delivery Record</div>

**EXHIBIT**

tabbies

Event	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
OUT FOR DELIVERY	07/29/2014	09:08	BLOOMFIELD, NM 87413	System Generated			07/29/2014 11:56:32	
SORTING/PROCESSING COMPLETE	07/29/2014	08:58	BLOOMFIELD, NM 87413	System Generated			07/29/2014 11:45:34	Distribution Complete Label ID: <u>DC13 6940</u> 8000 1407 2911 3708
ARRIVAL AT UNIT	07/29/2014	08:25	BLOOMFIELD, NM 87413	Scanned	030SHLE268	Scanned by route 7413P500	07/29/2014 09:41:40	
DISPATCHED FROM SORT FACILITY	07/29/2014	03:10	ALBUQUERQUE, NM 87101	System Generated			07/29/2014 04:47:38	Dispatch Label ID: <u>DS14 4143 3333 1407</u> 2304 1633
ENROUTE/PROCESSED	07/28/2014	23:34	ALBUQUERQUE, NM 87101	Scanned	AFSM100-003-1	Destined to route 87413607000	07/29/2014 02:18:04	
ENROUTE/PROCESSED	07/28/2014	22:00	ALBUQUERQUE, NM 87101	Scanned	AFSM100-002-3	Destined to route 87413607000	07/28/2014 23:10:38	
DEPART POST OFFICE	07/28/2014	14:50	AZTEC, NM 87410	System Generated			07/28/2014 19:10:45	Closeout Label ID: <u>CT13 5382 4000 1407</u> 2815 5854
ACCEPT OR PICKUP	07/28/2014	14:32	AZTEC, NM 87410	Scanned		Destined to route C002	07/28/2014 19:02:48	Facility Finance Number: 340567
ACCEPT OR PICKUP	07/28/2014	14:31	AZTEC, NM 87410	Scanned			07/28/2014 19:02:48	Facility Finance Number: 340567

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USPS Tracking Intranet

Delivery Signature and Address

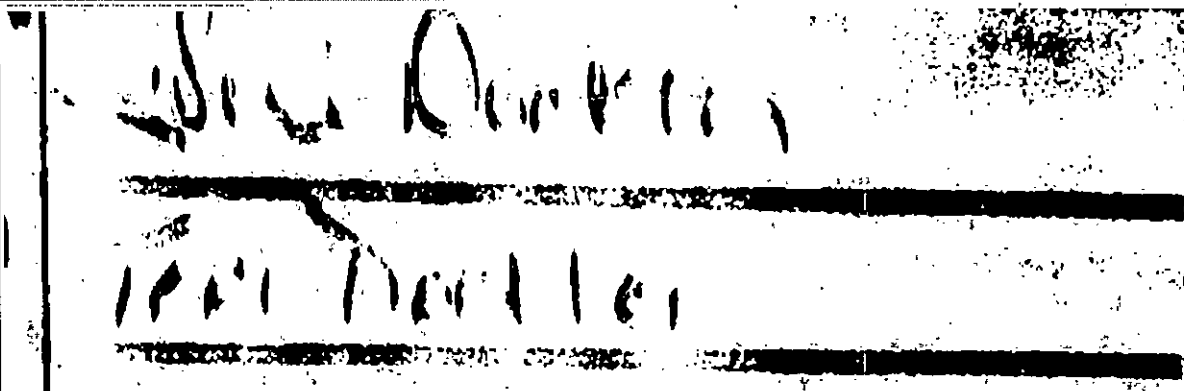
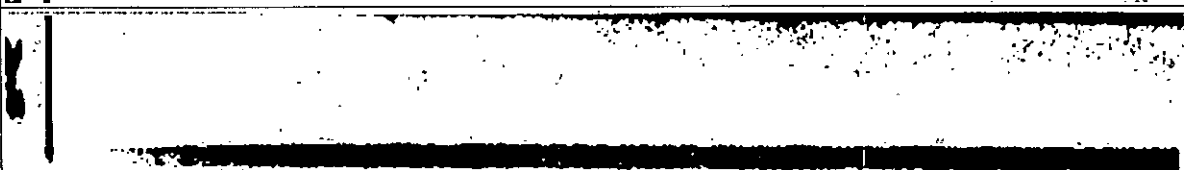
OIL CONS. DIV DIST. 3

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Tracking Number: 7006 3450 0000 0451 8797

This item was delivered on 07/29/2014 at 13:40:00

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Signature	
Address	

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### USPS Tracking Intranet Tracking Number Result

Result for Domestic Tracking Number 7006 3450 0000 0451 8780

Destination and Origin		
<b>Destination</b>		
ZIP Code	City	State
874016420	FARMINGTON	NM
<b>Origin</b>		
ZIP Code	City	State
874109998	AZTEC	NM
<b>Tracking Number Classification</b>		
<b>Class/Service</b>		
Class/Service: First-Class Certified Mail		
Class of Mail Code/Description: FC / First Class		
<b>Destination Address Information</b>		
Address: 100 W BROADWAY		
City: FARMINGTON		
State: NM		
5-Digit ZIP Code: 87401		
4-Digit ZIP Code add on: 6420		
Delivery Point Code: 00		
Record Type Code: Street Record		
<b>Service Delivery Information</b>		
Service Performance Date: Scheduled Delivery Date: Thursday, 07/24/2014		
Predicted Delivery Date: Thursday, 07/24/2014		
Delivery Option Indicator: 1 - Normal Delivery		
Zone: 01		
PO Box: N		
Other Information: <a href="#">Service Calculation Information</a>		
<b>Payment</b>		
Payment Type: Other Postage		
Payment Account Number: 000000000000		
Postage: \$0.91		
Weight: 0 lb(s) 3 oz(s)		
Rate Indicator: Single Piece - Letters		

#### Extra Services

##### Extra Services Details

Description	Amount
Certified Mail	\$3.30
Return Receipt	\$2.70

#### Events

Event	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
DELIVERED	07/24/2014	11:27	FARMINGTON, NM 87401	Scanned	030SHFR015	Scanned by route 7401C044	07/24/2014 12:46:35	<div>View Delivery Signature and Address</div> <div>Facility Finance Number: 342882</div> <div>Request Delivery Record</div>

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Event	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
DISPATCHED FROM SORT FACILITY	07/24/2014	03:31	ALBUQUERQUE, NM 87101	System Generated			07/24/2014 04:48:35	Dispatch Label ID: <u>DS14 4143 3333 1407</u> 2404.3812
ENROUTE/PROCESSED	07/23/2014	23:35	ALBUQUERQUE, NM 87101	Scanned	AFSM100-002-1	Destined to route 87401641600	07/24/2014 02:37:57	
ENROUTE/PROCESSED	07/23/2014	21:40	ALBUQUERQUE, NM 87101	Scanned	AFSM100-002-3	Destined to route 87401641600	07/23/2014 22:56:04	
DEPART POST OFFICE	07/23/2014	16:26	AZTEC, NM 87410	System Generated			07/23/2014 19:29:48	Closeout Label ID: <u>CT13 5382 4000 1407</u> 2317.3143
ACCEPT OR PICKUP	07/23/2014	15:49	AZTEC, NM 87410	Scanned		Destined to route C034	07/23/2014 19:28:43	Facility Finance Number: 340567

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USPS Tracking Intranet

Delivery Signature and Address

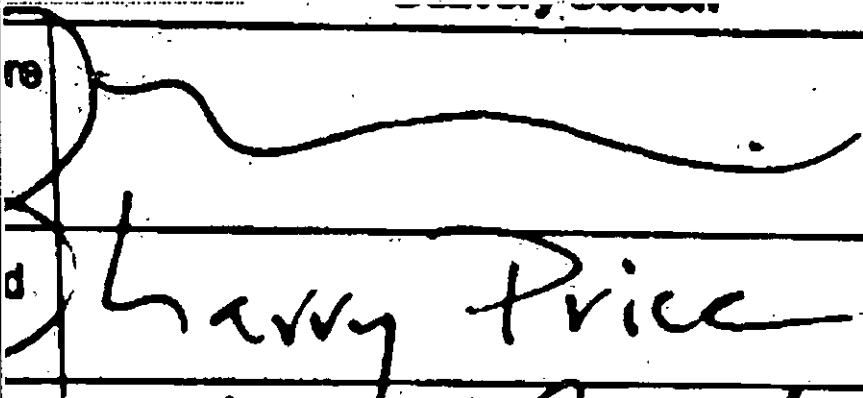
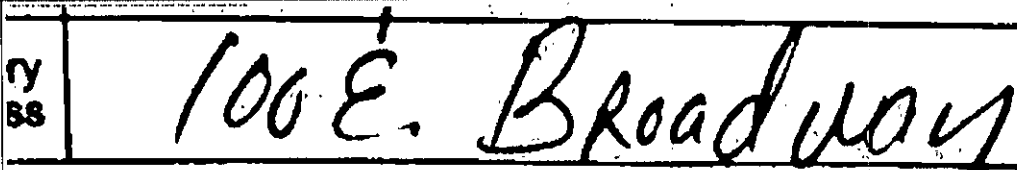
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Tracking Number: 7006 3450 0000 0451 8780

This item was delivered on 07/24/2014 at 11:27:00

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Signature	
Address	

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