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Special Agent

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

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE ENFORCEMENT AND COMPLIANCE MANAGER, FOR A COMPLIANCE ORDER AGAINST MESQUITE SWD, INC., SUSPENDING MESQUITE'S AUTHORITY TO INJECT INTO THE EXXON STATE NO. 008 UNDER ORDER NO. SWD-180 UNTIL MESQUITE SHOWS THAT THE INJECTED FLUIDS ARE NOT ESCAPING TO UNAUTHORIZED INJECTION ZONES; REQUIRING COMPLIANCE WITH ORDER NO. SWD-180 AND RULE 19.15.9.703 NMAC; AND REQUEST FOR EXPEDITED HEARING; EDDY COUNTY, NEW MEXICO.

CASE NO. 14136

APPLICATION OF MESQUITE SWD, INC. FOR AUTHORIZATION TO INJECT AND TO OBTAIN AN AMENDMENT TO PERMIT NO. SWD-180.

CASE NO. 14178

OIL CONSERVATION DIVISION'S RESPONSE IN OPPOSITION TO
MESQUITE SWD, INC.'S, MOTION TO QUASH EMERGENCY ORDER NO. E-

37

The Oil Conservation Division (OCD) hereby files its response in opposition to Mesquite SWD, Inc.'s (Mesquite's), Motion to Quash Emergency Order No. E-37 (Order). In its Motion Mesquite is asking for the Order to be quashed on the ground that no legal basis exists for the Order because Mesquite is injecting within the limits of an authorized Application to Drill (APD). The OCD opposes Mesquite's Motion and respectfully asks that Mesquite's Motion be denied for the reasons discussed below.

Argument

Mesquite's argument basically is that it has the authority to dispose of salt water to a depth of 700 feet based on an APD which purportedly authorized salt water to be disposed of to a depth of 700. The facts show, however, that injection authority for the

Exxon State No. 008 well terminated due to one year of continuous inactivity, the APD that Mesquite relies upon expired and became invalid before the well was drilled, and a tracer survey that Mesquite had performed on the well shows injected fluids going past the well's logged total depth. For these reasons, Mesquite's Motion should be denied.

I. Injection authority for the Exxon State No. 008 well does not exist.

OCD Rule 19.15.9.705(C)(1) NMAC (Rule 705(C)(1)) states:

Whenever there is a continuous one year period of non-injection into any injection project, storage project, salt water disposal well, or special purpose injection well, such project or well shall be considered abandoned, and the authority for injection shall automatically terminate ipso facto.

OCD records show a continuous one year period of non-injection for the Exxon State No. 008 well from November 1994 to May 1997 and March 2005 to March 2006. See Attachment 1. Under OCD Rule 705(C)(1), injection authority for the Exxon State No. 008 well terminated around November 1995. Thus, the authority to inject into the Exxon State No. 008 well no longer exists. ✓

II. The APD which purportedly authorizes injection up to a depth of 700 feet expired and became invalid before the applicant drilled the well.

In the APD Applicant A.H. Rains proposed drilling the Exxon State No. 008 well to a depth of 600 to 700 feet. See Application For Permit To Drill, Deepen, Or Plug Back, attached as Exhibit 2. The APD shows that OCD District II Supervisor W.A. Gressett approved the APD on February 18, 1977. Id. A stamp on the APD reads "APPROVAL VALID FOR 90 DAYS UNLESS DRILLING COMMENCED, EXPIRES 5-18-77." Id. According to documents filed by A.H. Rains, the Exxon State No. 008 well was spudded on May 23, 1977 or June 1, 1977. See May 24, 1977 Sundry Notice and Reports On Well, attached as Exhibit 3; Well Completion Or Recompletion Report

And Log, attached as Exhibit 4. This was after the APD had expired. The APD became invalid when A.H. Rains did not commence drilling by the deadline. Thus, A.H. Rains lost its authority to dispose of salt water beyond the 600 feet authorized in SWD-180.

III. Mesquite's own tracer survey shows injected fluids traveling out of the authorized injection zone.

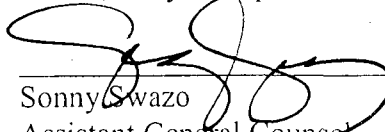
On March 5, 2008, Mesquite had a tracer survey performed on the Exxon State No. 008 well. See Mesquite Tracer Survey, attached as Exhibit 5. The tracer survey states, "Injection profile indicates fluid going in open hole just below casing with majority going down hole past TD." Id. The tracer survey also states, "Tracer pass show fluid movement down hole past logged TD." Id. The well was completed to 694 feet. See Exhibit 4.

Even if we assume that Mesquite has authority to inject up to a depth of 700 feet, which we do not believe it does, Mesquite's own tracer survey shows injected fluids going beyond the well's total depth.

In conclusion, the facts show a legal basis for the Order and therefore, Mesquite's Motion should be denied.

Respectfully submitted,

this 12th day of September 2008 by



Sonny Swazo
Assistant General Counsel
Oil Conservation Division
Energy, Minerals and Natural
Resources Department
1220 S. St. Francis Drive
Santa Fe, NM 87505
(505) 476-3463

Attorney for the Oil Conservation Division

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of September 2008, a copy of Oil Conservation Division's Response In Opposition To Mesquite SWD, Inc.'s, Motion To Quash Emergency Order No. E-37 was sent to Respondent's Attorney Thomas Hnasko via fax, mail and email.

Thomas Hnasko., Esq.
P.O. Box 2068
Santa Fe, NM 87504-2068
Fax (505) 982-8623
Email: thnasko@hinklelawfirm.com



Sonny Swazo

Well Name:	EXXON STATE # 008	API:	30-015-22055		
Location:	O-15-21.0S-27E 1268 FSL 2032 FEL				
Lat:	32.47632072	Long:	-104.1757226		
Operator Name:	MESQUITE SWD	INC	County:	Eddy	
Land Type:	State	Well Type:	SWD		
Spud Date:		Plug Date:			
Elevation GL:	3274	Depth TVD:	694	APC Status:	
Year:	1994				
Pool Name:	SWD;YATES				
Month	Gas(MCF)	CO2(MCF)	Water(BBLS)	Other(BBLS)	Days Injected
January	0	0	740	0	0
February	0	0	1894	0	0
March	0	0	2442	0	0
April	0	0	2016	0	0
May	0	0	2400	0	0
June	0	0	2850	0	0
July	0	0	2408	0	0
August	0	0	2907	0	0
September	0	0	1826	0	0
October	0	0	154	0	0
November	0	0	0	0	0
December	0	0	0	0	0
Year:	1995				
Pool Name:	SWD;YATES				
Month	Gas(MCF)	CO2(MCF)	Water(BBLS)	Other(BBLS)	Days Injected
January	0	0	0	0	0
February	0	0	0	0	0
March	0	0	0	0	0
April	0	0	0	0	0
May	0	0	0	0	0
June	0	0	0	0	0
July	0	0	0	0	0
August	0	0	0	0	0
September	0	0	0	0	0
October	0	0	0	0	0
November	0	0	0	0	0
December	0	0	0	0	0
Year:	1996				
Pool Name:	SWD;YATES				
Month	Gas(MCF)	CO2(MCF)	Water(BBLS)	Other(BBLS)	Days Injected
January	0	0	0	0	0
February	0	0	0	0	0
March	0	0	0	0	0
April	0	0	0	0	0
May	0	0	0	0	0
June	0	0	0	0	0
July	0	0	0	0	0
August	0	0	0	0	0
September	0	0	0	0	0
October	0	0			
November	0	0			

Exhibit 1

December	0	0	0	0	0
Year:	1997				
Pool Name:	SWD;YATES				
Month	Gas(MCF)	CO2(MCF)	Water(BBLS)	Other(BBLS)	Days Injected
January	0	0	0	0	0
February	0	0	0	0	0
March	0	0	0	0	0
April	0	0	0	0	0
May	0	0	0	X	0
June	0	0	4241	0	0
July	0	0	400	0	0
August	0	0	625	0	0
September	0	0	0	0	0
October	0	0	0	0	0
November	0	0	13787	0	0
December	0	0	11210	0	0
Year:	1998				
Pool Name:	SWD;YATES				
Month	Gas(MCF)	CO2(MCF)	Water(BBLS)	Other(BBLS)	Days Injected
January	0	0	300	0	0
February	0	0	1478	0	0
March	0	0	12203	0	0
April	0	0	12608	0	0
May	0	0	12870	0	0
June	0	0	5224	0	0
July	0	0	685	0	0
August	0	0	435	0	0
September	0	0	586	0	0
October	0	0	782	0	0
November	0	0	156	0	0
December	0	0	547	0	0
Year:	1999				
Pool Name:	SWD;YATES				
Month	Gas(MCF)	CO2(MCF)	Water(BBLS)	Other(BBLS)	Days Injected
January	0	0	340	0	0
February	0	0	492	0	0
March	0	0	0	0	0
April	0	0	1211	0	0
May	0	0	12870	0	0
June	0	0	10769	0	0
July	0	0	4396	0	0
August	0	0	3700	0	0
September	0	0	4004	0	0
October	0	0	2442	0	0
November	0	0	2185	0	0
December	0	0	2562	0	0
Year:	2000				
Pool Name:	SWD;YATES				
Month	Gas(MCF)	CO2(MCF)	Water(BBLS)	Other(BBLS)	Days Injected
January	0	0	6314	0	0
February	0	0	1600	0	0

March	0	0	2214	0	0
April	0	0	1510	0	0
May	0	0	1720	0	0
June	0	0	1240	0	0
July	0	0	1800	0	0
August	0	0	1520	0	0
September	0	0	3465	0	0
October	0	0	3645	0	0
November	0	0	2758	0	0
December	0	0	1845	0	0

Year: 2001

Pool Name: SWD;YATES

Month	Gas(MCF)	CO2(MCF)	Water(BBLS)	Other(BBLS)	Days Injected
January	0	0	7280	0	0
February	0	0	1400	0	0
March	0	0	2380	0	0
April	0	0	6720	0	0
May	0	0	2120	0	0
June	0	0	1508	0	0
July	0	0	1489	0	0
August	0	0	1542	0	0
September	0	0	1482	0	0
October	0	0	1565	0	0
November	0	0	1386	0	0
December	0	0	1021	0	0

Year: 2002

Pool Name: SWD;YATES

Month	Gas(MCF)	CO2(MCF)	Water(BBLS)	Other(BBLS)	Days Injected
January	0	0	965	0	0
February	0	0	865	0	0
March	0	0	894	0	0
April	0	0	502	0	0
May	0	0	462	0	0
June	0	0	0	0	0
July	0	0	97	0	0
August	0	0	0	0	0
September	0	0	0	0	0
October	0	0	0	0	0
November	0	0	462	0	0
December	0	0	0	0	0

Year: 2003

Pool Name: SWD;YATES

Month	Gas(MCF)	CO2(MCF)	Water(BBLS)	Other(BBLS)	Days Injected
January	0	0	0	0	0
February	0	0	0	0	0
March	0	0	600	0	0
April	0	0	615	0	0
May	0	0	500	0	0
June	0	0	787	0	0
July	0	0	0	0	0
August	0	0	934	0	0
September	0	0	840	0	0

October	0	0	900	0	0
November	0	0	854	0	0
December	0	0	931	0	0

Year: 2004

Pool Name: SWD;YATES

Month	Gas(MCF)	CO2(MCF)	Water(BBLS)	Other(BBLS)	Days Injected
January	0	0	796	0	0
February	0	0	846	0	0
March	0	0	607	0	0
April	0	0	0	0	0
May	0	0	600	0	0
June	0	0	0	0	0
July	0	0	4500	0	0
August	0	0	500	0	0
September	0	0	17136	0	0
October	0	0	0	0	0
November	0	0	0	0	0
December	0	0	26571	0	0

Year: 2005

Pool Name: SWD;YATES

Month	Gas(MCF)	CO2(MCF)	Water(BBLS)	Other(BBLS)	Days Injected
January	0	0	4585	0	0
February	0	0	87000	0	0
March	0	0	94000	0	0
April	0	0	0	0	0
May	0	0	0	0	0
June	0	0	0	0	0
July	0	0	0	0	0
August	0	0	0	0	0
September	0	0	0	0	0
October	0	0	0	0	0
November	0	0	0	0	0
December	0	0	0	0	0

Year: 2006

Pool Name: SWD;YATES

Month	Gas(MCF)	CO2(MCF)	Water(BBLS)	Other(BBLS)	Days Injected
January	0	0	0	0	0
February	0	0	0	0	0
March	0	0	0	0	0
April	0	0	34464	0	0
May	0	0	83928	0	0
June	0	0	107282	0	0
July	0	0	127367	0	0
August	0	0	0	0	0
September	0	0	177874	0	0
October	0	0	187040	0	0
November	0	0	187583	0	0
December	0	0	184567	0	0

Year: 2007

Pool Name: SWD;YATES

Month	Gas(MCF)	CO2(MCF)	Water(BBLS)	Other(BBLS)	Days Injected
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January	0	0	174418	0	0
February	0	0	189706	0	0
March	0	0	223381	0	0
April	0	0	195680	0	0
May	0	0	239000	0	0
June	0	0	167705	0	0
July	0	0	184962	0	0
August	0	0	214403	0	0
September	0	0	233205	0	0
October	0	0	256599	0	0
November	0	0	216000	0	0
December	0	0	174952	0	0

X
8300

Year:	2008				
Pool Name:	SWD;YATES				
Month	Gas(MCF)	CO2(MCF)	Water(BBLS)	Other(BBLS)	Days Injected
January	0	0	223342	0	0
February	0	0	185057	0	0
March	0	0	218221	0	0
April	0	0	222251	0	0
May	0	0	54446	0	0
June	0	0	0	0	0
July	0	0	0	0	0
August	0	0	0	0	0
September	0	0	0	0	0
October	0	0	0	0	0
November	0	0	0	0	0
December	0	0	0	0	0

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FEB 15 1977

O.C.C.
ARTESIA, OFFICE

30-115-22600

Form C-101
Revised 1-1-65

5A. Indicate Type of Lease

STATE ☒ FEE ☐

1. State Oil & Gas Lease No.

F 2597

APPLICATION FOR PERMIT TO DRILL, DEEPEN, OR PLUG BACK

1a. Type of Work b. Type of Well OIL WELL <input type="checkbox"/> GAS WELL <input type="checkbox"/> OTHER WATER DISPOSAL SINGLE ZONE <input type="checkbox"/> MULTIPLE ZONE <input type="checkbox"/>		DRILL <input checked="" type="checkbox"/> DEEPEN <input type="checkbox"/> PLUG BACK <input type="checkbox"/>	
2. Name of Operator A. L. RAIN		7. Unit Agreement Name 0	
3. Address of Operator 617 2nd CARLSBAD, N.M. 88200		8. Farm or Lease Name EXADIN STATE	
4. Location of Well UNIT LETTER 0 LOCATED 1268 FEET FROM THE SOUTH LINE AND 265 FEET FROM THE EAST LINE OF SEC. 15 T.21S. R.29E. N.30W.		9. Well No. 8	
10. Field and Pool, or Wildcat ANAGRADE-YATES		11. County EDDY	
12. Proposed Depth 600-700'		13. Formation LIME	
14. Method of Drilling (Dry, RT, etc.) 3270'		15. Rotary or C.T. ROTARY	
16. Kind of Drilling Fluid (Mud) BLANKET		17. Drilling Contractor R. D. RAIN	
18. Approx. Date Work will start UNKNOWN			

PROPOSED CASING AND CEMENT PROGRAM

SIZE OF HOLE	SIZE OF CASING	WEIGHT PER FOOT	SETTING DEPTH	SACKS OF CEMENT	EST. TOP
12"	8 3/4"	24	175'	CIRCULATED	
7 7/8"	5 1/2"	14	600'		

ORDERED TO DRILL 7" HOLE TO A DEPTH OF 600-700'
CIRCULATE CEMENT AND CEMENT TO TOP OF

APPROVAL VALID
FOR 90 DAYS UNLESS
DRILLING COMMENCED,

EXPIRES 5-18-77

IN ABOVE SPACE DESCRIBE PROPOSED PROGRAM IF PROPOSED IS TO DEEPEN OR PLUG BACK, GIVE DATA ON PRESENT PRODUCTIVE ZONE AND PROPOSED NEW PRODUCTIVE ZONE. GIVE ADEQUATE PREVENTION PROGRAM, IF ANY.

I hereby certify that the information above is true and complete to the best of my knowledge and belief.

Signed R. D. RAIN Title OPERATOR Date 2-8-77

(This space for State Use)

APPROVED BY K. C. Grissett SUPERVISOR, DISTRICT II DATE FEB 18 1977

CONDITIONS OF APPROVAL, IF ANY:

Exhibit 2

only N.M.O.C. is efficient
time to discuss cementing
the 5 1/2" casing

APPROVED BY	
DATE	
TIME	
BY	
FOR	
TO	
FROM	
BY	
FOR	
TO	
FROM	

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NEW MEXICO OIL CONSERVATION COMMISSION

Form C-103
Supersedes Old
C-102 and C-101
Effective 1-1-65

MAY 26 1977

O. O. C.
ALBUQUERQUE, OFFICE

SUSPENSION OF WORK ON WELLS

1. NAME OF WELL WATER DISPOSAL WELL

2. LOCATION SPRING

3. COUNTY GRANT

4. TOWNSHIP 15

5. RANGE 28 E

6. SECTION 12 68

7. DEPTH 1032

8. ELEVATION 3270

9. DIRECTION SOUTH

10. DATE 5-23-77

11. TYPE OF LEASE EXPLORATION

12. STATE NEW MEXICO

13. COUNTY GRANT

14. TOWNSHIP 15

15. RANGE 28 E

16. SECTION 12 68

17. DEPTH 1032

18. ELEVATION 3270

19. DIRECTION SOUTH

20. DATE 5-23-77

Check Appropriate Box To Indicate Nature of Notice, Report or Other Data

NOTICE OF INTENTION TO: SUBSEQUENT REPORT OF:

<input type="checkbox"/> INFORM NEARBY OWNERS	<input type="checkbox"/> PLUG AND ABANDON	<input type="checkbox"/> REMEDIAL WORK	<input type="checkbox"/> ATTACHING CASING
<input type="checkbox"/> IMPROVED ABANDON	<input type="checkbox"/> CHANGE PLANS	<input checked="" type="checkbox"/> COMMENCE DRILLING OPER.	<input type="checkbox"/> PLUG AND ABANDON (2)
<input type="checkbox"/> ALL OR PART CASING	<input type="checkbox"/> OTHER <u>WATER DISPOSAL WELL</u>	<input type="checkbox"/> CASING TEST AND CEMENT JOBS	<input type="checkbox"/>
		<input checked="" type="checkbox"/> OTHER <u>BEGINNING</u>	<input type="checkbox"/>

Describe in detail the operations (clearly state all pertinent details, and give pertinent dates, including estimated date of starting any proposed work) SEE RULE 12.1, APRIL 3-23-77

CONTINUED TO DRILL 12 1/4" HOLE TO A DEPTH 175' AND SET 5" CASING
AND CEMENT CEMENTED. THEN DRILL 3" HOLE TO A DEPTH OF 561'
AND CEMENT CEMENTED. THEN SET 3" CASING AND CEMENT CEMENTED. THEN
DRILL WITH 4 1/2" BIT TO A DEPTH APPROX 961'

Exhibit 3

I hereby certify that the information above is true and complete to the best of my knowledge and belief.

SUPERVISOR, DISTRICT II

DATE MAY 26 1977

WELL COMPLETION REPORT	1	2
DISTRIBUTION		
SANTA FE	1	
FILE	1	
U.S.G.S.	2	
LAND OFFICE	1	
OPERATOR		

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WELL COMPLETION OR RECOMPLETION REPORT AND LOG
NOV 28 1977

D. C. C.

ARTESIA, OFFICE

5a. Indicate Type of Lease State <input checked="" type="checkbox"/> Fee <input type="checkbox"/>
5. State Oil & Gas Lease No. E-2597
7. Unit Agreement Name
8. Farm or Lease Name EXXON STATE
9. Well No. 8
10. Field and Pool, or Wildcat magnum gates
12. County ELLY
13. Date Spudded 6-1-77
16. Date T.D. Reached 9-9-77
17. Date Compl. (Ready to Prod.) 9-15-77
18. Elevations (DF, RKB, RT, GR, etc.) 3295
19. Elev. Casinghead
20. Total Depth 694
21. Plug Back T.D.
22. If Multiple Compl., How Many
23. Intervals Drilled By L
24. Rotary Tools
25. Cable Tools
26. Producing Interval(s) of this completion - Top, bottom, Name
27. Was Directional Survey Made
28. Type Electric and Other Logs Run
29. Was Well Cored

D. C. C.
ARTESIA, OFFICE
OIL WELL ☐ GAS WELL ☐ DRY ☐ OTHER ☒ OTHER DISPOSALB. TYPE OF COMPLETION
NEW WELL ☒ WORK OVER ☐ DEEPEN ☐ PLUG BACK ☐ DIFF. RESVR. ☐ OTHER

C. Name of Operator

F. IZARRAINS

G. Address of Operator

Box 427 Catbbed NEW MEXICO 88220

H. Location of Well

I. Nit Letter 0 LOCATED 1268 FEET FROM THE SOUTH LINE AND 2032 FEET FROM

J. HEAST OF SEC. 15 TWP. 21S RGE. 27E N. 100M

K. 5. Date Spudded 6-1-77 16. Date T.D. Reached 9-9-77 17. Date Compl. (Ready to Prod.) 9-15-77 18. Elevations (DF, RKB, RT, GR, etc.) 3295 19. Elev. Casinghead

L. 20. Total Depth 694 21. Plug Back T.D. 22. If Multiple Compl., How Many 23. Intervals Drilled By L 24. Rotary Tools 25. Cable Tools

M. 26. Producing Interval(s) of this completion - Top, bottom, Name 27. Was Directional Survey Made

N. 28. Type Electric and Other Logs Run 29. Was Well Cored

O. 30. CASING RECORD (Report all strings set in well)

P. CASING SIZE WEIGHT LB./FT. DEPTH SET HOLE SIZE CEMENTING RECORD AMOUNT PULLED

Q. 3 7/8 24 168' 6" 12" 110 SACKS CEMENT CIR 3 1/2 14 567' 9" 7 7/8" 110 SACKS CEMENT CIRCULATION

R. 7 PACKER SET AT 550' 4 3/4 HOLE DRILL 567' 9" TO 694 FEET

S. LINER RECORD TUBING RECORD

T. SIZE TOP BOTTOM SACKS CEMENT SCREEN SIZE DEPTH SET PACKER SET

U. 2 7/8" 550 550

V. 32. ACID, SHOT, FRACTURE, CEMENT SQUEEZE, ETC.

W. DEPTH INTERVAL AMOUNT AND KIND MATERIAL USED

X. 568-694 110 gal acid

Y. PRODUCTION

Z. Date First Production Production Method (Flowing, gas lift, pumping - Size and type pump) Well Status (Prod. or Shut-in)

AA. Date of Test Hours Tested Choke Size Prod'n. For Test Period Oil - Bbl. Gas - MCF Water - Bbl. Gas - Oil Ratio

AB. Flow Testing Press. Casing Pressure Calculated 24-Hour Rate Oil - Bbl. Gas - MCF Water

AC. Disposition of Gas (Sold, used for fuel, vented, etc.)

AD. List of Attachments

AE. I hereby certify that the information shown on both sides of this form is true and complete to the best of my knowledge and belief.

AF. SIGNED G. H. WARD TITLE OPERATOR DATE 11-25-77

Exhibit 4

pretations are opinions based on inferences from electrical or other measurements and we cannot and do not guarantee the accuracy or correctness of interpretation, and we shall not, except in the case of gross or willful negligence on our part, be liable or responsible for any loss, costs, damages, or expenses incurred or sustained by anyone resulting from any interpretation made by any of our officers, agents or employees. These interpretations are also subject to our general terms and conditions set out in our current Price Schedule.

Comments

Injection profile indicates fluid going in open hole just below casing with majority going down hole past TD.

Tracer pass show fluid movement down hole past logged TD.

Temperature show cooling effect just below casing to TD.

Thank you for using Black Warrior Wireline.


son	Offset (ft)	Schematic	Description	Len (ft)	OD (in)	Wt (lb)
D	43.67		CHD_68	0.84	0.69	1.00
			TREJCT-Bell 775 (775-001)	2.00	1.44	5.00
			TRDET-Bell 10 (710-002)	3.00	1.44	5.00
			L_5815			
T	38.33					
AR	37.83					
AR	32.83					

Exhibit 5