

**NM1-62**

**Operator  
Name Change**

**December, 2019**

## Griswold, Jim, EMNRD

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**From:** Adam Rankin <AGRankin@hollandhart.com>  
**Sent:** Thursday, December 19, 2019 11:19 AM  
**To:** Griswold, Jim, EMNRD  
**Cc:** Ames, Eric, EMNRD  
**Subject:** [EXT] Sundance Services West, Inc. - operator name change  
**Attachments:** SOS.pdf; 20191217111014233.pdf; Operator Online.pdf; bond signed 12 5 19.pdf

Jim,

- Current NMOCD operator, Sundance West, Inc. (OGRID 371811 – see attached) is seeking to change its name to “Sundance Services West, Inc.”
- Sundance West applied to the SOS and received approved articles of amendment for its name change to Sundance Services West, Inc. See attached SOS pdf.
- Following SOS approval of the name change, Sundance filed for and sought NMOCD approval for an operator name change pursuant to [19.15.9.10](#) NMAC:

**[19.15.9.10](#) CHANGE OF NAME:**

**A.** A change of operator name occurs when the name of the entity responsible for a well or wells changes but the entity does not change. For a change of name, the OGRID number remains the same, but division records are changed to reflect the new operator name.

**B.** An operator shall apply for a change of name by filing a form C-146 using the division’s web-based online application and supplying documentary proof that the change is a name change and not a change of operator. If the operator is a corporation, limited liability company or limited partnership, the name must be registered with the public regulation commission or the New Mexico secretary of state, as applicable. The division shall not approve a change of name until the state land office and the taxation and revenue department have cleared the change of name on the OGRID.

[[19.15.9.10](#) NMAC - Rp, [19.15.3.100](#) NMAC, 12/1/08]

- Through its outside counsel, Sundance applied for the name change with the NMOCD on 11/18/19 – see attached PDF.
- A replacement bond in the name of Sundance Services West, Inc. was hand delivered a new bond to NMOCD on December 10, 2019. See copy of signed bond attached.
- On 12/10, Sundance’s outside counsel met with Eva Mathes and was told that because the bond was for a surface wasted disposal facility she did not deal with those and Sundance needed to work with Brad Jones.
- Brad Jones instructed Sundance that they needed to file a Transfer of Permit Form pursuant to 19.15.36.12.E NMAC; however, the permit is not being transferred, the permittee is simply changing its name:

**[19.15.36.12](#) PERMIT APPROVAL, DENIAL, REVOCATION, SUSPENSION, MODIFICATION OR TRANSFER:**

**E.** Transfer of a permit. The operator shall not transfer a permit without the division’s prior written approval. A request for transfer of a permit shall identify officers, directors and owners of twenty-five percent or greater in the transferee. Unless the director otherwise orders, public notice or hearing are not required for the transfer request’s approval. If the division denies the transfer request, it shall notify the operator and the proposed transferee of the denial by certified mail, return receipt requested, and either the operator or the proposed transferee may request a hearing with 10 days after

receipt of the notice. Until the division approves the transfer and the required financial assurance is in place, the division shall not release the transferor's financial assurance.

[[19.15.36.12](#) NMAC - Rp, 19.15.9.711 NMAC, 2/14/2007; A, 12/1/08; A, 6/30/16]

Based on this information and the fact that the updated bond has been provided to the Division, which is simply a replacement bond updating the name of the permittee, a Transfer of Permit application should not be required. The permit is not being transferred to any other entity or owner and the ownership is not changing; the permittee's name is simply being changed from Sundance West, Inc. to Sundance Services West, Inc. After approving the replacement bond which is currently with NMOCD, the NMOCD should be able to change the name associated with OGRID 371811 and update the permittee name under the existing permit.

Please let me know if NMOCD requires any additional information or paperwork and whether this can be done by 12/31. We greatly appreciate your attention to this matter during this busy time.

Most sincerely,  
Adam

**Adam G. Rankin**

Holland & Hart LLP

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## OCD Permitting

[Home](#) [Searches](#) [Facilities](#) [Facility Details](#)

### Sundance West [fJEG1635837006]

#### General Facility Information

Operator: [371811] SUNDANCE WEST, INC.  
Status: Inactive  
District: Hobbs  
County: Lea (25)

Type: Waste Management - (WM)  
Surface Owner:

Surface Location: -30-21S-38E 0 FL 0 FL  
Lat/Long:  
Quarter-Quarter:  
Directions:

Quick

- [Gene](#)
- [Pits](#)
- [Tanks](#)
- [Comm](#)
- [Order](#)
- [Inspe](#)

Assoc

- [Facili](#)

New

- [New 1](#)
- [New 1](#)
- [New 1](#)
- [New 1](#)
- [New 1](#)
- [New 1](#)
- [New 1](#)

#### Notes

#### Water Details

Ground Water Depth: 0  
Ground Water Quality: 0  
Ground Water Impact: No

#### Event Dates

Open:  
Closed:  
Cancelled:

#### Pits

No Pits Found

#### Tanks

No Tanks Found

#### Incidents and Spills

No Incidents Found

Please note that incidents that impact ground water are recorded along with "facilities" which may not be wells, so although the initial report may be recorded here as a spill, information related to the abatement plans, remediation plans and ground water impact information are not yet part of this application.

#### Orders

NM1-62-0

Applicant: [371811] SUNDANCE WEST, INC.  
Contact: Arif Mussani (Sundance West, Inc.)  
Reviewer: Jim Griswold

Approved By:  
Issuing Office: Santa Fe

#### Processing Dates

Received:  
Approved:  
Expiration:  
Ordered:  
Denied:  
Cancelled:

## Inspections

No Inspections Found

[Searches](#)

[Operator Data](#)

[Submit Form](#)

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[Administration](#)



OFFICE OF THE NEW MEXICO  
SECRETARY OF STATE

**October 18, 2019**

UCC SEARCH, INC.  
POST OFFICE BOX 9315  
SANTA FE, NM 87504-9315

**RE: Sundance Services West, Inc.**  
**Business ID #: 4937031**

The Office of the Secretary of State has approved and filed the Articles of Amendment for the above captioned corporation effective October 17, 2019. The enclosed Certificate of Amendment is evidence of filing and should become a permanent document of the corporation's records.

Please be advised that although the Certificate of Amendment has been approved, you must also comply with all other federal or state laws applicable to your corporation. This includes, but is not limited to state licensing requirements. It is the corporation's sole responsibility to obtain such compliance with all legal requirements applicable thereto prior to engaging in the business for which it has obtained approval of the referenced document.

If you have any questions, please contact the Business Services Division at (505) 827-3600 or toll free at 1-800-477-3622 for assistance.

Business Services Division

# OFFICE OF THE NEW MEXICO SECRETARY OF STATE

## *Certificate of Amendment*

OF

**Sundance Services West, Inc.**

**4937031**

**New Mexico**

The Office of the Secretary of State certifies that the Articles of Amendment, duly signed and verified pursuant to the provisions of the

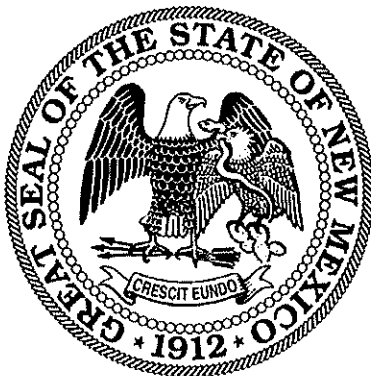
**Business Corporation Act**

**53-11-1 to 53-18-12 NMSA 1978**

have been received and are found to conform to law. Accordingly, by virtue of the authority vested in it by law, the Office of the Secretary of State issues this Certificate of Amendment and attaches hereto a duplicate of the Articles of Amendment.

Dated: **October 17, 2019**

**In testimony whereof, the Office of the Secretary of State has caused this certificate to be signed on this day in the City of Santa Fe, and the seal of said office to be affixed hereto.**



*Maggie Toulouse Oliver*

**Maggie Toulouse Oliver  
Secretary of State**



New Mexico Secretary of State  
Business Services Division  
325 Don Gaspar, Suite 300  
Santa Fe, NM 87501  
1-800-477-3632 www.sos.state.nm.us

Profit Corporation

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\$100 Filing Fee

Articles of Amendment

Pursuant to the provisions of the New Mexico Business Corporation Act, the undersigned corporation adopts the following Articles of Amendment for the purpose of amending its Articles of Incorporation:

Article One: The name of the company as currently registered and business ID number:

Sundance West, Inc. 4937031

Email Address: nking@iss.legal

Phone Number: 972-386-8500 x212

Article Three: The Articles of Incorporation are amended as follows: (please reference the article number from your original Articles of Incorporation being amended along with the amended information)

ARTICLE ONE:

The name of the corporation is Sundance Services West, Inc.

Article Three: Select the applicable statement, and complete accordingly

☐

No shares have been issued. The amendment was adopted by a resolution of the board of directors on the following date \_\_\_\_\_

OR

☒

Shares have been issued, and the amendment was adopted by a majority vote of the shareholders entitled to vote on the following date October 15, 2019

Number of shares issued	100	Number of shares entitled to vote	100
Number of shares voted for amendment	100	Number of shares voted against amendment	

Article Four: The manner in which any exchange, reclassification, or cancellation of issued shares provided for in the amendment shall be effected is as follows: (complete only if applicable)

Executed Date:

October 15, 2019

Future Effective Date (optional):

Sue A. Mussani, President  
Signature of Officer

Sue A. Mussani, President  
Printed Name and Title

RECEIVED  
SOS  
Corporation Bureau  
OCT 17 2019