

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

NMOCD – ACOI- 139

**IN THE MATTER OF CHAPARRAL ENERGY LLC,**

**Respondent.**

**AGREED COMPLIANCE ORDER**

Pursuant to the New Mexico Oil and Gas Act, NMSA 1978, Sections 70-2-1 through 70-2-38, as amended ("Act"), the Director of the Oil Conservation Division ("OCD") and Chaparral Energy LLC ("Operator") enter into this Agreed Compliance Order ("Order") under which Operator agrees to bring wells identified herein into compliance with the Act and OCD Rule 201 [19.15.4.201 NMAC] in accordance with the following agreed schedule and procedures, and agrees to pay penalties as set out below if it fails to meet the schedule set out in this Order.

**FINDINGS**

1. The OCD is the state division charged with administration and enforcement of the Act, and rules and orders adopted pursuant to the Act.
2. Operator is a limited liability corporation doing business in the state of New Mexico.
3. Operator is the operator of record under OGRID 4115 for the following wells located in New Mexico:
  - DD 24 Federal #001 30-015-24496
  - DD 24 Federal #003 30-015-27212
  - West Dollarhide Queen Sand Unit #001 30-025-12212
  - West Dollarhide Queen Sand Unit #081 30-025-30011
  - West Dollarhide Queen Sand Unit #083 30-025-30014
  - West Dollarhide Queen Sand Unit #097 30-025-30152
  - West Dollarhide Queen Sand Unit #102 30-025-30172
  - West Dollarhide Queen Sand Unit #107 30-025-30173
  - West Dollarhide Queen Sand Unit #133 30-025-30355
  - West Dollarhide Queen Sand Unit #137 30-025-30275
4. OCD Rule 201 [19.15.4.201 NMAC] states, in relevant part:

“A. The operator of any of the following wells, whether cased or uncased, shall be responsible for the plugging thereof: wells drilled for oil or gas; or service wells including but not limited to seismic, core, exploration or injection wells.

B. A well shall be either properly plugged and abandoned or placed in approved temporary abandonment in accordance with these rules within 90 days after:

....

....

(3) a period of one year in which a well has been continuously inactive.”

5. The wells identified in Findings Paragraph 3 have been inactive for a continuous period in excess of one year plus ninety days and are not on approved temporary abandonment status and have not been plugged and abandoned.
6. One of the wells identified in Findings Paragraph 3, the West Dollarhide Queen Sand Unit #097, was subject to inactive well agreed compliance order number 9 (ACOI-9). ACOI-9 required Operator to bring all the wells covered by the order into compliance by December 31, 2005, and provided for penalties if the Operator failed to bring the wells into compliance by the deadline.
7. NMSA 1978, Section 70-2-31(A) authorizes the assessment of civil penalties of up to one thousand dollars per day per violation against any person who knowingly or willfully violates any provision of the Oil and Gas Act or any rule or order adopted pursuant to the Act.
8. NMSA 1978, Section 70-2-3(A) defines “person” in relevant part as  
“any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity...”

### CONCLUSIONS

1. The OCD has jurisdiction over the parties and subject matter in this proceeding.
2. The wells identified in Findings Paragraph 3 are out of compliance with Rule 201.
3. As operator of the wells identified in Findings Paragraph 3, Operator is responsible for bringing those wells into compliance with Rule 201.

4. Operator is a “person” as defined by OCD Rule 7.P(2) and may be subject to civil penalties for knowing and willful violations of the Oil and Gas Act or rules or orders adopted pursuant to the Act.
5. Operator is subject to penalties for failing to bring the West Dollarhide Queen Sand Unit #097 into compliance by December 31, 2005, as Operator agreed under ACOI-9.

### ORDER

1. Operator will pay a penalty of \$1000 for failing to bring the West Dollarhide Queen Sand Unit #097 into compliance by December 31, 2005, as Operator agreed under ACOI-9. Payment shall be made prior to execution of this Order, by check made out to “Oil Conservation Division,” and delivered to the following address:

EMNRD- Oil Conservation Division  
1220 S. St. Francis Drive  
Santa Fe, NM 87505

2. Operator agrees to bring at least 5 of the wells identified in Findings Paragraph 3 into compliance with OCD Rule 201 by January 30, 2007 by
  - (a) restoring the well to production or other OCD-approved beneficial use and filing a C-115 documenting such production or use;
  - (b) causing the wellbore to be plugged in accordance with OCD Rule 202.B(2) and filing a C-103 describing the completed work; or
  - (c) placing the well on approved temporary abandonment status pursuant to OCD Rule 203.

Transfer of a well identified in Findings Paragraph 3 to another operator does not count towards Operator’s obligation to return wells to compliance under the terms of this Order, but does reduce the total number of wells for which Operator is responsible under the terms of this Order.

3. Operator shall file a compliance report by January 30, 2007 using the OCD’s web-based on-line application, identifying each well returned to compliance, stating the date it was returned to compliance, and describing how the well was returned to compliance (restored to production or other approved beneficial use, plugged wellbore, approved temporary abandonment status).
4. When the OCD receives a timely compliance report indicating that Operator has returned at least 5 wells to compliance and verifies the accuracy of that report, the OCD shall issue an amendment to this Order extending its terms for an additional six-month period and requiring Operator to bring all non-compliant wells identified in Findings Paragraph 3 still operated by Operator into compliance by

July 30, 2007. OCD shall provide a copy of that amendment to Operator at Operator's address of record provided pursuant to OCD Rule 100.C.

5. If Operator fails to bring at least 5 wells identified in Findings Paragraph 3 into compliance by January 30, 2007 or, if an amendment is issued pursuant to Ordering Paragraph 4, fails to bring all the wells identified in Findings Paragraph 3 into compliance by July 30, 2007, Operator agrees to pay a penalty of \$1000 times the number of wells it failed to bring into compliance under its schedule during the applicable time period. In the event the Operator encounters unanticipated circumstances that prevent it from meeting its goals, Operator may file an administrative application with the OCD to request a waiver or reduction of the penalty, and serve the OCD's Enforcement and Compliance Manager with a copy of the application. If the Enforcement and Compliance Manager concurs with the Operator's request, the application may be granted administratively. If the Enforcement and Compliance Manager does not concur with the Operator's request, the application shall be set for hearing. Once Operator pays the penalty or files an administrative application to request a waiver or reduction of the penalty, the OCD may, in its discretion, issue an amendment pursuant to Ordering Paragraph 4.

Example A: Operator X enters into an agreed compliance order under which it agrees to bring 5 wells into compliance in a six-month period. At the end of the six-month period, Operator X has brought only 3 wells into compliance. Operator X pays the \$2000 penalty. The OCD exercises its discretion to issue an amendment extending the term of the agreed compliance order for an additional six-month period, again requiring Operator X to bring at least 5 wells into compliance. During this additional six-month period, Operator brings only one well into compliance. Operator X pays a \$4000 penalty. Although Operator X pays the \$4000 penalty, the OCD exercises its discretion and declines to issue an amendment to extend the terms of the agreed compliance order for an additional six-month period.

Example B: Operator Y enters into an agreed compliance order under which it agrees to bring 10 wells into compliance in a six-month period. Although Y has made arrangements for plugging the 10 wells, due to adverse weather conditions and mechanical difficulties with the available plugging rig, Y is able to plug only 3 wells. Y files an administrative application for hearing seeking to waive the \$7000 penalty, and serves the Enforcement and Compliance Manager with a copy of the application. The Enforcement and Compliance Manager does not concur with the application's request to waive the full amount of the penalty, so the application is set for hearing. The OCD exercises its discretion and issues an amendment to extend the terms of the agreed compliance order for an additional six-month period.

6. Thirty days after the expiration of the term of this Order and any amendment to this Order, any wells identified in Findings Paragraph 3 not in compliance with

OCD Rule 201 will appear on the inactive well list kept pursuant to OCD Rule 40.F.

7. By signing this Order, Operator expressly:
- (a) acknowledges the correctness of the Findings and Conclusions set forth in this Order;
  - (b) agrees to pay a \$1,000 penalty for failing to bring the West Dollarhide Queen Sand Unit #097 into compliance by December 31, 2005, as Operator agreed under ACOI-9;
  - (c) agrees to return to compliance at least 5 of the wells identified in Findings Paragraph 3 by January 30, 2007, and agrees to comply with the compliance deadline set by any amendment to this Order issued pursuant to Ordering Paragraph 4;
  - (d) agrees to submit a compliance report as required in Ordering Paragraph 2;
  - (e) agrees to pay penalties as set out in Ordering Paragraph 5 if it fails to comply with this Order or any amendment to this Order issued pursuant to Ordering Paragraph 4;
  - (f) waives any right, pursuant to the Oil and Gas Act or otherwise, to a hearing either prior to or subsequent to the entry of this Order or to an appeal from this Order; and
  - (g) agrees that the Order and amendments to the Order may be enforced by OCD or Oil Conservation Commission Order, by suit or otherwise to the same extent and with the same effect as a final Order of the OCD or Oil Conservation Commission entered after notice and hearing in accordance with all terms and provisions of the Oil and Gas Act.
8. This Order applies only to those wells identified in Findings Paragraph 3. Other wells operated by Operator out of compliance with Rule 201 may be subject to immediate enforcement action under the Oil and Gas Act.
9. The Oil Conservation Division reserves the right to file an application for hearing to obtain authority to plug any well identified in Findings Paragraph 3 and forfeit the applicable financial assurance if the well poses an immediate environmental threat.

Done at Santa Fe, New Mexico this 7<sup>th</sup> day of AUGUST, 2006

By:   
Mark Fesmire, P.E.  
Director, Oil Conservation Division

ACCEPTANCE

Chaparral Energy LLC hereby accepts the foregoing Order, and agrees to all of the terms and provisions set forth in that Order.

Chaparral Energy LLC

By: Gene Daniel  
(Please print name) Gene Daniel  
Title: Oper. & Engr. Mgr. - So. Division  
Date: 7/31/06