NM1 - 30

BONDS



BILL RICHARDSON

Governor
Joanna Prukop
Cabinet Secretary

June 9, 2003

Lori Wrotenbery
Director
Oil Conservation Division

Mr. Jim Wilson Artesia Aeration L.L.C. 8115 N. Grimes Hobbs, NM 88240

RE: \$70,065 Cash Bond and Assignment of Cash Collateral

Commercial Surface Waste Management Facility Permit NM-01-0030

Artesia Aeration L.L.C., Principal

First National Bank, Surety

N/2 Section 7, Township 17 South, Range 32 East, NMPM,

Lea County, New Mexico

CD No. #2122200-28

David K. Broth

Dear Mr. Wilson:

The New Mexico Oil Conservation Division hereby approves the above-referenced Commercial Surface Waste Management Facility Surety Bond.

Sincerely,

David K. Brooks

Assistant General Counsel

DKB: mjk

Enclosure: Copy Cash Bond and Assignment of Cash Collateral No. #2122200-28

xc with attachment:

Hobbs OCD Office

Michael A. Hendricks, The First National Bank, P.O. Box AA, Artesia, NM 88210

Energy, Minerals and Natural Resources Department Oil Conservation Division

Cash Bond For Waste Management Facilities

(File with Oil Conservation Division, 1220 South Saint Francis, Santa Fe, New Mexico 87505)

KNOW ALL MEN BY THES	SE.	PR	ESE	۷TS	3:
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That <u>ARTESIA AERATIC</u>	IN, LLC	(an individual, partnership, or
a corporation organized in the State of	NEW MEXICO	, with its principal office in the City of
ARTESIA , State of	NEW MEXICO	and authorized to do business in the
State of New Mexico), as PRINCIPAL	is firmly bound unto t	he State of New Mexico, for the use and benefit
of the Oil Conservation Division of the	Energy, Minerals and	Natural Resources Department (DIVISION) in
the sum of <u>SEVENTY THOUSAND</u> SI	XTY FIVE (\$_	70,065 .00 Dollars.
The conditions of this obligation. The PRINCIPAL has heretofor		enter into the collection, disposal, evaporation,
remediation, reclamation, treatment or	storage of produced	water, drilling fluids, drill cuttings, completion
		other oil field related waste in Section N1/2
Township <u>175</u> , Range <u>32E</u>	, NMPM, LEA	County, New Mexico.
with all applicable statutes of the State	of New Mexico and a	ond is conditioned upon substantial compliance Il rules and orders of the DIVISION and the Oil site to standards of the DIVISION; otherwise the

The PRINCIPAL has deposited funds on behalf of the DIVISION in the amount of \$\frac{70.06500}{6500}\$ (
\text{SEVENTY THOUSAND SIXTY FIXETERS)} in the manner indicated on page 2 of this instrument, **Assignment of Cash Collateral Deposit**, to secure this bond. The PRINCIPAL pledges the funds as a guarantee that it, its executors, assigns, heirs and administrators will abide by the Statutes of the State of New Mexico and the rules and orders of the DIVISION in operating the waste management facility described herein, and that it will properly reclaim the facility site upon cessation of operations. If the PRINCIPAL does not properly reclaim and restore the facility site, and otherwise abide by the rules and orders of the DIVISION, this bond shall be forfeited in full and such funds as necessary applied to the cost of reclaiming the facility site. If the amount of the bond is less than the actual cost incurred by the DIVISION in reclaiming the facility site, the DIVISION may institute legal action against the PRINCIPAL to recover any amounts expended over and above the amount of the bond.

NOW THEREFORE, if the above PRINCIPAL or its successors, assigns, heirs, administrators or any of them shall properly reclaim and restore the above-described facility site upon cessation of operations and otherwise abide by the rules and orders of the Division, then therefore, this obligation shall be null and void and the principal sum hereof shall be paid to the PRINCIPAL, or its successors, heirs, or administrator; otherwise it shall remain in full force and effect.

Assignment of Cash Collateral Deposit For Bond for Waste Management Facility

	8115 GRIMES (ad	, (herinafter "Principal"), of didress) has deposited with the
	RST NATIONAL BANKname of the financial institution within the state	ion, which must be a federally in sured bank or saving of New Mexico)
_ (ad	(address) (hereinafter "Financial Institution"), the sum	of SEVENTY THOUSAND SIXTY FIRE 70,06500
dolla	llars in Certificate of Deposit or savings account No	2122200-28 . The Principal hereby assigns an
conv	nveys all right, title and interest in the deposited funds t	to the Financial Institution in trust for the Oil Conservation
		Department (hereinafter "Division") or successor agency
the S	e State of New Mexico. The Principal and the Financia	al Institution agree that as to the deposited funds:
a.		s Assignment are to serve as a cash bond covering a wast
	management facility operated by the Principal.	
b.		rire beneficial interest in the funds with the right to order th
		fund to persons determined by the Division to be entitle
		ther consent by the Principal, in amounts determined by the
	,	cility covered by this Assignment provided all applicable
	Division orders and rules have been complied w	ith regarding the waste management facility.
c.		rest in the fund and has only the right to interest, if any
		order of the Division in the event the Principal proper
		the rules and order of the Division and the Oil Conservation
	Commission.	
d.	The Financial Institution agrees that the funds ma	y not be assigned, transferred pledged or distributed excep
		competent jurisdiction made in a proceeding in which th
	- ·	ives all statutory or common law liens or rights of set-or
	against the funds.	
The	ne Principal agrees that the Financial Institution may	deduct from interest due the Principal any attorney fee
		via writ, summons or other process arising from Principal
	siness is made upon the Financial Institution.	
Signe	gned this 30TH day of APRIL , 20	03 .
•	2	
D T	mind (/in /// 5/	Musky a 7/2 slus
By P	Principal Jim Will	By Financial Institution Mushed a Weelles
Ву Р	Principal	By Financial Institution Multer O Heller THE FIRST NATIONAL BANK
		MICHAEL A. HENDRICKS
J: Title	ARTESIA AERATION, LLC. JIM WILSON, MANAGING MEMEBR tle	MICHAEL A. HENDRICKS Title VICE PRESIDENT
J: Title	ARTESIA AERATION, LLC. JIM WILSON, MANAGING MEMEBR	MICHAEL A. HENDRICKS Title VICE PRESIDENT
J: Title (Note	ARTESIA AERATION, LLC. JIM WILSON, MANAGING MEMEBR tle	MICHAEL A. HENDRICKS Title VICE PRESIDENT
 Title (Note	ARTESIA AERATION, LLC. JIM WILSON, MANAGING MEMEBR tle ote: If PRINCIPAL is corporation, affix corporate seal here 8115 N. GRIMES	MICHAEL A. HENDRICKS Title VICE PRESIDENT C.) PO BOX AA
J: Title (Note	ARTESIA AERATION, LLC. JIM WILSON, MANAGING MEMEBR tle ote: If PRINCIPAL is corporation, affix corporate seal here	MICHAEL A. HENDRICKS Title VICE PRESIDENT PO BOX AA
 Title (Note	ARTESIA AERATION, LLC. JIM WILSON, MANAGING MEMEBR tle ote: If PRINCIPAL is corporation, affix corporate seal here 8115 N. GRIMES HOBBS, NM 88240	MICHAEL A. HENDRICKS Title VICE PRESIDENT PO BOX AA ARTESIA, NM 88210

Notary Public Polkle Cathana

	ORM FOR NATURAL PERSONS
STATE OF))SS.	
)SS. COUNTY OF)	
The foregoing instrument was acknowledged	before me this day of, 2, by
My commission expires:	
Date	Notary Public
ACKNOWLEDGMENT FORM FO	OR CORPORATION OR PARTNERSHIP
STATE OF NEW MPKICO	
COUNTY OF LOW)SS.	
The foregoing instrument was acknowledged	before me this The day of May, 2003, by
officer or partner(s) of AHSIA Ae corporation, a partnership on behalf of said corporation	an or partnership.
My commission expires: Date	Notary Public Plant 1 Call Manager
NOTE: When Principal is a partnership, corporation of applicable. This information may be provided below.	of association, list all partners, officers and directors as may be
ACKNOWLEDGMENT FOR	M FOR FINANCIAL INSTITUTION
STATE OF NEW MEXICO	
COUNTY OF LCC)SS.	
The foregoing instrument was acknowledged Mike Hendricks title	before me this 30 day of AXII, 2003, by VICE PRESICENT on behalf of financial institution.
My commission expires:	



GARY E. JOHNSON
Governor
Betty Rivera

Cabinet Secretary

Lori Wrotenbery
Director
Oil Conservation Division

November 15, 2002

<u>CERTIFIED MAIL</u> <u>RETURN RECEIPT NO. 7001-1940-0004-3929-8256</u>

Mr. Jim Wilson Artesia Aeration L.L.C. 8115 N. Grimes Hobbs, NM 88240

RE: OCD Surface Waste Management Facility Permit NM-01-0030

Artesia Aeration L.L.C.

N/2 Section 7, Township 17 South, Range 32 East, NMPM,

Lea County, New Mexico

Dear Mr. Wilson:

The New Mexico Oil Conservation Division (OCD) has reviewed the financial assurance portion of Permit NM-01-0030 for, Artesia Aeration L.L.C. This review finds that a cash bond and assignment of cash collateral for your facility in the amount of \$47,710 is on file. According to the permit, Artesia Aeration L.L.C. is required to submit additional financial assurance by **December 29, 2002** to the amount of \$93,420.

Enclosed you will find a copy of the current financial assurance forms. Additional forms may be found on the OCD web site at http://www.emnrd.state.nm.us/ocd/ under Forms. If you have any questions please contact me at (505) 476-3488.

Sincerely,

Martyne J. Kieling

Environmental Geologist

Enclosure: Copy Cash Bond and Assignment of Cash Collateral Forms

xc: Hobbs OCD Office



GARY E. JOHNSON

Governor

Betty Rivera

Cabinet Secretary

April 30, 2002

Lori Wrotenbery
Director
Oil Conservation Division

<u>CERTIFIED MAIL</u> <u>RETURN RECEIPT NO. 7099-3220-0000-5051-1781</u>

Mr. Jim Wilson Artesia Aeration L.L.C. 8115 N. Grimes Hobbs, NM 88240

RE: \$47,710 Cash Bond and Assignment of Cash Collateral

Commercial Surface Waste Management Facility Permit NM-01-0030

Artesia Aeration L.L.C., Principal

First National Bank, Surety

N/2 Section 7, Township 17 South, Range 32 East, NMPM,

Lea County, New Mexico CD No. #2122200-27

Dear Mr. Wilson:

The New Mexico Oil Conservation Division hereby approves the above-referenced Commercial Surface Waste Management Facility Surety Bond.

Sincerely,

David K. Brooks

Assistant General Counsel

David K. Butter

DKB: mik

Enclosure: Copy Cash Bond and Assignment of Cash Collateral No. #2122200-27

xc with attachment:

Hobbs OCD Office

Zane Bergman, First National Bank, P.O. Box 460, Hobbs, NM 88241-0460

Rob Mathews, Artesia Aeration LLC

Energy, Minerals and Natural Resources Department Oil Conservation Division

Cash Bond For Waste Management Facilities

(File with Oil Conservation Division, 1220 South Saint Francis, Santa Fe, New Mexico 87505)

KNOW ALL MEN BY THESE PRESENTS:

That ARTESIA ABRATION, LLC.	(an individual, partnership, or
a corporation organized in the State of <u>NEW MEXICO</u>	, with its principal office in the City of
HOBBS , State of NEW MEXTCO	
State of New Mexico), as PRINCIPAL is firmly bound unto the S	
of the Oil Conservation Division of the Energy, Minerals and Nat	tural Resources Department (DIVISION) in
the sum of forty-six thousand seven-ten no/(500 46	,710 .00) Dollars.
The conditions of this obligation are such that:	
The PRINCIPAL has heretofore or may hereafter enter remediation, reclamation, treatment or storage of produced water fluids, contaminated soils, BS&W, tank bottoms, waste oil or other Township 175, Range 32E, NMPM, LEA	er, drilling fluids, drill cuttings, completion or oil field related waste in Section $N1/2$ 7,
NOW, THEREFORE, this \$ 46,710.00 bond i with all applicable statutes of the State of New Mexico and all rul Conservation Commission, and upon clean-up of the facility site to bond is to be forfeited to the Division.	les and orders of the DIVISION and the Oil

The PRINCIPAL has deposited funds on behalf of the DIVISION in the amount of \$\frac{46,710.00}{200}\$ (FORTY-SIX THOUSAND SEVEN-TEN^{TO}/dollars) in the manner indicated on page 2 of this instrument, Assignment of Cash Collateral Deposit, to secure this bond. The PRINCIPAL pledges the funds as a guarantee that it, its executors, assigns, heirs and administrators will abide by the Statutes of the State of New Mexico and the rules and orders of the DIVISION in operating the waste management facility described herein, and that it will properly reclaim the facility site upon cessation of operations. If the PRINCIPAL does not properly reclaim and restore the facility site, and otherwise abide by the rules and orders of the DIVISION, this bond shall be forfeited in full and such funds as necessary applied to the cost of reclaiming the facility site. If the amount of the bond is less than the actual cost incurred by the DIVISION in reclaiming the facility site, the DIVISION may institute legal action against the PRINCIPAL to recover any amounts expended over and above the amount of the bond.

NOW THEREFORE, if the above PRINCIPAL or its successors, assigns, heirs, administrators or any of them shall properly reclaim and restore the above-described facility site upon cessation of operations and otherwise abide by the rules and orders of the Division, then therefore, this obligation shall be null and void and the principal sum hereof shall be paid to the PRINCIPAL, or its successors, heirs, or administrator; otherwise it shall remain in full force and effect.

Assignment of Cash Collateral Deposit For Bond for Waste Management Facility

	nt to Ru ESIA AER				Rules	of	the	Oil	Conservation	on	Division, or su	iccessor "Princip	•
	N. GRIM							(addre	acc) h	as	deposited	witi	
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me Stat	e of New r	nexico.	The P	rmen	oai and	ine i	rınan	iciai ii	istitution ag	ree	that as to the depo	isited fun	as:
a.	The funds								ssignment a	re to	serve as a cash b	ond cover	ring a waste
b.	The Divic	ion acau	irac hi	v this	A agion	man	t tha	antira	hanaficial in	stare	est in the funds with	h tha righ	t to order the
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c.	The Princ	ipal reta	ins no	lega	al or be	enefic	cial in	nteres	t in the fund	l an	d has only the rig	ht to inte	rest, if any,
	thereon, a	nd to re	turn o	f the	fund u	ipon	writte	en ord	ler of the D	ivis	ion in the event th	ne Princip	oal properly
	reclaims th	ne facilit	y site	and o	therwi	se ab	ides b	y the	rules and or	der o	of the Division and	l the Oil C	onservation
	Commissi	on.											
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The Pri	ncipal agre	es that	the Fi	inanc	ial Inst	titutio	on ma	ay de	duct from in	itere	est due the Princip	pal any a	ttorney fees
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busines	s is made u	pon the	Finan	cial I	nstitut	ion.							
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<i>-</i>) 1111		ESIA A	ÉRAT	ION	, LLC				, 1 1114110141 1		FIRST NAT	IONAL B	ANK
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JIM W	ILSON,	MANAGI	NG M	EMB1	ER .			-	ZANE S.	BE	RGMAN, PESTDI	⊉ NT	
Title									itle				
(Note: If	f PRINCIPA	L is corp	oratio	n, aff	ix corp	orate	seal h	ere.)					
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НО	BBS, NM	8824	0					_	HOBBS,	N	M 88240		
Mailing	g Address							M	ailing Addr	ess			_

ACKNOWLEDGM	ENT FORM FOR NATURAL PERSONS	
STATE OF)		
COUNTY OF)		
	1 1 11 6 41 1 1 1 1	2 1
The foregoing instrument was acknown	ledged before me this day of	, <u>2</u> , by
My commission expires:		
Date	Notary Public	
	RM FOR CORPORATION OR PARTNER	RSHIP
STATE OF <u>NEW MEXICO</u>) SS.		
COUNTY OF LEA)		
The foregoing instrument was acknowl	ledged before me this <u>25t</u> hday of <u>APRIL</u>	, 2 <u>002</u> , by
officer or partner(s) ofARTESIA AERAT corporation, a partnership on behalf of said corporation.	FION poration or partnership.LIMITED LIABIL	, a
My commission expires: 06/01/0204/25/02_ Date	Notary Profice	Chnizo
NOTE: When Principal is a partnership, corpor applicable. This information may be provided by		and directors as may be
ACKNOWLEDGMEN'	T FORM FOR FINANCIAL INSTITUTION	V
STATE OF NEW MEXICO		
COUNTY OF LEA		
The foregoing instrument was acknow ZANE S. BERGMAN	ledged before me this <u>25th</u> day of <u>APRTL</u> _ title <u>PRESTDENT</u>	on behalf of
FIRST NATIONAL BANK	0	, financial institution
My commission expires: 06/01/02	H / N	
04/25/02	T Aus aud em	(lex)
Date	NotaryPublic	\mathcal{L}



GARY E. JOHNSON
Governor
Jennifer A. Salisbury
Cabinet Secretary

November 13, 2000

Lori Wrotenbery
Director
Oil Conservation Division

<u>CERTIFIED MAIL</u> RETURN RECEIPT NO. 7099-3220-0000-5051-1743

Mr. Rob Mathews Artesia Aeration L.L.C. P.O. Box 248 Artesia, NM 88210

RE: \$25,000 Cash Bond and Assignment of Cash Collateral

Commercial Surface Waste Management Facility Permit NM-01-0030

Artesia Aeration L.L.C., Principal

First National Bank, Surety

N/2 Section 7, Township 17 South, Range 32 East, NMPM,

Lea County, New Mexico CD No. #210347827

Dear Mr. Mathews:

The New Mexico Oil Conservation Division hereby approves the above-referenced Commercial Surface Waste Management Facility Surety Bond.

Sincerely.

Marilyn S. Hebert, Legal Counsel

MSH:mjk

Enclosure: Copy Cash Bond and Assignment of Cash Collateral No. #210347827

xc with attachment:

Hobbs OCD Office

Zane Bergman, First National Bank, P.O. Box 460, Hobbs, NM 88241-0460

FAX NO. 15053927600

P. 02

Page 1 of 3

08/00

State of New Mexico Energy, Minerals and Natural Resources Department Oil Conservation Division

Cash Bond For Waste Management Facilities

KNOW ALL MEN BY THESE PRESENTS:

That Artesia Aeration, L.I.C.	, (an
individual, partnership, or a corporation organized in the State of New Mexico	, with its
	and authorized to
do business in the State of New Mexico), (hereinafter "Principal") is held firmly bound	unto the State of
New Mexico, for the use and benefit of the Oil Conservation Division of the Ener	
Natural Resources Department (hercinafter "Division") in the Twenty Five Thousand & NO/100 (\$ 25,000.00) Dollars.	

The conditions of this obligation are such that:

The above Principal has heretofore or may hereafter enter into the collection, disposal, evaporation, remediation, reclamation, treatment or storage of produced water, drilling fluids, drill cuttings, completion fluids, contaminated soils, BS&W, tank bottoms, waste oil and/or other oil field related waste in Section N 1/2 Township 175 . Range 32E , NMPM, Lea County, New Mexico.

NOW, THEREFORE, this \$_25,000.00 bond is conditioned upon substantial compliance with all applicable statutes of the State of New Mexico and all rules and orders of the Division and the Oil Conservation Commission, and upon clean-up of the facility site to standards of the Division; otherwise the bond is to be forfeited to the State of New Mexico.

The Principal has deposited funds on behalf of the Division in the amount of 0.000 (Twenty Five Thousand & NO/100 dollars) in the manner indicated on page 2 of this instrument, Assignment of Cash Collateral Deposit, to secure this bond. The Principal pledges the funds as a guarantee that its executors, assigns, heirs and administrators will abide by the laws of the State of New Mexico and the rules and orders of the Division in operating the waste management facility described herein, and that it will properly reclaim the facility site upon cessation of operations. If the Principal does not properly reclaim and restore the facility site, and otherwise abide by the rules and orders of the Division, this bond shall be forseited in full and such funds as necessary applied to the cost of reclaiming the facility site. If the amount of the bond is less than the actual cost incurred by the Division in reclaiming the facility site, the Division may institute legal action against the Principal to recover any amounts expended over and above the amount of the bond,

NOW THEREFORE, if the Principal, its successors, assigns, heirs, or administrators shall properly reclaim and restore the above-described facility site upon cessation of operations, and otherwise abide by the rules and orders of the Division, then therefore, this obligation shall be rull and void and the funds securing this bond shall be paid to the Principal, or its successors, heirs, or administrator, otherwise it shall remain in full force and effect.

P. 03

Page 2 of 3

Assignment of Cash Collateral Deposit for Bond for Waste Management Facility

Pursua	nt to Rule 711 of the Rules of the Oil C Artesia Aeration, L.L.C.	onservation Division, or successor provisions, (hereinafter
"Princi	ipal") of 26 E Compress Rd	(address) has deposited
with institut of	the First National Bank tion, which must be a federally insured bank or sa 600 West Bender (address)	(name of the financial vings institution within the State of New Mexico) (hereinafter "Financial Institution"), the sum of
account interest Energy	nt No. <u>#21.0347827</u> . The Principal t in the deposited funds to the Financial Institution	hereby assigns and conveys all right, title and in trust for the Oil Conservation Division of the hereinafter "Division") or successor agency of the astitution agree that as to the deposited funds:
a .	The funds deposited pursuant to the terms of this a waste management facility operated by the Pri	s Assignment are to serve as a cash bond covering neipal.
в.	to order the Financial Institution, in writing, to Division to be entitled thereto, including the Division, or to the Principal upon sale of the	ntire beneficial interest in the funds with the right distribute the funds to persons determined by the Division itself, in amounts determined by the facility covered by this Assignment provided all complied with regarding the waste management
c.	The Principal retains no legal or beneficial interifficial interior, and to return of the funds upon	rest in the funds and has only the right to interest, written order of the Division.
d,	distributed except upon written order of the Div	is may not be assigned, transferred, pledged or ision or a court of competent jurisdiction made in The Financial Institution waives all statutory or funds.
fees in		leduct from interest due the Principal any attorney mand via writ, summons or other process arising Institution.
Signed	and sealed this 3rd day of November,	2_000
	esia Aeration, L.L.C.	First National Bank
	ure of Principal, personally or by ized officer	Signature of antipolized officer of Financial Institution
Jim	Wilson, Managing Member	Zane Bergman, Senior Vice President
Title (Note:	If Principal is corporation, affix corporate scal here.)	Title
26	E Compress Rd	600 West Bonder
Art	esia, NM 88210	Hobbs, NM 88240
Mailin	g Address	Mailing Address

Page 3 of 3		······································		
	ACKNOWLEDGMENT I	FORM FOR NATUE	ral persons	
STATE OF) SS.			
COUNTY OF)			
The foregoing in	istrument was acknowledge	d before me this	day of	, 2
My commission expires:				
Date	The state of the s	Notary Pub	lio	The second secon
ACKNO	OWLEDGMENT FORM I	FOR CORPORATIO	n or partnership	
STATE OF New Me	exico) ss.			
COUNTY OF Lea)			
Jim Wilson	ustrument was acknowledge		liday of November	, 2 000
Managing Member officer or partner(s) of	Artesia Aeration	n		
and the first		ation or partnership	Limited Liabilit	y Company
My commission expires:		///	nall II	
Date 11-10-00		Mary Pub	lic Til	
NOTE: When Principal is applicable. This informs	is a partnership, corporation tion may be provided below	of association, list al	I partners, officers and dir	ectors as may l
			,	
			*	
AC	KNOWLEDGMENT FO	RM FOR FINANCI.	AL INSTITUTION	
STATE OF New Me	xico)			
COUNTY OF L	CC			
	astrument was acknowledge	d before me this 6	hday of November	,2 000
by Zane Bergir			ce <u>Prosident</u>	
First Nat				meial institution
My commission expires:		1	11	7
	70 7 0 7	/ Ans	na 197	A
Date		Notary Fub	lio	