

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

NMOCD - ACOI- 254

**IN THE MATTER OF BP AMERICA PRODUCTION COMPANY,**

**Respondent.**

**INACTIVE WELL  
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") and OCD Rule 19.15.5.10E NMAC, the Director of the Oil Conservation Division ("OCD") and BP America Production Company ("Operator") enter into this Inactive Well Agreed Compliance Order ("Order" or "ACOI") under which Operator agrees to plug, place on approved temporary abandonment status or restore to production or other beneficial use the wells identified herein pursuant to the Act and OCD Rule 19.15.25.8 NMAC in accordance with the following agreed schedule and procedures, and understands that the OCD may decide not to do another agreement with Operator if Operator 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 corporation doing business in the state of New Mexico.
3. Operator is the operator of record under OGRID 778 for the wells identified in Exhibit "A."
4. OCD Rule 19.15.25.8 NMAC states, in relevant part:

"A. The operator of wells drilled for oil or gas or services wells including seismic, core, exploration or injection wells, whether cased or uncased, shall plug the wells as Subsection B of 19.15.25.8 NMAC requires.

B. The operator shall either properly plug and abandon a well or place the well in approved temporary abandonment in accordance with 19.15.25 NMAC within 90 days after:

....

....

RECEIVED OCD  
MAR 22 A 10:42

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

5. The wells identified in Exhibit “A”
  - (a) have been continuously inactive for a period of one year plus 90 days (or within the next six months will become continuously inactive for a period of one year plus 90 days if no action is taken on the wells);
  - (b) are not plugged or abandoned in accordance with OCD Rule 19.15.25.9 NMAC through 19.15.25.11 NMAC; and
  - (c) are not on approved temporary abandonment status in accordance with OCD Rule 19.15.25.12 NMAC through 19.15.25.14 NMAC
6. The wells identified in Exhibit “A” are wells that Operator has shut-in due to changes in Operator’s safety practices and production equipment standards. Operator is enacting new practices that require the use of production equipment with higher design specifications than industry standards. This has resulted in delays to acquire and install surface equipment at well locations. It has also lengthened the time to acquire rigs for well intervention work.
7. The wells identified in Exhibit “A” could result in Operator facing sanctions under OCD Rule 19.15.5.9 NMAC if they cause the number of wells appearing on the inactive well list kept pursuant to OCD Rule 19.15.5.9F NMAC to exceed the number of wells tolerated by OCD Rule 19.15.5.9A(4) NMAC.
8. Sanctions for being out of compliance with OCD Rule 19.15.5.9 NMAC include the mandatory denial of injection permits (OCD Rule 19.15.26.8A NMAC), the mandatory denial of allowables and authorization to transport (OCD Rule 19.15.16.20A(4) NMAC), the possible denial of an application for change of operator that would transfer wells to the non-compliant operator (OCD Rule 19.15.9.9C(1) NMAC), the possible denial of Applications for Permit to Drill (APDs) (OCD Rule 19.15.14.10A NMAC), the possible revocation of injection permits after notice and hearing (OCD Rule 19.15.26.8A NMAC), and the possible denial of a registration as an operator or certain related entities (OCD Rule 19.15.9.8.B(1) NMAC).
9. The OCD and Operator enter into this agreement to allow Operator to complete its improvements while not being subject to sanctions under OCD Rule 19.15.5.9 NMAC due to the wells identified in Exhibit “A” appearing on the inactive well list kept pursuant to OCD Rule 19.15.5.9F NMAC.

10. Operator will be subject to sanctions under OCD Rule 19.15.5.9 NMAC if it falls into noncompliance with OCD Rule 19.15.5.9 NMAC for any reason other than due to the wells identified in Exhibit "A" appearing on the inactive well list kept pursuant to OCD Rule 19.15.5.9(F) NMAC.

### CONCLUSIONS

1. The OCD has jurisdiction over the parties and subject matter in this proceeding.
2. The wells identified in Exhibit "A" are out of compliance with OCD Rule 19.15.25.8 NMAC or will fall out of compliance with OCD Rule 19.15.25.8 NMAC in the next six months if they are not returned to production or other beneficial use, plugged and abandoned, or placed on approved temporary abandonment status.
3. As operator of the wells identified in Exhibit "A," Operator is responsible for bringing those wells into compliance with OCD Rule 19.15.25.8 NMAC.
4. The OCD and Operator enter into this agreement to allow Operator to complete its improvements while not being subject to sanctions under OCD Rule 19.15.5.9 NMAC due to the wells identified in Exhibit "A" appearing on the inactive well list kept pursuant to OCD Rule 19.15.5.9F NMAC.

### ORDER

1. Operator agrees to bring 20 wells identified in Exhibit "A" into compliance with OCD Rule 19.15.25.8 NMAC by September 17, 2012 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 19.15.25.10(B) NMAC **and filing a C-103 describing the completed work;** or
  - (c) placing the well on approved temporary abandonment status in accordance with OCD Rule 19.15.25.12 NMAC through 19.15.25.14 NMAC.
2. Oil and gas produced during swabbing does not count as production for purposes of this Order.
3. Operator shall file a compliance report 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.) Transfer of a well identified on Exhibit "A" 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

ACOI

BP America Production Company OGRID 778

Page 3 of 5

responsible under the terms of this Order. The written compliance report must be mailed or e-mailed to the OCD's Enforcement and Compliance Manager and to the OCD attorney in charge of inactive well agreed compliance orders so that it is received by the compliance deadline of September 17, 2012. The total length of this Agreed Compliance Order is six months.

4. Operator understands that if it fails to meet the terms of this Order, the OCD may decide not to enter into any further agreed compliance orders with Operator.
5. Thirty days after the compliance deadline set by this Order, any wells on Exhibit "A" not in compliance with OCD Rule 19.15.25.8 NMAC will appear on the inactive well list kept pursuant to OCD Rule 19.15.5.9F NMAC.
6. By signing this Order, Operator expressly:
  - (a) acknowledges the correctness of the Findings and Conclusions set forth in this Order;
  - (b) agrees to return to compliance 20 wells identified in Exhibit "A" by September 17, 2012;
  - (c) agrees to submit a compliance report as required in Ordering Paragraph 3 by the September 17, 2012 compliance deadline set by this Order;
  - (d) waives any right, pursuant to the Oil and Gas Act or otherwise, to an appeal from this Order, or to a hearing either prior to or subsequent to the entry of this Order; and
  - (e) agrees that 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.
7. This Order applies only to the enforcement of OCD Rule 19.15.25.8 NMAC against those wells identified in Exhibit "A." Other wells operated by Operator out of compliance with OCD Rule 19.15.25.8 NMAC may be subject to immediate enforcement action under the Oil and Gas Act and OCD Rules. Wells identified in Exhibit "A" that are out of compliance with the Oil and Gas Act or OCD Rules other than OCD Rule 19.15.25.8 NMAC may be subject to immediate enforcement action under the Oil and Gas Act and OCD Rules.
8. The OCD reserves the right to file an application for hearing to obtain authority to plug any well identified in Exhibit "A" and forfeit the applicable financial assurance if the well poses an immediate environmental threat.

Done at Santa Fe, New Mexico this 30<sup>th</sup> day of March 2012

By:

  
Jami Bailey, OCD Director

**ACCEPTANCE**

BP America Production Company hereby accepts the foregoing Order, and agrees to all of the terms and provisions set forth in that Order.

BP America Production Company

By: \_\_\_\_\_

(Please print name) \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

*[Signature]*  
Greg West  
Onshore Site Manager, OSM, SAN JUAN SOUTH  
3/26/12

**Exhibit A to Agreed Compliance Order for BP America Production Company**

- |                               |              |
|-------------------------------|--------------|
| 1) GALLEGOS CANYON UNIT #169E | 30-045-24176 |
| 2) GALLEGOS CANYON UNIT #188  | 30-045-07840 |
| 3) GALLEGOS CANYON UNIT #201  | 30-045-11566 |
| 4) GALLEGOS CANYON UNIT #214E | 30-045-26326 |
| 5) GALLEGOS CANYON UNIT #229  | 30-045-11626 |
| 6) GALLEGOS CANYON UNIT #245  | 30-045-11689 |
| 7) GALLEGOS CANYON UNIT #276  | 30-045-22236 |
| 8) GALLEGOS CANYON UNIT #280  | 30-045-23604 |
| 9) GALLEGOS CANYON UNIT #306  | 30-045-24286 |
| 10) GALLEGOS CANYON UNIT #533 | 30-045-28733 |
| 11) HEATH GAS COM G #001E     | 30-045-24377 |
| 12) HEATON COM B #002         | 30-045-24071 |
| 13) JACQUES #001              | 30-045-09105 |
| 14) JAQUEZ GAS COM C #001     | 30-045-08647 |
| 15) JAQUEZ GAS COM E #001     | 30-045-21082 |
| 16) JOHNSTON LS #001          | 30-045-07550 |
| 17) JONES A LS #004A          | 30-045-23719 |
| 18) LIKINS GAS COM A #001A    | 30-045-22197 |
| 19) PRICE COM #004E           | 30-045-25313 |
| 20) RIDDLE A #003             | 30-045-11791 |
| 21) ROBERTS GAS COM B #001    | 30-045-08380 |
| 22) SMYERS COM LS #001        | 30-045-11002 |
| 23) STATE GAS COM BQ #001E    | 30-045-26296 |
| 24) STOREY B #001E            | 30-045-24959 |
| 25) ULIBARRI GAS COM #001     | 30-045-08908 |
| 26) ULIBARRI GAS COM #003     | 30-045-08890 |

BP America Production Company

By: \_\_\_\_\_

Title: \_\_\_\_\_

*[Signature]*  
STSL, OSM

ACOI

BP America Production Company OGRID 778

Page 5 of 5