

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

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE SUPERVISOR OF DISTRICT I, FOR AN ORDER REQUIRING MILLARD DECK ESTATE TO BRING TWO WELLS INTO COMPLIANCE WITH 19.15.4.201 NMAC, ASSESSING AN APPROPRIATE CIVIL PENALTY IN THE EVENT OF NON-COMPLIANCE, AND AUTHORIZING THE DIVISION TO PLUG SAID WELLS, LEA COUNTY, NEW MEXICO.

CASE NO. 133

2004 OCT 28 PM 2 32

PRE-HEARING STATEMENT

This entry of appearance and pre-hearing statement is submitted by the applicant, the Conservation Division.

APPEARANCES

APPLICANT
Oil Conservation Division

APPLICANT'S ATTORNEY
Gail MacQuesten
Oil Conservation Division
Energy, Minerals and Natural
Resources Department
1220 S. St. Francis Drive
Santa Fe, NM 87505
(505) 476-3451

OPPONENT
Millard Deck Estate

OPPONENT'S ATTORNEY
No appearance has been entered

Handwritten signature/initials

STATEMENT OF THE CASE

APPLICANT

The Millard Deck Estate is the operator of record for two wells located in Lea County, New Mexico. The financial assurances posted for these two wells have been cancelled.

Both wells have been inactive for a continuous period exceeding one year plus 90 days, and have not been plugged and abandoned or placed on temporary abandonment status. The Applicant files this action under rule 101, seeking an order requiring the Millard Deck Estate to bring the wells into compliance with rule 201 by a date certain, imposing a penalty on the Estate if it fails to do so, and authorizing the Division to plug the wells.

OPPONENTS

The Millard Deck Estate has not entered an appearance in this case.

PROPOSED EVIDENCE

APPLICANT

WITNESS:

ESTIMATED TIME:

Chris Williams or Billy Prichard

10 min.

Dorothy Phillips

5 minutes, or by affidavit

Jane Prouty

by affidavit

PROCEDURAL MATTERS

None.

Respectfully submitted,
This 28th day of October, 2004 by



Gail MacQuesten
Oil Conservation Division
Energy, Minerals and Natural
Resources Department
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Attorney for the Oil Conservation Division