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

2014 APR 29 P 1:51

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE ENFORCEMENT AND COMPLIANCE MANAGER FOR A COMPLIANCE ORDER AGAINST KIRBY EXPLORATION CO. OF TEXAS, FINDING THAT THE OPERATOR IS IN VIOLATION OF 19.15.25.8 NMAC AS TO ONE WELL, REQUIRING OPERATOR TO BRING SAID WELL INTO COMPLIANCE WITH 19.15.25.8 NMAC BY A DATE CERTAIN, AND IN THE EVENT OF NON-COMPLIANCE, DECLARING THE WELL ABANDONED AND AUTHORIZING THE DIVISION TO PLUG THE WELL IN LEA COUNTY, NEW MEXICO.

CASE NO. 15139

## APPLICATION FOR COMPLIANCE ORDER KIRBY EXPLORATION CO. OF TEXAS

- 1. Kirby Exploration Company of Texas ("Operator") is a sole proprietor and is operating the following well ("subject well") in Lea County, New Mexico, under OGRID No. 12757:
- GG Travis #1, I-21-23S-37E, API No. 30-025-10820 Exhibit 1, Affidavit of Maxey Brown.
- 2. Operator has not posted financial assurances to secure its obligation to plug and abandon the well. *Exhibit 1, Affidavit of Maxey Brown*.
- 4. Division Rule 19.15.25.8 NMAC requires an operator to plug and abandon or temporarily abandon a well in accordance with Division rules within 90 days after a period of one year of continuous inactivity.
- 5. The subject well operated by Operator in New Mexico has been inactive for a continuous period exceeding one year plus 90 days, and is neither plugged and

abandoned in accord with Division Rules 19.15.25.9 to -11 NMAC nor on approved temporary abandonment status in accord with Division Rule 19.15.25.12 NMAC. Exhibit 1, Affidavit of Maxey Brown.

- 6. The Secretary of State list Operator's New Mexico Corporate status as "Revoked and Beyond Appeal Period." *Exhibit 1, Affidavit of Maxey Brown*.
- 7. Division Rule 19.15.8.13 NMAC authorizes the Director to order the Operator to plug and abandon any well not in compliance with 19.15.25.8 NMAC and restore and remediate the location by a date certain.
- 8. NMSA 1978, Section 70-2-12 and NMSA 1978, Section 70-2-38 authorize the Division to plug and abandon wells, and restore and remediate the location of abandoned wells.

WHEREFORE, Daniel Sanchez, Enforcement and Compliance Manager of the Division, hereby applies to the Director to enter an Order:

- A. Determining that the subject well is not in compliance with Division Rule 19.15.25.8 NMAC;
- B. Requiring Operator to plug and abandon the subject well by a date certain;
- C. If the subject well is not brought into compliance with 19.15.25.8 NMAC by the date set in the Order, declaring the well abandoned and authorizing the Division to plug the subject well in accordance with a Division-approved plugging program and restore and remediate the location;
- D. For such other and further relief as the Director deems just and proper under the circumstances.

RESPECTFULLY SUBMITTED, this <u>29</u> day of April, 2014 by

Keith W. Herrmann

Assistant General Counsel

Energy, Minerals and Natural

Resources Department of the State of

New Mexico

1220 S. St. Francis Drive

Santa Fe, NM 87505

(505) 476-3463

Attorney for The New Mexico Oil Conservation Division

Case No. <u>15/39</u>. Application of the New Mexico Oil Conservation Division for a Compliance Order against Kirby Exploration Co. of Texas. The Applicant seeks an Order finding that Operator is in violation of Division Rule 19.15.25.8 NMAC as to one well, requiring operator to bring the well into compliance with Division Rule 19.15.25.8 NMAC by a date certain, and authorizing the Division to plug said well in the event of non-compliance. The affected well is GG Travis #1, located in Lea County, New Mexico, section, township and range, I-21-23S-37E, API No. 30-025-10820.

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

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE ENFORCEMENT AND COMPLIANCE MANAGER FOR A COMPLIANCE ORDER AGAINST KIRBY EXPLORATION CO. OF TEXAS, FINDING THAT THE OPERATOR IS IN VIOLATION OF 19.15.25.8 NMAC AS TO ONE WELL, REQUIRING OPERATOR TO BRING SAID WELL INTO COMPLIANCE WITH 19.15.25.8 NMAC BY-A DATE CERTAIN, AND IN THE EVENT OF NON-COMPLIANCE, DECLARING THE WELL ABANDONED AND AUTHORIZING THE DIVISION TO PLUG THE WELL IN LEA COUNTY, NEW MEXICO.

CASE NO. 15/39

## Affidavit of Maxey Brown

STATE OF NEW MEXICO	)
	) ss
COUNTY OF SANTA FE	)

- I, Maxey Brown, being first duly sworn on oath, upon information and belief, states as follows:
- 1. I am employed as the Compliance Officer at the Hobbs, New Mexico office of the Oil Conservation Division ("OCD").
- 2. My duties include maintaining records of oil and gas production and injection on wells located in New Mexico.
- 3. The OCD's information on production and injection comes from monthly production reports filed by the well operators.
- 4. In 1993 the OCD began using the ONGARD (Oil and Natural Gas Administration and Revenue Database) to record oil and gas production and injection by well. Since 1993, production and injection data from the monthly production reports filed by operators has been entered into ONGARD.
- 5. When the OCD began using the ONGARD system in 1993, it converted existing production and injection data into ONGARD for those wells that were not shown as "plugged" according to the OCD records available at that time. The pre-1993 production and injection information for each such well was totaled and appears in ONGARD under the last month of production or injection for that well.

- 6. I have researched the ONGARD records for production and injection information regarding well GG Travis #1, located in Lea County, New Mexico, section, township and range, I-21-23S-37E, API No. 30-025-10820. ONGARD contains no production or injection records for these wells since June 2006.
- 7. Operator, Kirby Exploration Company of Texas, is operating under OGRID #12757; Operator has not posted financial assurances to secure its obligation to plug and abandon the well.
- 8. The Secretary of State list Operator's New Mexico Corporate status as "Revoked and Beyond Appeal Period"
- 9. The subject well operated by Operator in New Mexico has been inactive for a continuous period exceeding one year plus 90 days, and is neither plugged and abandoned in accord with Division Rules 19.15.25.9 to -11 NMAC nor on approved temporary abandonment status in accord with Division Rule 19.15.25.12 NMAC.

Maxey Bro₩n

SUBSCRIBED AND SWORN before me this 28 day of April, 2014.

Sill

Notary Public

My Commission Expires: