

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

RECEIVED OCD

IN THE MATTER OF THE HEARING CALLED BY THE OIL CONSERVATION DIVISION 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.

2014 JUN -5 P 1:35

CASE NO. 15139

**PRE-HEARING STATEMENT**

Applicant Oil Conservation Division ("OCD") is seeking an order declaring the subject well in Lea County, New Mexico, abandoned and authorizing the division to plug the well, and that officers are out of compliance with 19.15.5.9 (A)(1) NMAC by not meeting financial assurance requirements, and 19.15.5.9 (A)(4) by having 1 out of 1 well(s) out of compliance with 19.15.25.8.

The OCD supports the approval because of the following:

1. Notice of Hearing was properly served as required by 19.15.4.9 NMAC and 19.15.4.10 NMAC.
2. Service to the operators agent was returned with notice that operator withdrew to do business in New Mexico on 12/14/1988.
3. There is no financial assurance on record for operator.
4. The OCD made several attempts to locate a current operator of the subject well and not received any response
5. The officers of record of Platinum are George Jr. Peterkin (President) and Myron H. Newman (Vice President).
6. No correspondence regarding the subject well has been received since 8/3/1987.
7. The subject well operated by Platinum in New Mexico has been inactive for a continuous period exceeding one year plus 90 days, and are 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.

**RESPONDENT'S PROPOSED EVIDENCE**

WITNESS:

ESTIMATED TIME: 15 minutes

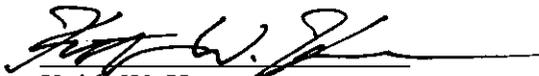
Daniel Sanchez, NMOCD Compliance & Enforcement Manager

Testimony on compliance with OCD Rules.

**PROCEDURAL MATTERS**

None.

Respectfully submitted  
this 5<sup>th</sup> day of June 2014 by



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading was electronically mailed to the following party on June \_\_\_\_\_, 2014:

No opposing party has entered an appearance

\_\_\_\_\_  
Keith Herrmann