

NEW MEXICO OIL CONSERVATION COMMISSION

EXAMINER HEARING

SANTA FE, NEW MEXICO

Hearing Date FEBRUARY 16, 1995 Time: 8:15 A.M.

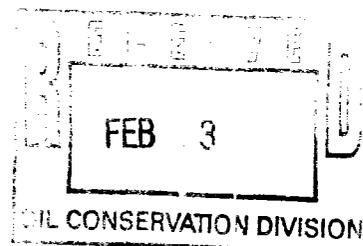
NAME	REPRESENTING	LOCATION
N. Kelblin	Kelblin & Kelblin	Santa Fe
S. Cavin	Stralton & Cavin	Alb
Maureen Trimmer	R.W. Byram Co	SF
John Womell	Hunter Prod. Corp.	Roswell

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

IN THE MATTER OF THE HEARING )  
CALLED BY THE OIL CONSERVATION )  
DIVISION FOR THE PURPOSE OF )  
CONSIDERING: )  
)  
HEARING CALLED BY THE OIL )  
CONSERVATION DIVISION ON )  
ITS OWN MOTION )

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CASE NO. 11,205



REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

ORIGINAL

BEFORE: MICHAEL E. STOGNER, Hearing Examiner

February 16th, 1995

Santa Fe, New Mexico

This matter came on for hearing before the Oil Conservation Division on Thursday, February 16th, 1995, at the New Mexico Energy, Minerals and Natural Resources Department, Porter Hall, 2040 South Pacheco, Santa Fe, New Mexico, before Steven T. Brenner, Certified Court Reporter No. 7 for the State of New Mexico.

\* \* \*

STEVEN T. BRENNER, CCR  
(505) 989-9317

## I N D E X

February 16th, 1995  
 Examiner Hearing  
 CASE NO. 11,205

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APPLICANT'S WITNESSES:	
<u>JOHNNY ROBINSON (Present by telephone)</u>	
Direct Examination by Rand Carroll	5
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Examination by Mr. Carroll	15
REPORTER'S CERTIFICATE	17

\* \* \*

## E X H I B I T S

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## A P P E A R A N C E S

FOR THE DIVISION:

RAND L. CARROLL  
Attorney at Law  
Legal Counsel to the Division  
State Land Office Building  
Santa Fe, New Mexico 87504

\* \* \*

STEVEN T. BRENNER, CCR  
(505) 989-9317

1           WHEREUPON, the following proceedings were had at  
2 11:06 a.m.:

3           EXAMINER STOGNER: I will next call the Case  
4 Number 11,205, which is in the matter of the hearing called  
5 by the Oil Conservation Division on its own motion to  
6 permit the operator, W.R. Webb, and all other interested  
7 parties to appear and show cause why a certain well in San  
8 Juan County should not be plugged and abandoned.

9           At this time I'll call for appearances.

10          MR. CARROLL: Yes, Mr. Examiner, my name is Rand  
11 Carroll, and I'm here representing the Oil Conservation  
12 Division.

13          EXAMINER STOGNER: Are there any other  
14 appearances?

15          There being none, Mr. Carroll, do you have a  
16 witness?

17          MR. CARROLL: Yes, I have one witness, Mr. Johnny  
18 Robinson, to be sworn.

19          EXAMINER STOGNER: And he is on the other end of  
20 the phone; is that correct?

21          MR. CARROLL: That is correct. He is in our  
22 Aztec office.

23          EXAMINER STOGNER: Mr. Johnny Robinson, are you  
24 there?

25          THE WITNESS: Yes.

1 EXAMINER STOGNER: Okay. At this time I'm going  
2 to swear you in as a witness, or have you sworn in, and all  
3 you have to do is just affirm once you hear the oath.

4 THE WITNESS: Okay.

5 (Thereupon, the witness was sworn.)

6 EXAMINER STOGNER: Okay, at this time you're now  
7 sworn in, Mr. Robinson.

8 Mr. Carroll?

9 JOHNNY ROBINSON,

10 the witness herein, after having been first duly sworn upon  
11 his oath, was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. CARROLL:

14 Q. Mr. Robinson, will you please state your name,  
15 your place of residence, your employer and your position  
16 with your employer?

17 A. Johnny Robinson with Aztec OCD. I'm a Field Rep  
18 2 in the Aztec Office.

19 Q. Mr. Robinson, have you testified before the  
20 Division before?

21 A. No, sir, I haven't.

22 Q. Will you briefly outline for the Examiner your  
23 educational and work experience?

24 A. I've worked for Schlumberger Well Service in  
25 logging and perforating, and then I've worked for the OCD

1 for nine years.

2 I worked four years as a Field Rep 1 in the  
3 Artesia District and then four years as a Field Rep 2, and  
4 I've been here in the Aztec Office for about a year.

5 Q. And do your duties include checking wells that  
6 need to be plugged in your district and making  
7 recommendations as to the plugging of those wells?

8 A. Yes, sir, they do.

9 MR. CARROLL: Mr. Examiner, I tender Mr. Robinson  
10 as a witness qualified to testify as to the matters related  
11 to this well-plugging.

12 EXAMINER STOGNER: Mr. Robinson is so qualified.

13 Q. (By Mr. Carroll) Mr. Robinson, I will now refer  
14 you to what I have marked as Exhibits -- OCD Exhibits  
15 numbered 1 through 10, which correspond to the items  
16 numbered 1 through 10 that you sent me through the mail.

17 A. Okay.

18 Q. So what you've marked as Number 1 will be OCD  
19 Exhibit 1, and so on, through Exhibit Number 10.

20 We'll first refer to Exhibit Number 1. Could you  
21 please tell the Examiner what that exhibit is?

22 A. On the Exhibit 1, it's a letter to Rand Carroll  
23 requesting that this well be plugged.

24 The well was found earlier by Charles Ghoulson.  
25 The well is just a piece of 5-inch casing at ground level.

1           There are houses in the area, and it is -- could  
2 be a potential hazard. There's no bond, and we feel like  
3 that the well should be plugged.

4           MR. CARROLL: Mr. Examiner, you also have a cover  
5 sheet to the exhibits. I don't know if you want to mark  
6 them as an exhibit, if you want to mark the summary sheet  
7 as an exhibit or not.

8           EXAMINER STOGNER: No, I'll just use this as a  
9 reference, and if you'll just go on like you have been, Mr.  
10 Carroll.

11          Q. (By Mr. Carroll) Okay. Mr. Robinson, if you  
12 will please go to Exhibit or page number 2 and tell the  
13 Examiner what Exhibit Number 2 is.

14          A. Exhibit 2 is a well file that was found in  
15 Santa Fe on some old microfilm that has to do with plugging  
16 procedure, and the plugs that were set were small plugs  
17 that we don't feel are good enough to protect the water,  
18 and the -- There's supposed to be a 16-foot piece of 5-inch  
19 pipe that's cemented into the ground. I did find the  
20 5-inch pipe, but there's no cement around the pipe, or as  
21 far as I can reach on the inside, there's no cement.

22                 So just going from the record and comparing it  
23 with what we've found, we really don't think that the well  
24 has been plugged. Or if it was plugged, it wasn't plugged  
25 properly.

1 Q. All right, Mr. Robinson, we'll go on to page or  
2 Exhibit Number 3. Will you please tell the Examiner what  
3 page 3 contains?

4 A. Page 3 is essentially what we were talking about.  
5 It's a sundry notice that was sent in as to the plugging of  
6 the well.

7 Q. And what's the date of that notice?

8 A. October 18th of 1938.

9 Q. Mr. Robinson, let's go to Exhibit Number 4. Will  
10 you please tell the Examiner what that exhibit contains?

11 A. Exhibit 4 is a card that is made by the OCD, and  
12 it just shows the well information and spud date and the  
13 completion. The well is spudded on 9-28 of 1934, drilled  
14 to a TD of 1485, and was completed March the 15th of 1935.

15 Q. Now, Mr. Robinson, let's go to Exhibit Number 5,  
16 which I believe is the well file. Could you please briefly  
17 go through the well file and tell the Examiner what it  
18 contains?

19 A. The well file -- It does have a completion  
20 report. There is one page in the file regarding bonds, or  
21 the lack of bonds, and they did -- In this information  
22 there was noted that there was two wells.

23 They were talking about drilling one well, and  
24 they were asked why the bond was not in place, and they  
25 said they would drill the second well and then apply a bond

1 for both wells. And they do have a -- information  
2 regarding that bond.

3 And then the completion is about all we have.

4 I did find a completion report in the Bureau of  
5 Mines' files, and it just -- Really, it just backed up what  
6 we had in our file.

7 Q. What does the well file say about any bond that  
8 might be in place on this well?

9 A. What it was, they wrote W.R. Webb, and --  
10 inquiring on why there was no bond in place on the Webb Fee  
11 Number 1, and they returned this letter saying that they  
12 had drilled one well and they were planning on drilling a  
13 second well, and at that time they would post a bond.

14 But through my research I haven't been able to  
15 find that second well, as far as paperwork or in the area.

16 Q. Yeah, Mr. Robinson, it's my understanding that  
17 there's some question as to whether there's one or two  
18 wells --

19 A. Right.

20 Q. -- and it's your opinion that there's, in  
21 actuality, only one well?

22 A. Right, we have only been able to find the one  
23 well.

24 Q. Okay. And it's your understanding that -- or  
25 through your research, there's no bond currently covering

1 this well either?

2 A. No, sir, there's no bond.

3 Q. Okay, Mr. Robinson, if you'll please turn your  
4 attention to Exhibit Number 6 and inform the Examiner as to  
5 what Exhibit 6 contains.

6 A. Okay, Exhibit 6 is the sundry notices from the  
7 Bureau of Mines, and in this exhibit they just -- they tell  
8 -- It's a drilling report, is what it is, and it goes along  
9 pretty well with the completion reports that we have filed.

10 And on 6B they are talking about arrangements for  
11 the second well, but they never really state that they have  
12 started it.

13 Q. Okay, Mr. Robinson, what does the Exhibit marked  
14 Number 7 show?

15 A. Exhibit 7 went to the Soil Conservation, and they  
16 have aerial photographs of the area, and the first map is  
17 in 1962. And what we were trying to do is see some  
18 difference between 1962 and 1991, and there's really not  
19 anything there that shows another well. We were trying to  
20 pinpoint the second well, but the photographs didn't help  
21 us.

22 Q. Mr. Robinson, if you would please turn your  
23 attention to Exhibit Number 8, and I believe this is a map  
24 showing the location of the well?

25 A. Right, on Exhibit 8 there's two wells plotted,

1 the closest wells to the well we were looking for, and we  
2 measured off from the Yager LS 2 well and cross-plotted it  
3 with the Yager well and came within 10 feet of the well  
4 that we found.

5 Q. Mr. Robinson, if you'll turn to Exhibit Number 9  
6 and tell us what Exhibit 9 is.

7 A. Exhibit 9 is an application for plugging that was  
8 filed in January of 1991, asking for a show-cause hearing  
9 to plug the well.

10 Q. And was that show-cause hearing ever held?

11 A. No, sir, it was not.

12 Q. Do you know why not?

13 A. I don't think they were -- I don't think it ever  
14 got past the -- Stovall. I think it was sent to him, and  
15 at that time we didn't have the funds, or the funds weren't  
16 appropriated, to plug the well.

17 Q. All right, Mr. Robinson, I'll now turn your  
18 attention to Exhibit Number 10, and does Exhibit 10 contain  
19 your recommendation as to the proper procedure for plugging  
20 this well?

21 A. Yes, sir, considering the data that we have, this  
22 would be -- if there's no cement found, this would be the  
23 procedure.

24 Q. Will you briefly go through the procedure you  
25 recommend, please?

1           A.    What we recommend -- The casing is full of fill,  
2           and what we recommend is to go in and try to clean out that  
3           fill to 1485 and then plug that back and bring the cement  
4           up to 1035 to cover the Fruitland formation top and then  
5           WOC and tag the plug. Then we'll spot our gel and roll the  
6           hole with gel and spot another plug there from 880 to 750  
7           to cover the shoe.

8                     Now, in one record it shows the shoe to be at  
9           830, and in the other record it shows to have been pulled.

10           Q.    And in the second page of Exhibit Number 10, Mr.  
11           Robinson, contains a wellbore schematic?

12           A.    Yes, sir. What I did, I drew a schematic on both  
13           conditions of the well.

14           Q.    Mr. Robinson, do you know how long this well has  
15           been in the condition it is and has needed plugging?

16           A.    I -- Back to 1988 is about as far as I go back,  
17           and then they started -- really started on it in 1991.

18           Q.    Mr. Robinson, in your opinion will the plugging  
19           of this well protect groundwater or other freshwater  
20           resources or prevent waste or protect correlative rights?

21           A.    Yes, it will.

22           Q.    Has any attempt been made to contact the operator  
23           of this well?

24           A.    The -- I haven't been able to get ahold of the  
25           operator. We tried. The last address we had was in

1 California, and we didn't have any luck finding him.

2 MR. CARROLL: Okay, I believe that's all I have,  
3 Mr. Examiner. I'll offer OCD Exhibits marked 1 through 10  
4 into the record.

5 EXAMINER STOGNER: Exhibits 1 through 10 will be  
6 admitted into evidence.

7 EXAMINATION

8 BY EXAMINER STOGNER:

9 Q. Mr. Robinson, this is Michael Stogner. Do you  
10 hear me?

11 A. Yes, sir.

12 Q. Okay. In referring to page 2, do you have that  
13 in front of you?

14 A. Yes, sir.

15 Q. And I've got that marked Exhibit Number 2. This  
16 appears to be a photograph. Could you elaborate a little  
17 bit on what this photograph is showing?

18 A. What we had, we had -- all we had was the  
19 location of the well. In looking for the well, the well  
20 wasn't visible. So I took a tape measure and compass and  
21 laid everything out, and we finally, by walking around, we  
22 uncovered a small hole about the size of a golf ball that  
23 had water standing in it. And I proceeded to dig it out,  
24 and I found this piece of 5-inch casing sticking up with  
25 water in it.

1 Q. And -- I'm sorry, go ahead, Mr. Robinson.

2 A. And the picture just shows what we found as far  
3 as the casing.

4 Q. And this is a depiction of the well as it is  
5 today?

6 A. Right. We did find a couple of anchors that they  
7 used and firebrick that was around the casing.

8 Q. What would have been the reason for the  
9 firebrick?

10 A. On your old rigs they used the firebrick to heat  
11 up the bit.

12 Q. You're referring to the cable-tool method; is  
13 that correct?

14 A. Right.

15 Q. Okay. Now, down in the lower left-hand corner,  
16 you have "owner of property". Do you want to elaborate on  
17 that?

18 A. I talked to -- I went down to the courthouse and  
19 found the person that's paying the taxes on the land, and I  
20 tried to call. I did get his address and phone number, but  
21 I never -- no one was ever home, and they didn't return my  
22 message.

23 Q. Now, the land owner is not necessarily -- or  
24 you -- it has no responsibility for the well; is that  
25 correct?

1           A.    No, the only thing I was trying to find with him  
2 was to see if he knew whether there was one or two wells  
3 drilled on his land.

4           Q.    Okay. I'm going to refer now to page number 8,  
5 which is also Exhibit 8. Do you have that in front of you?

6           A.    Yes, sir.

7           Q.    Okay. This is a couple of plats with some  
8 markings on them. Did you prepare this, or did this come  
9 out of some records somewhere?

10          A.    No, when I started looking for the well I  
11 prepared this myself so that I would know which direction  
12 this well was.

13          Q.    And one final thing for the record: When you  
14 referred to "Stovall", you're referring to our previous  
15 attorney, Mr. Robert G. Stovall?

16          A.    Yes, sir.

17               EXAMINER STOGNER: Okay. Mr. Carroll, I have no  
18 other questions of Mr. Robinson. Do you have anything for  
19 him?

20               MR. CARROLL: I just have one more question.

21                               FURTHER EXAMINATION

22           BY MR. CARROLL:

23           Q.    Mr. Robinson, are the exhibits marked 1 through  
24 10 or the documentation contained in the exhibits marked  
25 OCD Exhibits 1 through 10 prepared by the Oil Conservation

1 Division in its ordinary course of business?

2 A. Yes, sir.

3 MR. CARROLL: That's all I have of the witness,  
4 Mr. Examiner.

5 EXAMINER STOGNER: Are there any other questions  
6 of Mr. Robinson before I let him go?

7 There being none, Mr. Robinson, I do appreciate  
8 this. Thank you very much, you made things very clear.  
9 And at this time you can sit down now, and I'll hang up on  
10 you.

11 THE WITNESS: Okay, thank you.

12 MR. CARROLL: Thanks, John.

13 EXAMINER STOGNER: Mr. Carroll, do you have  
14 anything further in this matter?

15 MR. CARROLL: No, I don't, Mr. Examiner.

16 EXAMINER STOGNER: Does anybody else have  
17 anything further in Case Number 11,205?

18 Then this case will be taken under advisement.

19 Mr. Carroll, would you provide me a rough draft  
20 copy of an order?

21 MR. CARROLL: Sure.

22 EXAMINER STOGNER: Thank you, Mr. Carroll.

23 (Thereupon, these proceedings were concluded at  
24 11:25 a.m.)

25 \* \* \*

CERTIFICATE OF REPORTER

STATE OF NEW MEXICO )  
 ) SS.  
COUNTY OF SANTA FE )

I, Steven T. Brenner, Certified Court Reporter and Notary Public, HEREBY CERTIFY that the foregoing transcript of proceedings before the Oil Conservation Division was reported by me; that I transcribed my notes; and that the foregoing is a true and accurate record of the proceedings.

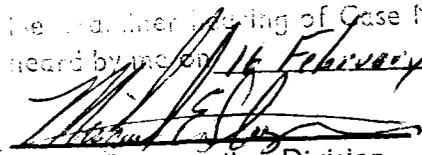
I FURTHER CERTIFY that I am not a relative or employee of any of the parties or attorneys involved in this matter and that I have no personal interest in the final disposition of this matter.

WITNESS MY HAND AND SEAL February 20th, 1995.

  
\_\_\_\_\_  
STEVEN T. BRENNER  
CCR No. 7

My commission expires: October 14, 1998

I do hereby certify that the foregoing is a true and accurate record of the proceedings in the Oil Conservation Division of Case No. 11205, heard by me on 16 February 1995.

  
\_\_\_\_\_  
Examiner  
Oil Conservation Division